

Main Human Rights Concerns and Typical Issues in the African System of Human Rights

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ABSTRACT

The African human rights system, embodied in frameworks such as the African Charter on Human and Peoples' Rights (ACHPR) and the African Charter on the Rights and Welfare of the Child (ACRWC), represents a regional effort to safeguard the rights of African citizens, especially vulnerable populations. However, African countries continue to face significant human rights challenges. Climate change and its impact on the right to a satisfactory environment, child labour, forced marriages and gender inequality remain constant concerns. To address these, various mechanisms, such as the African Commission on Human and Peoples' Rights (ACmHPR), the African Court on Human and Peoples' Rights (ACTHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), have been established. Unfortunately, weak enforcement, impunity and the reluctance of states to comply with human rights judgments hinder progress. This chapter explores the legal frameworks, key issues and landmark cases within the African human rights system, emphasising the pressing need for effective implementation to protect fundamental rights across the continent.

KEYWORDS

African Charter on Human and Peoples' Rights, African Charter on the Rights and Welfare of the Child, Environmental rights, African human rights system, Human rights enforcement

1. Introduction

The African human rights system is a set of regional legal mechanisms that address human rights issues across the continent. Although it tackles the concerns of African countries, it conforms with the provisions of international human rights instrument.¹ It comprises institutions, such as the African Commission on Human and Peoples' Rights (ACmHPR) and the African Court on Human and Peoples' Rights (ACTHPR). It is grounded in key legal instruments, such as the African Charter on Human and

1 Mbaku, 2024, p. 89.

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Peoples' Rights (ACHPR, 1981), commonly known as the Banjul Charter, a major step in the advancement of human rights in Africa.² Based on the Banjul Charter, African citizens have a comprehensive legal protection for their civil, political, economic, social, cultural and environmental rights.

The recognition of environmental protection as a human right by the United Nations (UN) General Assembly's 2022 adoption of the right to a clean, healthy and sustainable environment reflects the vital connection between environmental sustainability and the fulfilment of basic human rights.³ With climate change severely impacting Africa, the primary human rights concerns become environmental, superseding the traditional rights highlighted in the ACHPR, such as the right to life and integrity of the person (Article 4), the right to a fair trial (Article 7), freedom of expression (Article 9) and the right to health (Article 16).

Despite contributing only about 3.9% of the world's carbon emissions, Africa suffers disproportionately from the consequences of environmental degradation, such as droughts, floods and food insecurity.⁴ These environmental impacts affect millions of people across the continent, highlighting the urgent need to address environmental protection as a human rights issue (World Meteorological Organization, 2024). The UN General Assembly's 2022 adoption of the right to a clean, healthy and sustainable environment reflects the increasing recognition of environmental protection as a human right, as demonstrated by the UN Human Rights Council's 2021 Resolution 48/13, highlighting the connection between environmental sustainability and basic human rights.⁵

Africa has certain human rights priorities, which reflect the continent's specific challenges and aspirations, such as the right to development (Article 22), the right to self-determination (Article 20) and the right to natural resources and control over wealth (Article 21).⁶ The ACHPR is particularly unique in this sense as it recognises collective and individual rights, highlighting its different approaches to human rights protection in Africa. This is especially relevant for environmental human rights, as it underscores the need to safeguard individual freedoms and the collective rights of communities to a healthy and sustainable environment.

In this chapter, we will analyse the main human rights concerns in Africa, such as the right to freedom of expression (Article 9), gender equality (Article 18(3)) and children's rights (Article 18(3)) under the ACHPR, African Charter on the Rights and Welfare of the Child (ACRWC) Articles 1, 3, 4, 11 and 16), the right to a safe and healthy

2 Chekol, 2024, pp. 1598–1634.

3 United Nations General Assembly (UNGA) (2022) The human right to a clean, healthy and sustainable environment. A/RES/76/300.

4 Statista (2024) Africa: Share in global CO2 emissions [Online]. Available at: <https://www.statista.com/statistics/1287508/africa-share-in-global-co2-emissions/> (Accessed: 15 October 2024).

5 Limon, 2024.

6 OAU (1981) African Charter on Human and Peoples' Rights [Online]. Available at: https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (Accessed: 15 October 2024).

environment (Article 24 of the ACHPR) and typical issues within the African human rights system and the efforts made to address them.

2. Legal Framework of the African Human Rights System

2.1. *The African Charter on Human and Peoples' Rights (ACHPR)*

The ACHPR, commonly called the Banjul Charter, is a pivotal document within Africa's human rights framework. Its establishment was shaped by the continent's unique historical circumstances, particularly the legacy of colonialism and the subsequent formation of the Organisation of African Unity (OAU) in 1963.⁷ The OAU, created to support the fight against colonial rule, was critical in developing the ACHPR. The Charter was unanimously adopted at the OAU's 18th Assembly in Nairobi, Kenya, in June 1981 and came into effect on October 21, 1986, which is celebrated as African Human Rights Day. Established by 32 African nations on May 25, 1963, The OAU was initially focused on supporting independence movements and opposing apartheid. Most of the African countries had a past linked to colonialism and struggled for self-determination. Once these objectives were largely achieved, the OAU shifted its attention to emerging global challenges, such as regional integration and globalisation, while increasingly emphasising human rights.

This Charter laid the foundation for human rights protection across Africa. The OAU played a crucial role in developing human rights treaties in the continent. On May 26, 2001, it evolved into the African Union (AU), a broader organisation promoting political unity and addressing pressing social, economic and environmental issues in Africa. The AU, officially launched on July 9, 2002, in Durban, South Africa, incorporated human rights and sustainable development as key aspects of its mission.

As mentioned, the ACHPR is Africa's foremost regional human rights instrument, covering a broad spectrum of civil, political, economic, social and cultural rights for individuals and groups. The ACmHPR and the ACtHPR empower the Charter. The ACmHPR is the primary body responsible for upholding the ACHPR provisions. It was established under Article 30 of the Charter on November 2, 1987, to safeguard and promote human rights across Africa. Headquartered in Banjul, The Gambia, it is a quasi-judicial body. While its recommendations are not legally binding, they carry significant moral and political influence, often pressuring states to honour their obligations.⁸ However, the ACtHPR has a binding authority and was established

7 African Union (AU) (no date), About the African Union [Online]. Available at: <https://au.int/en/overview> (Accessed: 25 September 2024).

