



Press Statement on the visit by the President of the African Court

The Zimbabwe Human Rights NGO Forum (the Forum) applauds the visit by the President of the African Court on Human and People's Rights (African Court), Honourable Sylvain Oré, who came with a delegation on a sensitization mission to Zimbabwe and met with different stakeholders within Government and civil society on the 14th and 15th day of August 2019.

The visit by the delegation sought to sensitize the Government on the role of the African Court on Human and People's Rights, to raise awareness on the statutes and rules of the African Court and to encourage the Government to ratify the Protocol on the role of the African Court on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (the protocol).

The protocol was adopted in 1998 and came into force on 25 January 2004 but to date 30 out of 55 Member States have ratified it. Sadly, Zimbabwean has not done so to this date. Ratification is important for promoting the mandate of the court which was established to reinforce the protective mandate of the African Commission on human and Peoples Rights by strengthening human rights in Africa and ensuring the respect and compliance with the African Charter on Human and Peoples Rights.

In terms of article 34(6) of the protocol, further to ratification, States must deposit a special declaration with the court accepting competence of the court to receive cases under article 5(3) which essentially entitles relevant Non-Governmental Organizations (NGOs) and citizens to institute cases directly before the African Court.

The African Court plays a pivotal role in providing access to justice for people on the continent and peaceful co-existence of African nations through dispute resolutions. Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, and hold decision-makers accountable. As such, the Forum strongly cherishes the work and values exemplified by this Court.

Though the Forum is concerned by the delay by the Government in ratifying the protocol which is progressive in promoting access to justice for aggrieved individuals and civil society groups as it offers a remedy to human rights violations, the Forum welcomes recent assurances by the Government of Zimbabwe that it will now work on the instruments of ratification of the Protocol. Ratification of the protocol serves as pledge of commitment to upholding human rights as provided by the African Charter on Human and Peoples' Rights as well as the Zimbabwean Constitution.

The Forum calls on the Government of Zimbabwe to ratify the Protocol and to deposit a special declaration under article 34(6) of the same protocol to allow Zimbabwean citizens and civil society organizations to enjoy direct access to the African Court.

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