



CONFERENCE ON IMPLEMENTATION AND DOMESTIC IMPACT OF DECISIONS OF THE AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS

Call for Abstracts

The Centre for Human Rights, Faculty of Law, University of Pretoria (Centre for Human Rights), in collaboration with the African Court on Human and Peoples' Rights (African Court) and the Coalition for an Effective African Court, will host a 2-day conference on the implementation of the decisions of the African Court. The Conference will be held from 27/28 June 2024 (to be confirmed) alongside the 73rd Ordinary session of the African Court) in Arusha, Tanzania.

BACKGROUND

While African states have widely accepted the core African human rights treaties in theory, they have not consistently demonstrated the same level of commitment in compliance and implementation of jurisprudence of African human rights bodies. The non-implementation and compliance with jurisprudence of African human rights bodies undermines their effectiveness in delivering justice to victims of human rights violations.

The trend of lack of implementation holds true for majority of states that have been issued decisions by the African Court.¹ This concern is highlighted at paragraph 15 of the 2021-2025 Strategic Plan of the African Court where non-compliance with judgments is considered a key impediment to the work of the African Court.

Because of the importance of ensuring implementation and redress for victims, the African Court and other relevant stakeholders have made concerted efforts to understand the factors affecting implementation and improve compliance with the decisions of the African Court. In this regard, the African Court has, among others, ensured the communication of its decisions to the responsible states for implementation timeously and diligently, and highlighted the issue of non-compliance of states with its decisions in the annual Activity reports it submits to the Executive Council of the African Union to take action. Pursuant to Article 29(2) and Article 31 of the African Court Protocol, the African Court has constantly called on non-complying states to implement its decisions. The African Court's Strategic plan specifically highlights stakeholder cooperation as a critical tool to address the challenges to implementing its decisions.

The Centre for Human Rights is keenly aware of the central role of different stakeholders (both state and non-state) in the diagnosis of the general and specific issues and the challenges relating to the implementation of decisions of the African Court, as well as in strategizing around the most practicable solutions with which to improve the situation. It is on that basis that the Centre for Human Rights, in collaboration with the African Court and the Coalition for an Effective African Court have organised the conference.

OBJECTIVE OF THE CONFERENCE

The objective of this conference is to provide a platform for an intellectual engagement between stakeholders of the African Court on improving the compliance with and implementation of the decisions/judgments of the African Court.

In this regard, the conference will among other things focus on the broader aspects of implementation of decisions of the African Court, including: the conceptualisation of implementation of decisions of human rights bodies and comparative discussions on the general challenges to implementation of decisions of human rights bodies; as well as the challenges and strategies for effective implementation of the decisions of the African Court.

¹ 75% of the judgments of the African Court had not been complied with at the time it issued its Strategic Plan for the years 2021-2025.

THEMATIC FOCUS OF THE CONFERENCE

The Conference will have five thematic sessions, as stated below:

- **Assessing the influence of decisions of international human rights bodies: a conceptual discussion**

This session will set the scene for the Conference by providing a theoretical discussion of the concept of implementation and other related concepts for assessing the utility of decisions of international human rights bodies. Some of the other related concepts that will be discussed here include: the concepts of compliance, domestic impact etc.

- **Comparative analysis on the challenges of implementation decisions of international human rights bodies**

This session will focus on the challenges of implementing decisions of the African Court for both state and non-state actors. The discussions will be guided by a comparative analysis of implementation challenges of decisions of other international and regional human rights bodies particularly the African human rights mechanisms, the United Nations, the Inter-American and the European human rights systems.

- **The Role of the African Court in monitoring the implementation of its decisions**

This session will focus on the African Court's function and its potential role in the context of the conference's theme. The African Court will have an opportunity to present its point of view, and this will likely include a discussion about its practices, achievements, and future goals. This session will be a critique and analysis of the Court's actions so far. It will likely include a discussion on the African Court's implementation steps, hearings, and a detailed analysis of its practices. This could include the perspectives of the African Court, the public, and academics to provide a rounded analysis.

- **The Role of Other Actors in the implementation of the decisions of the African Court**

This session will explore the role of other relevant stakeholders in implementing the decisions of the African Court. This may include other organisations, institutions, or individuals who significantly impact the discussed topic at the conference. The session will provide different perspectives and discuss how these actors have and/or can collaborate with the African Court. Specifically, this section will look at the role of the executive, legislature, judiciary, NHRIs, academia and CSOs at the national level. The session will also look at the role of relevant African Union organs and bodies: the African Union (Assembly and Executive Council), the African Commission, the African Committee of Experts on the Rights and Welfare of the Child, and sub-regional bodies in the implementation of the decision of the African Court.

- **Case-study discussion on the “influence” of decisions of the African Court**

This session will focus on the discussion of the extent of implementation of specific cases of the African Court and also explore the broader impact (influence) of such cases/decisions beyond the lens of strict compliance and implementation as ordered by the African Court. The idea is to study the changing attitudes and behaviour if any, that the decisions of the African Court have influenced. The section will also explore the utilisation of decisions of the African Court by other human rights bodies, national courts and relevant stakeholders.

CALL FOR SUBMISSION OF ABSTRACTS AND PRESENTATIONS

Interested participants in the conference should submit an abstract of not more than 500 words by 19 April 2024. The abstract should fall under one of the specific thematic focus areas of the Conference. Successful applicants will be informed by 30 April 2024, and will be required to submit a paper for presentation of not more than 8 000 words by 15 June 2024. The conference organisers will cover the cost of an economy class-flight, accommodation and other incidental costs of participation in the Conference.

Submit Abstracts to:

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PUBLICATION

The papers presented in the conference will be developed further by the presenters and published as an edited book with the Pretoria University Law Press.

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