8 African Commission on Human and Peoples' Rights (ACHPR) (no date), About the African Commission on Human and Peoples' Rights. [Online]. Available at: <https://achpr.au.int/en/about> (Accessed: 25 September 2024).

through the 1998 Protocol to the ACHPR, which came into effect on January 25, 2004.⁹ The Court's decisions are legally enforceable in states that have ratified the Protocol.

2.2. Jurisdiction and Admissibility of Cases

Effective human rights protection requires multiple complementary mechanisms, as current systems need significant improvement. As mentioned, at the continental level, two key institutions work in tandem to provide essential safeguards: ACmHPR and ACtHPR. Together, these bodies form a critical framework for human rights protection across the continent. They have distinct yet complementary roles in the African human rights system. The role of the Commission is defined in the African Charter. The Commission, a quasi-judicial body, receives and reviews complaints, as enshrined in Article 45 of the Banjul Charter, while the Court is a judicial body that hears appeals and issues binding judgments. The Court's jurisdiction is established through the Protocol, and under Article 3 of the Protocol, it has jurisdiction to deal with all cases and disputes submitted to it regarding the interpretation and application of the Charter, the Protocol and any other relevant human rights instrument ratified by the concerned states.

The Court can only deal with cases submitted against countries that have ratified the Protocol and deposited the Article 34(6) Declaration in cases involving individuals and non-governmental organisations (NGOs). The case must involve allegations of human rights, and the alleged violations must have taken place in the state after it ratified the Protocol, unless the alleged violations are ongoing. Several jurisdictional criteria must be met before the Court hears a case. These include:

- **Material jurisdiction:** Whether the alleged violations pertain to rights protected under the Charter or other relevant human rights treaties.
- **Personal jurisdiction:** Whether the claimant is eligible to bring the case to the Court, as a recognised individual, group or organisation.
- **Temporal jurisdiction:** Whether the violation occurred after the state ratified the Protocol establishing the Court.
- **Territorial jurisdiction:** Whether the violation occurred within a state's borders under the relevant protocol.

By adhering to these criteria, the Court ensures that only cases meeting the necessary standards are heard, offering a robust system of legal protection for human rights. Weak institutions, impunity and lack of accountability are typical governance issues contributing to human rights violations. To tackle these, the continent has universal legal frameworks that countries are bound to implement, such as the UN and regional conventions. The Court's decisions are legally enforceable in states that have ratified the Protocol. Currently, 34 AU Member States have signed the Protocol, and 8 have

⁹ African Court on Human and Peoples' Rights (no date), The African Court on Human and Peoples' Rights (the African Court) in brief [Online]. Available at: <https://www.african-court.org/wpafcb/basic-information/> (Accessed: 25 September 2024).

accepted the Court's jurisdiction to hear cases brought by individuals and NGOs. These countries include Burkina Faso, Malawi, Mali, Ghana, Tunisia, The Gambia, Niger and Guinea-Bissau. However, four countries – Rwanda, Tanzania, Benin and Côte d'Ivoire – have withdrawn their support from the Court. Generally, countries that have withdrawn from the ACtHPR (specifically by withdrawing the declaration under Article 34(6) of its Protocol) are not bound by its rulings concerning individual or NGO complaints filed after the withdrawal takes effect.

However, despite withdrawals, the Court's rulings remain binding in some cases. The Court holds that the withdrawal has no bearing on pending cases and new cases filed before the withdrawal comes into effect. This situation has been witnessed several times, the most recent being *Ligue Ivoirienne des Droits de l'Homme (Lidho) & Others v Côte d'Ivoire*. Since withdrawal is not the best option for NGOs and citizens to protect their human rights, the Commission and the Court can employ monitoring and diplomatic pressure to influence countries that have withdrawn from their jurisdiction. This includes utilising existing mechanisms to monitor human rights situations, engaging in diplomatic dialogue and leveraging the influence of other AU organs. Overall, the Court's rulings remain of paramount importance for all AU Member States, providing an essential safeguard when national courts fail to protect human rights.¹⁰

2.3. African Human Rights Architecture

- a. Civil and Political Rights: These define the right to freedom of expression (Article 9), association (Article 10), fair trial (Article 7) and life (Article 5) under the Banjul Charter. Regarding economic, social and cultural Rights, these include the right to health (Article 16), education (Article 17) and work (Article 15).
- b. Collective and peoples' rights under Articles 20, 21, 22, 23 and 24 concern self-determination, resource control, the right to national and international peace and security and a satisfactory environment.
- c. Vulnerable groups have specific rights protections. Women's rights are enshrined in the Maputo Protocol's provisions on gender equality, reproductive health and protection from gender-based violence, addressing ongoing challenges, such as female genital mutilation (FGM) and access to education. FGM includes the rights to reproductive health and safe abortions (Article 14). They are further granted the right to participate in political and public life (Article 9). Despite progress, gender-based violence, maternal mortality and discriminatory cultural practices remain significant problems.
- d. Refugees, internally displaced persons (IDPs) and migrants are protected by the 1969 OAU Convention governing the specific aspects of refugee problems in Africa, adopted by African heads of state in Addis Ababa to address

10 Sègnonna Horace and Nantulya, 2024.

- the growing refugee crisis.¹¹ Recognising the humanitarian imperative and political tensions caused by displacement, it establishes protections for genuine refugees while preventing abuse by subversive elements. The Convention aligns with the UN principles of non-discrimination and builds upon earlier African resolutions on asylum and subversion. It connects with Article 12 of the Banjul Charter, which guarantees the right to asylum. However, implementation gaps persist across the continent. Refugees, IDPs and migrants frequently face xenophobia, inadequate camp conditions and refoulement violations. The Kampala Convention (2009) complements the OAU Refugee Convention by creating binding standards for internal displacement caused by conflicts, disasters and development projects. Together, these frameworks demonstrate Africa's progressive approach to respecting the rights of the displaced, even though challenges remain in harmonising state practices with legal commitments.
- e. Convention on Preventing and Combating Corruption (2003). The AU Convention on Preventing and Combating Corruption (2003) represents a crucial effort to tackle the systemic corruption that continues to plague many African states. As a cross-cutting issue, corruption fundamentally undermines good governance, erodes human rights protections and stifles sustainable development across the continent. Effective anti-corruption measures are not merely about financial accountability but can constitute an essential prerequisite for the full realisation of human rights in Africa. This Convention's comprehensive approach, which includes preventive measures, criminalisation of corrupt practices and international cooperation provisions, provides a vital framework for addressing this persistent challenge that disproportionately affects vulnerable populations.

