

Urgent Action Required: Launching Article 59(1) Campaign

To the Secretariat of the African Commission on Human and Peoples' Rights,

We, the undersigned organizations, are reaching out to alert you to a critical issue regarding human rights protection in Africa, particularly concerning the interpretation and application of Article 59(1) of the African Charter on Human and Peoples' Rights. This concern has led to the development of a concept note outlining the imperative need for a progressive interpretation of Article 59(1) and the launch of the Article 59(1) Campaign.

The concept note, drafted by Civil Society Organizations (CSOs) dedicated to reinforcing the protective mandate of the African Commission on Human and Peoples' Rights (African Commission), underscores the implications surrounding the African Commission's current interpretation of Article 59(1). This interpretation, which extends confidentiality to all aspects of communications proceedings, including legal submissions and party identities, poses significant obstacles to human rights protection and the participatory role of CSOs in ongoing legal processes.

The Article 59(1) Campaign, seeks to rectify these deficiencies by advocating for a more progressive interpretation of Article 59(1). The campaign's objectives include:

- Ensuring a progressive interpretation of the African Charter's provisions, particularly, Article 59(1).
- Aligning the practices of the African Commission with best practices, regionally and internationally on access to information and the right to a fair and public trial.
- Creating an enabling environment for human rights litigation on the continent.

The current interpretation of Article 59(1) by the African Commission hampers access to information, violates the right to a fair and public trial, and restricts advocacy efforts related to pending communications. This interpretation runs counter to established international and regional human rights standards, impeding the capacity of CSOs and individuals to engage effectively in human rights discourse and strategic litigation. We are therefore mobilizing to launch the Article 59(1) Campaign, aimed at advocating for a progressive interpretation of article 59(1).

We urge the African Commission to support our endeavours by:

- Acknowledging the significance of the issues outlined in the concept note.

- Supporting our efforts in advocating for a more progressive interpretation of Article 59(1) within the African Commission's framework.
- Ensuring transparency and inclusivity in communications proceedings before the African Commission.

Signatories

1. Advocacy Hub Africa
2. Ashraf Milad Asylum Law Office
3. Centre de Documentation et de Formation sur les Droits de l'Homme (CDFDH)
4. Centre for Human Rights, University of Pretoria (CHR)
5. Cyrus R. Vance Center for International Justice
6. Equality Now
7. Federation of Women Lawyers in Kenya (FIDA Kenya)
8. Initiative for Strategic Litigation in Africa (ISLA)
9. Institute for Human Rights and Development in Africa (IHRDA)
10. International Service for Human Rights (ISHR)
11. International-Lawyers.Org (INTLawyers)
12. KUTAKESA
13. Nde Oduko Foundation
14. Pan African Lawyers Union (PALU)
15. REDRESS
16. Research-Action Group on Human Security (GRASH)
17. Robert F. Kennedy Human Rights
18. The African Centre for Justice and Peace Studies
19. The African Initiative of Women Human Rights Defenders
20. The Centre for Reproductive Rights(CRR)
21. The Kenya legal & Ethical Issues Network on HIV and AIDS (KELIN)
22. The Tanzania Human Rights Defenders Coalition
23. University of Bristol- Human Rights Implementation Centre