3. Enforcement Challenges

The African system has often struggled with enforcement and compliance due to the reluctance of states to implement decisions from the ACHPR or the African Court. The ACHPR lacks binding authority, while some states have refused to acknowledge the Court's jurisdiction. Furthermore, there is limited awareness of these rights at the national level, weak national human rights institutions and a lack of resources for effective monitoring and reporting. These concerns reflect the complex interplay of political, economic and social factors affecting the African human rights landscape.

11 Organisation of African Unity (OAU) (1969) Convention Governing the Specific Aspects of Refugee Problems in Africa. Addis Ababa: OAU. [Online]. Available at: <https://www.african-court.org/wpafc/wp-content/uploads/2020/10/17-OAU-CONVENTION-GOVERNING-THE-SPECIFIC-ASPECTS-OF-REFUGEE-PROBLEMS-IN-AFRICA.pdf> (Accessed: 2 July 2025).

While progress has been made, several challenges remain in ensuring full protection and enforcement of the rights enshrined in the African human rights system.

The ACtHPR has adjudicated several significant cases concerning human rights violations, such as torture, lack of freedom of expression and the right to health. According to Amnesty International, there is much to do in Africa to fully implement the rights enshrined in the regional legal framework. The Amnesty International Report 2023/24 highlights that criticising governments continues to be highly perilous in several African nations, where dissent is often met with harsh reprisals.¹² A combination of factors, including rampant inflation, widespread corruption, climate change and ongoing conflicts, has created intolerable living conditions for millions. Hence, access to fundamental economic and social rights remains limited for large portions of the population. Persistent armed conflicts, coupled with extreme weather events, have led to the displacement of millions. Gender-based discrimination and violence against women and girls remain deeply ingrained in several societies. Simultaneously, attacks on the rights of LGBTI communities have intensified, with an alarming increase in homophobic violence and oppressive laws. Additionally, several governments have failed in fulfilling their duties to safeguard refugees and IDPs, leaving these populations highly vulnerable and lacking adequate support.

As of 2024, Statista reports that several African countries rank among the worst on the Human Rights and Rule of Law Index, which uses a scale from 0–10, with zero representing the best conditions for human rights and the rule of law. African nations with the highest scores, indicating severe challenges, include Libya (9.4), Sudan (9.3), the Democratic Republic of Congo (9.0), Egypt (8.9), Eritrea (8.9), Burundi (8.7), the Central African Republic (8.7), Somalia (8.7) and Ethiopia (8.5). Iran holds the maximum index score globally, followed by Burma and China, while Norway ranks as the best country for human rights and rule of law conditions.¹³ This underscores the significant work that remains for African governments to implement human rights standards.

According to the UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity, between 2006 and 2020, 174 journalists were killed across Africa.¹⁴ Alarming, only 10.3% of these cases have been judicially resolved, highlighting the severe lack of accountability for such crimes. Despite these negative figures, the ACtHPR has made a significant impact through a series of landmark rulings that have strengthened freedom of expression and advanced the fight against impunity for crimes committed against journalists across the continent. These

12 Amnesty International (2023), Amnesty International Report 2023/24. [Online]. Available at: <https://www.amnesty.org/en/location/africa/report-africa/> (Accessed: 15 October 2024).

13 Statista (2024). Worst countries according to the Human Rights and Rule of Law Index as of 2024 [Online]. Available at: <https://www.statista.com/statistics/1256220/highest-human-rights-and-rule-of-law-index-by-country/> (Accessed: 15 October 2024).

14 UNESCO (no date), African Court's landmark decisions ensure prosecution of crimes against journalists [Online]. Available at: <https://www.unesco.org/en/articles/african-courts-landmark-decisions-ensure-prosecution-crimes-against-journalists> (Accessed: 15 October 2024).

decisions have been pivotal in upholding the rights of media professionals and enhancing legal protections for press freedom in Africa.

4. Landmark Human Rights Cases at the ACtHPR

4.1. *Abdoulaye Nikiema (Norbert Zongo) and Others v. The Republic of Burkina Faso*¹⁵

This case dealt with the beneficiaries of Norbert Zongo, a well-known investigative journalist who was assassinated on December 13, 1998, alongside his companions, Abdoulaye Nikiema (alias Ablassé), Ernest Zongo and Blaise Ilboudo. The applicants, including the Burkinabè Human and Peoples' Rights Movement, alleged that Burkina Faso had failed to adequately investigate the murders and prosecute those responsible, leading to several human rights violations. Key allegations included the violation of the right to life under Article 4 of the ACHPR and Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR). Additionally, it constituted a violation of Article 7 of the ACHPR and Article 14 of the ICCPR, which guarantee the right to a fair trial. The murder of Norbert Zongo, who was investigating political scandals, was further considered a violation of Article 9 of the ACHPR and Article 19 of the ICCPR, which protect freedom of expression.

In its rulings, the Court pointed out that it lacked *ratione temporis* jurisdiction over the murder, which occurred in 1998, before the Court's jurisdiction was established in Burkina Faso in 2004. However, it did have jurisdiction over the continuing violation due to Burkina Faso's ongoing failure to investigate, prosecute and hold those responsible accountable, which constituted a persistent breach of the victim's rights to justice. The Court further ruled that Burkina Faso had violated freedom of expression by failing to protect Norbert Zongo as a journalist investigating sensitive political issues. This amounted to a violation of the state's duty under the ACHPR to protect journalists. The Court rejected the Burkinabè government's argument that local remedies had not been exhausted, determining that the national legal processes had been unduly prolonged and ineffective, justifying the applicants' recourse to the Court. Additionally, the Court ordered Burkina Faso to pay compensation to the victims' families.

The state was directed to pay CFA 25 million (approximately USD 43,000) to each of the victims' partners and CFA 15 million (approximately USD 26,000) to each of their children. It mandated that Burkina Faso publish a French summary of the judgment in its official gazette and a widely circulated national newspaper, and on the government's official website, for a period of one year. Additionally, Burkina Faso was required to report to the Court on its compliance with the judgment within six months

15 Columbia University (no date), Abdoulaye Nikiema, Ernest Zongo, Blaise Ilboudo, *Burkinabè Human and Peoples' Rights Movement v. The Republic of Burkina Faso*. [Online]. Available at: <https://globalfreedomofexpression.columbia.edu/cases/abdoulaye-nikiema-ernest-zongo-blaise-ilboudo-burkinabe-human-and-peoples-rights-movement-v-the-republic-of-burkina-faso/> (Accessed: 15 October 2024).

from the date of the ruling. This underscored the Court's commitment to addressing continuing human rights violations and holding states accountable for failing to provide justice.

While the Court could not rule on the initial murder due to jurisdictional limits, it made clear that persistent state inaction, particularly in cases involving freedom of expression and the protection of journalists, would not go unaddressed. The significant compensation awarded to the victim's families and the requirements for publicising the Court's decision further highlight the Court's efforts to promote accountability and transparency in Burkina Faso and in Africa.

4.2. *Alex Thomas v. United Republic of Tanzania (Application No. 005/2013)*¹⁶

In this case, Alex Thomas was convicted of armed robbery and sentenced to 30 years in prison. He filed a complaint alleging that he had been subjected to torture and inhuman treatment during his detention and trial, claiming that he did not receive a fair trial. The Court found that Tanzania had violated several of the applicant's rights, including Article 7(1)(a) of the ACHPR (right to have one's cause heard, especially the right to defence). The Court noted that Thomas had not been provided with legal aid, even though he was charged with a serious offence carrying a heavy sentence. This denied him a fair trial. Additionally, Tanzania failed in its obligation to implement the rights enshrined in the Charter (Article 1 of the ACHPR), particularly ensuring a fair trial process. However, the Court concluded that there were no violations of Article 3 of the ACHPR (right to equality before the law and equal protection of the law), as Thomas could not substantiate claims that he was treated differently from others in similar circumstances.

Concerning Article 5 of the ACHPR (prohibition against torture, cruel, inhuman or degrading treatment or punishment), the Court found insufficient evidence that the delays and conditions Thomas faced amounted to such treatment. In its ruling, the Court declared that Tanzania violated Articles 1 and 7 of the ACHPR, particularly regarding the applicant's right to defence and fair trial. However, it did not grant the request for his release from prison and Tanzania was ordered to take all necessary measures to remedy the violations and report back to the Court within six months.

4.3. *African Commission on Human and Peoples' Rights v. Libya (2016)*¹⁷

This is the first judgment to be delivered in default in the ACtHPR.¹⁸ The case arose when Saif al-Islam Gaddafi, son of the late Libyan leader Muammar Gaddafi, submitted a communication to the African Commission, claiming violations of Article 6 (right to personal liberty and protection from arbitrary arrest) and Article 7 (right to a fair

16 African Union (no date), In the Matter of Alex Thomas v. United Republic of Tanzania (Reparations). [Online]. Available at: <https://archives.au.int/handle/123456789/8736> (Accessed: 20 October 2024).

17 Ayissi, 2017, pp. 738–744.

18 Windridge, 2018, pp. 758–776.

trial) of the African Charter.¹⁹ The Court took up the case in February 2013 and issued further provisional measures, demanding Libya cease judicial proceedings against Gaddafi, allow access to legal counsel and safeguard his physical and mental integrity. Libya continued to defy these orders, prompting the Court to extend compliance deadlines and ultimately report Libya's non-cooperation to the AU. By March 2015, after multiple failed attempts to engage Libya, Gaddafi filed for a judgment in default due to the country's persistent non-compliance. The Court ruled that Libya's actions constituted a failure to uphold its obligations under the African Charter, leading to a judgment in default. It emphasised the necessity for Libya to respect Gaddafi's rights and ensure a fair trial according to international standards. This ruling marked a significant precedent regarding the enforcement of human rights protections in non-compliant states.

4.4. *Lohé Issa Konaté v. Burkina Faso (2014; Application No. 004/2013)*²⁰

This is a landmark ruling concerning freedom of expression. Lohé Issa Konaté, a journalist, was sentenced to one year in prison for defamation after publishing articles that exposed alleged corruption by a state prosecutor. In its ruling, the Court found that this imprisonment constituted a disproportionate violation of Konaté's rights under Article 9 of the ACHPR and Article 19 of the ICCPR. The Court emphasised that public officials must be subject to greater scrutiny and criticism, as imposing harsh penalties would deter journalists from fulfilling their essential role in holding the government accountable. Consequently, it ordered Burkina Faso to amend its criminal defamation laws, reinstate Konaté's banned newspapers and pay him over USD 75,000 in compensation for material and moral damages. This landmark decision underscores the importance of protecting journalists' rights to speak freely and criticise public governance without fear of retribution.

4.5. *Mouvement Ivoirien Des Droits Humains (Midh) v. Côte D'Ivoire (2016)*²¹

This case originated on February 8, 2002, when the Secretariat of the ACmHPR received a communication from Ibrahim Doumbia, the first vice-president of the *Mouvement Ivoirien des Droits Humains* (MIDH), submitted under Article 55 of the African Charter. The communication was directed against the Republic of Côte d'Ivoire, alleging that

19 Database and commentary on jurisprudence of the African Court on Human and Peoples' Rights (no date), *The African Commission on Human and Peoples' Rights v Libya*. [Online]. Available at: <https://afchpr-commentary.uwazi.io/en/entity/65aa3w7rrnzl04v250ikny7gb9> (Accessed: 20 October 2024).

20 Columbia University (no date), *Lohé Issa Konaté v. The Republic of Burkina Faso*. [Online]. Available at: <https://globalfreedomofexpression.columbia.edu/cases/lohe-issa-konate-v-the-republic-of-burkina-faso/> (Accessed: 20 October 2024).

21 African Human Rights Case Law Analyse (no date), *Mouvement Ivoirien des Droits Humains (MIDH) v. Cote d'Ivoire*. [Online]. Available at: <https://caselaw.ihrda.org/entity/1x8fxvejohpycw-lapw4vbtvs4i?file=1512403268215q3z43ns8jzcbpstkzoq7iudi.pdf&page=9> (Accessed: 20 October 2024).

the Constitution adopted through a minority vote during the constitutional referendum on July 23, 2000, included provisions that discriminated against certain citizens by prohibiting them from holding political office.

Additionally, the communication claimed that provisions granting immunity to members of the National Committee for Public Security (CNSP), the military body that ruled during the transitional period from December 24, 1999, to October 24, 2000, and to the authors of the December 24, 1999, coup d'état were discriminatory. The complaint asserted violations of Articles 2, 3 and 13 of the African Charter and urged the Commission to recommend a review of Articles 35, 65 and 132 of the Constitution. The African Commission found that Côte d'Ivoire violated Articles 1, 2, 3(2), 7 and 13 of the Charter and requested the state to take corrective measures.

4.6. Ingabire Victoire Umuhoza v. Republic of Rwanda (Application no. 003/2014)²²

The Applicant, Ingabire Victoire Umuhoza, a Rwandan citizen, asserted that she was studying in the Netherlands to pursue her university education in economics and business administration when the genocide in Rwanda began in April 1994. After returning to Rwanda 17 years later to contribute to national development by establishing a political party, she was arrested and charged with multiple offences, including spreading the ideology of genocide, aiding and abetting terrorism, sectarianism and divisionism. Additionally, she was accused of undermining state security, creating an armed faction of a rebel movement and attempting to use violence to destabilise the government and violate constitutional principles. These charges stemmed from statements made by Umuhoza, which the domestic courts deemed as denying the Tutsi genocide.

However, the Court determined that the remarks did not constitute a minimisation of the genocide and concluded that her conviction violated her right to freedom of expression. Although this case did not involve a journalist, it serves as a critical interpretative guide for understanding the limitations placed on freedom of expression, especially in the context of genocide, where governments may exploit such restrictions to silence dissenters, including media professionals. In its ruling, the Court ordered the respondent state to restore Umuhoza's rights. It awarded her approximately USD 64,000 in compensation for material and moral damages suffered by her and her family.

22 African Human Rights Case Law Analyser (no date), *Ingabire Victoire Umuhoza v Rwanda*. [Online]. Available at: <https://caselaw.ihrrda.org/en/entity/107kgz8a9qr3nugrudutbj4i> (Accessed: 20 October 2024).

4.7. *Tanganyika Law Society and Others V United Republic of Tanzania; Mtikila V United Republic of Tanzania (Application no. 009/2011; Application no. 011/2011) [2013] (June 14, 2013)*²³

In June 2011, two sets of applicants filed cases against Tanzania, challenging amendments to its Constitution that banned independent candidates from running in presidential, parliamentary and local government elections. The applicants argued that this restriction violated citizens' rights to freedom of association, participation in public affairs, protection against discrimination and the rule of law. They contended that Tanzania's constitutional review process, which addressed an issue pending before the courts, further breached the rule of law. The first applicants requested the court to declare that Tanzania violated Articles 2 and 13(1) of the ACHPR and Articles 3 and 25 of the ICCPR. They sought an order for Tanzania to make necessary constitutional changes and report back to the Court within 12 months. The second applicant asked for a ruling that Tanzania violated his rights and sought compensation for the legal costs and prolonged judicial processes.

The applicants argued that the constitutional amendments requiring candidates to be affiliated with a political party violated their right to participate in public affairs, as protected under various international human rights instruments. They challenged specific provisions in the Tanzanian Constitution and election laws that mandated party membership for candidates. Additionally, they stated that the prohibition of independent candidates violated Article 13(1) of the Charter, which guarantees the right to participate freely in government, either directly or through freely chosen representatives. They maintained that these restrictions contradicted this provision by forcing citizens to join political parties. Tanzania countered that the prohibition on independent candidates was necessary for maintaining social order and avoiding political chaos. The government justified this rule based on the country's historical and social context, citing national unity and the need to strengthen the multi-party system established in the 1990s.

The Court examined Article 13(1) of the Charter, determining that the right to participate in government includes individual and collective rights. It concluded that requiring political party affiliation for candidates infringes on individuals' political participation rights. The Court recognised the need for lawful restrictions; however, it found that Tanzania's justification – grounded in its political and historical circumstances – did not fully justify the prohibition of independent candidates. It noted the balance between individual rights and collective security yet ruled that the current restrictions were excessive.

23 Data for Governance Alliance, no date, *Tanganyika Law Society and Others v United Republic of Tanzania; Mtikila v United Republic of Tanzania* (Application No. 009/2011; Application No. 011/2011) [2013] ACHPR (14 June 2013). [Online]. Available at: <https://africanlii.org/akn/aa-au/judgment/afchpr/2013/8/eng@2013-06-14> (Accessed: 20 October 2024).

5. Environment-Related Human Rights

The ACHPR strongly emphasises environment-related human rights. Article 24 of the Charter explicitly guarantees the right to a satisfactory environment, requiring states to ensure environmental protection and preservation for the benefit of all citizens. This article is particularly significant in light of Africa's growing environmental challenges, including deforestation, climate change and biodiversity loss. It aligns with global discourses on sustainable development, highlighting the relationship between human rights and environmental protection. These linkages have become especially pertinent as African countries face increasing pressure to address their development needs and environmental responsibilities.

One of the continent's most ambitious environmental initiatives is the AU's Great Green Wall project. This nature-based solution aims to combat desertification, restore degraded lands and preserve biodiversity across the Sahel region. Such efforts are vital in ensuring that the right to a healthy environment is upheld. Environmental rights are a cornerstone of other AU strategies as well, including Agenda 2063: The Africa We Want. Agenda 2063 outlines Africa's long-term vision for sustainable development and underscores the need for balancing socio-economic progress with environmental sustainability.²⁴ Although it does not exclusively focus on environmental rights, it incorporates climate resilience, sustainable natural resource management and environmental protection into its overall strategy. It stresses the need for policies integrating national, regional and continental environmental considerations, ensuring that the continent's economic growth is climate-resilient and ecologically sustainable. Its holistic approach highlights the intersection of human rights and environmental protection, particularly in key sectors like agriculture, water management and renewable energy development. By emphasising these issues, Agenda 2063 aligns with the broader human rights framework, underscoring that a clean and healthy environment is essential for the enjoyment of fundamental human rights, such as the right to health, clean water and adequate living conditions. Climate change adaptation and mitigation are crucial aspects of this strategy, as they are directly tied to realising environmental rights. Africa's climate action efforts, including initiatives like AFR100 (the African Forest Landscape Restoration Initiative), showcase the continent's commitment to restoring degraded landscapes and enhancing biodiversity. These projects are critical for safeguarding environment-related human rights and ensuring sustainable development.

24 African Union (AU) (2015), Agenda 2063: The Africa We Want. [Online]. Available at: https://au.int/sites/default/files/documents/33126-doc-framework_document_book.pdf (Accessed: 15 October 2024).

5.1. Agenda 2063 and Sustainable Development Goals (SDGs)

Agenda 2063 works in tandem with the UN's Sustainable Development Goals (SDGs), particularly SDG 6 (Clean Water and Sanitation) and SDG 13 (Climate Action), both highlighting environmental protection as central to upholding basic human rights. African nations, as members of the UN General Assembly, are committed to implementing the SDGs alongside Agenda 2063. These frameworks collectively address Africa's environmental challenges, reinforcing the need to protect human rights through sustainable development and responsible resource management. The 2024 Africa Sustainable Development Report highlights African countries' progress in integrating environmental policies into national development strategies.²⁵ However, the report identifies challenges, such as external economic shocks, political instability and climate change, which hinder the pace of implementation. Despite these difficulties, countries like Ethiopia, Kenya and South Africa have made significant strides in embedding climate resilience into their policies, reflecting a growing recognition of the importance of environmental sustainability in securing human rights.

One of the primary obstacles to achieving these goals is the limited availability of climate finance. According to the report, Africa receives only a small portion of global climate finance, which is far below the amount needed to meet its climate action commitments. The gap between the continent's needs, an estimated at USD 2.8 trillion by 2030, and the current mobilisation of funds (USD 29.5 billion annually as of 2020) is stark. Addressing this financial shortfall is critical for ensuring that African nations implement the necessary measures to protect environment-related human rights. Both Agenda 2063 and the SDGs emphasise the need for substantial investments in climate adaptation, renewable energy and sustainable resource management to achieve long-term development goals while safeguarding human rights.

5.2. Case Studies in Environmental Rights Litigation

Cases involving climate refugees or individuals affected by environment-related human rights violations are likely to increase as the impacts of climate change intensify. Africa has the necessary legal arsenal to address these challenges, including climate change displacement litigation (Mativo, 2024). However, despite the AU's commitment to environmental sustainability, landmark cases concerning the right to a healthy environment under Article 24 of the ACHPR remain relatively rare in regional human rights courts. In contrast, national and sub-regional courts, such as the Economic Community of West African States (ECOWAS) Court of Justice, increasingly adjudicate environmental cases, reflecting the growing judicial attention to these critical issues. This reflects a growing awareness of the inextricable link between environmental harm and human rights violations. One of the most notable cases

25 The African Union, African Development Bank, United Nations Development Programme, and the United Nations Economic Commission for Africa (2024), 2024 Africa Sustainable Development Report. [Online]. Available at: https://www.undp.org/sites/g/files/zskgke326/files/2024-07/asdr_2024_-_en_0.pdf (Accessed: 15 October 2024).

in this regard is *SERAC v. Nigeria (155/96)*, heard by the ACmHPR.²⁶ In this case, the Nigerian government, in collaboration with multinational oil companies, was found to have violated several provisions of the African Charter, including the right to a satisfactory environment. The Ogoni people, whose land had been severely degraded by oil exploitation, suffered from significant environmental damage, which undermined their rights to health and adequate living conditions. The Commission ruled in favour of the Ogoni people and made several key recommendations to the Nigerian government, including the cessation of harmful activities, adequate compensation for the affected communities and the implementation of environmental and social impact assessments for future oil developments.

Another pivotal case highlighting the growing importance of environmental harm and human rights in Africa is *Ligue Ivoirienne des Droits de l'Homme (Lidho) & Others v. Côte d'Ivoire*. In this landmark ruling, the ACtHPR mentioned Article 24, when it condemned the state's failure to shield its citizens from corporate environmental negligence. The case is an aftermath of a catastrophic incident in August 2006, when the Probo Koala, a vessel leased by the multinational Trafigura Ltd., offloaded 528 cubic meters of toxic waste in Abidjan, Côte d'Ivoire. The waste was improperly disposed of across multiple sites, none equipped to handle hazardous materials. The consequences were immediate and devastating. Residents in affected areas reported severe health issues, including nausea, respiratory problems, air pollution and skin conditions. Official records attributed 17 deaths to toxic exposure, with hundreds of thousands suffering long-term health effects. Subsequent environmental tests revealed extensive groundwater contamination, exacerbating the crisis. The ACtHPR's ruling exposed systemic failures by the Ivorian government, citing violations of multiple Charter provisions, such as Article 4 (right to life) due to the state's failure to prevent fatal exposure, Article 16 (right to health) owing to insufficient medical intervention, Article 24 (right to a healthy environment) for allowing uncontrolled toxic dumping, Article 9(1) (right to information) as authorities withheld critical risk disclosures and Articles 1 and 7 (access to justice) due to the barriers to legal redress for victims. The Court's attitude in this case is commendable as it mandated far-reaching remedies, such as:

- Implementing nationwide medical rehabilitation programmes
- Enacting stricter hazardous waste regulations
- Enhancing corporate oversight to prevent future abuses
- Establishing compensation funds for victims (paras. 223–236)

Notably, while the Court stopped short of ordering a public apology, it underscored that financial compensation alone could not rectify the harm done (para. 228). This

26 ACHPR (2001) Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR)/Nigeria - 155/96. [Online]. Available at: <https://achpr.au.int/en/decisions-communications/social-and-economic-rights-action-center-serac-and-center-economic-15596> (Accessed: 15 October 2024).

decision stands as a critical affirmation of Article 24's role in holding states accountable for environmental degradation that violates fundamental human rights.

In the same framework of African environmental cases, the following case is well-known to legal scholars as it highlights the link between human rights and environmental protection. The Ogiek Case (*Ogiek Indigenous Peoples v. Kenya*), heard by the ACtHPR,²⁷ is a landmark, even if the Court did not explicitly cite Article 24 in its judgment. The case focused on the Ogiek community's land rights and the role of environmental protection in preserving their way of life. The Ogiek, an indigenous group, was ordered to vacate their ancestral lands in the Mau Forest. However, the court found that their eviction violated their rights to life, health and cultural integrity, which are inherently linked to environmental rights. Its decision underscored the principle that protecting indigenous communities' land rights is crucial for safeguarding their environmental rights and cultural heritage. It emphasised that denying land rights to indigenous communities undermined cultural preservation and weakened ecological safeguards. The eviction of the Ogiek people, for 'forest conservation', ignored their historical role as custodians of the forest ecosystem in which they lived and thrived, actively contributing to biodiversity conservation. The government's displacement of the Ogiek had consequences, as it eroded their cultural survival while enabling environmental harm. This case illustrates a clear nexus between environmental degradation and human rights violations, where the denial of land rights breached ecological and cultural protections. For the indigenous populations living in Africa, this judgment established a landmark precedent by:

- Recognising indigenous land rights as integral to environmental protection
- Affirming that conservation policies must comply with human rights standards
- Mandating state obligations to ensure meaningful community participation in environmental governance

5.3. Climate Change Litigation and Corporate Accountability

Africa's growing environmental challenges have spurred a rise in climate change litigation. Global trends in environmental lawsuits, particularly against corporations, are mirrored in African countries, where companies are increasingly being held accountable for environmental damage. This aligns with global climate strategies and the recognition that environmental degradation can infringe upon fundamental human rights. Cases like the *Centre for Oil Pollution Watch v. Nigerian National Petroleum Corporation* demonstrate the increasing role of the judiciary in addressing environmental harm. In this case, the Nigerian Supreme Court recognised the right to a clean and healthy environment as a fundamental human right under the Nigerian

27 ACtHPR (2012) Application 006/2012 – The African Commission on Human and Peoples' Rights vs Republic of Kenya. [Online]. Available at: <https://www.african-court.org/cpmt/details-case/0062012>. (Accessed: 15 October 2024).

Constitution and the ACHPR, setting a precedent for future environmental litigation in Africa.

Similarly, in the *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd*,²⁸ the Federal High Court of Nigeria ruled that Shell's gas-flaring activities violated the rights to life and dignity of the community living in the Niger Delta. This case, which drew on the Nigerian Constitution and the ACHPR, is a landmark decision linking environmental degradation with human rights violations, particularly the right to a healthy environment.

5.4. The Role of Sub-Regional Courts in Enforcing Environmental Rights

Sub-regional courts, such as the ECOWAS Court of Justice, have significantly advanced African environmental justice. The court, established under Article 15 of the ECOWAS Revised Treaty, has adjudicated cases where environmental degradation has violated human rights. These cases emphasise the need for regional action to protect environmental rights and ensure that individuals have recourse when their governments fail to uphold them. The ECOWAS Court's rulings reinforce the importance of collective regional efforts to address environmental challenges, ensuring that human rights are protected in the context of Africa's socio-economic and environmental realities.

While environmental degradation threatens fundamental rights to health, livelihood and dignity under the African Charter, children, as one of Africa's most vulnerable groups, face rights violations exacerbated by climate change and social crises. The same systemic weaknesses that undermine environmental protections, weak enforcement, state non-compliance and impunity, perpetuate child rights abuses, from climate-induced displacement to exploitative labour and forced marriages. Just as Article 24 of the ACHPR safeguards the right to a healthy environment, the ACRWC provides a normative framework to address these challenges.

6. Protection of Children in the African Human Rights System

The ACRWC is a key regional legal framework for safeguarding children's rights.²⁹ Designed specifically for Africa, it addresses the distinct challenges that African children face while incorporating African culture and traditions. Adopted in 1990 and enforced in 1999, the ACRWC sets out specific provisions to promote children's welfare and outlines the duties of state parties to ensure their well-being. While the intentions behind the charter are admirable, children in Africa continue to face significant challenges, including child labour, child marriage and child trafficking,

28 *Gbemre v Shell Petroleum Development Company Nigeria Limited and Others* (2005) AHRLR 151 (NgHC 2005). [Online]. Available at: <https://leap.unep.org/sites/default/files/court-case/COU-156302.pdf> (Accessed: 15 October 2024).

29 African Union (1999), African Charter on the Rights and Welfare of the Child. [Online]. Available at: https://au.int/sites/default/files/treaties/36804-treaty-african_charter_on_rights_welfare_of_the_child.pdf (Accessed: 15 October 2024).

exacerbated by factors like poverty and the COVID-19 pandemic. The ACRWC was established to counter various forms of child abuse and exploitation that prevalent in Africa. It introduces a range of protections for children, emphasising their holistic development and safeguarding them against harmful practices. Among the issues addressed by the charter are child labour, forced marriages, FGM and other harmful social practices. Article 16 of the Charter specifically requires states to protect children from economic exploitation and hazardous work, which may harm their health, development or education.

Despite this robust legal framework, child labour remains a pressing issue, particularly in Sub-Saharan Africa. According to recent UNICEF and the International Labour Organization (ILO) reports, nearly 16.6 million children in this region have been involved in child labour in the past four years.³⁰ The prevalence of child labour in Sub-Saharan Africa (24%) is significantly higher than any other region, highlighting the disparity in global efforts to address this issue. Additionally, the Charter establishes a Committee of Experts to monitor its implementation and assist African governments in improving children's condition. Nevertheless, extreme poverty, lack of social protection and unplanned urban expansion continue to push children into exploitative situations.

The ACRWC addresses harmful cultural practices, such as child marriage and FGM, through Article 21, which emphasises the protection of children from such practices. Other harmful rituals, such as breast ironing, witchcraft accusations and forced marriages, are targeted as well. The Charter highlights the importance of combating these practices to protect young girls from physical and psychological harm. Article 22 focuses on the need to eradicate child marriage and Article 27 calls for comprehensive measures to protect children from sexual exploitation.

Moreover, the Charter mandates the protection of children from trafficking and abduction (Article 29), with specific provisions for refugee and internally displaced children (Article 30). It recognises the child's right to rest, leisure and play (Article 31), which contributes indirectly to protecting them from exploitation and abuse. By addressing various forms of abuse, including physical, emotional and sexual abuse, the Charter provides comprehensive protection for children. In addition to combating harmful practices, the ACRWC includes specific provisions for promoting education and awareness. Article 11 emphasises every child's right to education and the need for state measures to eliminate illiteracy and provide quality education. By focusing on education and awareness, the ACRWC seeks to empower children and reduce their vulnerability to exploitation.

30 International Labour Organization (no date), ILO Business case: Eradicating child labour and forced labour. [Online]. Available at: <https://webapps.ilo.org/business-case/cases/child-labour-forced-labour> (Accessed: 15 October 2024).

A key mechanism for enforcing the Charter's provisions is the ACERWC, established under Articles 32–46.³¹ The Committee plays a vital role in monitoring the implementation of the Charter and protecting children's rights across Africa. It convenes twice a year and interacts with governments and civil society organisations to promote the protection of children's rights. Its main functions include monitoring the implementation of the Charter, interpreting its provisions and addressing alleged violations through investigations, research and country visits. ACERWC members are selected based on their high moral character, expertise and commitment to child welfare. The Committee includes a Working Group on the Implementation of Decisions, which ensures that state parties implement recommendations and decisions. Although the ACERWC's decisions are not legally binding, they hold significant moral authority, influencing states to adopt child protection laws and policies.

The Agenda 2040 initiative, developed in 2015, represents a strategic framework to ensure the effective realisation of the ACRWC by 2040. Agenda 2040 was launched to commemorate the 25th anniversary of the Charter and set a course for the next 25 years.³² This aligns with Africa's Agenda 2063, which outlines the continent's development aspirations. Agenda 2040 outlines 10 goals, including establishing child-friendly laws, access to education, protection from violence and creating a criminal justice system sensitive to children's needs. One of the key aspirations of Agenda 2040 is to ensure that all children in Africa are registered at birth, providing them with access to legal protection and essential services. Other goals include ensuring access to quality healthcare, preventing child exploitation and safeguarding children from the effects of armed conflict and natural disasters. By focusing on these areas, Agenda 2040 creates a secure and thriving environment for Africa's children.

The success of Agenda 2040 relies on the collaborative efforts of governments, civil society organisations and international partners. These partnerships are crucial for achieving the Charter's long-term goals and ensuring that African children's rights are upheld. A significant component of these efforts is the establishment of the African Child Rights Case Law Database, which provides legal precedents and judgments on child rights cases across Africa. It enables the ACERWC to make informed decisions and offer authoritative recommendations to state parties. State Party Reports are a key mechanism for monitoring progress under the Charter. Countries are required to submit regular reports detailing the measures taken to implement the Charter's provisions. These reports allow the ACERWC to assess the effectiveness of child protection laws and identify areas that need improvement. In response to these

31 African Union (no date), African Committee of Experts on the Rights and Welfare of the Child (ACERWC) Secretariat. [Online]. Available at: <https://au.int/en/sa/acerwc#:~:text=Banner%20Slides-,African%20Committee%20of%20Experts%20on%20the%20Rights%20and%20Welfare%20of,and%20Welfare%20of%20the%20Child> (Accessed: 15 October 2024).

32 African Union (no date), Agenda 2040. [Online]. Available at: <https://www.acerwc.africa/en/page/agenda-2040> (Accessed: 15 October 2024).

reports, the Committee provides concluding observations and recommendations to ensure continued progress.

The ACRWC represents a significant commitment to protecting children's rights in Africa, addressing their unique challenges. However, as the persistent issues of child labour, marriage and trafficking demonstrate, much work remains to be done. The ACERWC, supported by initiatives like Agenda 2040, will continue to play a crucial role in advancing child protection efforts and ensuring that the rights of Africa's children are safeguarded for future generations. The commitment to upholding these rights ensures the well-being of the continent's children and contributes to the broader goal of human rights and sustainable development across Africa.

7. Conclusion

The African human rights system, established through comprehensive legal frameworks and institutions, has been created to address the continent's diverse and complex human rights challenges. The ACHPR and ACRWC are foundational instruments that provide robust protections for individual and collective rights, particularly for vulnerable groups, such as children, refugees and IDPs. These legal frameworks, alongside transformative regional agendas, such as Agenda 2063 and Agenda 2040, reflect Africa's commitment to sustainable development, human dignity and child protection. Nonetheless, while notable advancements have been achieved, pressing challenges persist, notably in areas like child labour, gender inequality, environmental degradation and human trafficking. These issues are dealt with at the judiciary level with the ACtHPR, the ACmHPR and sub-regional courts, which are the fundamental enforcement bodies of the African human rights system, ruling through landmark judgments. Examples of such landmark rulings include *SERAC v. Nigeria* and *Lohé Issa Konaté v. Burkina Faso*. These decisions underscore the Courts capacity to hold states accountable and provide remedies for violations of fundamental rights, including freedom of expression, access to justice and environmental protection. They illustrate that the African human rights system can offer legal redress at national and regional levels, especially when national courts fail to provide effective remedies.

However, there are significant limitations in state compliance, weak enforcement mechanisms and political reluctance. Many governments have been slow or unwilling to implement the ACtHPR decisions, diminishing the system's potential impact as a whole. Such non-compliance threatens the Court's credibility and the regional human rights framework, making it essential for African states to demonstrate stronger political will to uphold their obligations under international treaties. Moreover, climate change, political instability and economic inequality exacerbate the region's human rights concerns. Despite contributing minimally to global carbon emissions, Africa disproportionately suffers from environmental degradation impacts, including droughts, floods and biodiversity loss. These environmental crises add to existing socio-economic issues, significantly affecting marginalised communities and

intensifying poverty. Similarly, political turmoil and economic instability hinder the continent's ability to realise its human rights objectives. In conflict-ridden areas, for instance, violations such as gender-based violence, displacement and arbitrary detention are more prevalent, highlighting the need for stronger peace-building initiatives alongside human rights efforts.

Regional cooperation, resource mobilisation and institutional strengthening are paramount to addressing multifaceted challenges threatening African human rights. Effective collaboration between African states, regional bodies, civil society organisations and international partners is essential for promoting accountability and enhancing the capacity of human rights institutions. Resource constraints, particularly regarding climate finance, pose significant obstacles to implementing effective environmental policies that safeguard human rights. Therefore, mobilising financial resources and strengthening institutional capacities at the national and regional levels is critical for ensuring that insufficient infrastructure or governance deficits do not undermine human rights protections.

Additionally, Africa has ambitious goals outlined in Agenda 2063, Africa's blueprint for socio-economic transformation, and Agenda 2040, which focuses on children's rights, both requiring the sustained commitment of all stakeholders. Governments must enact progressive legal reforms and ensure that these laws are effectively enforced. Public awareness campaigns, capacity-building initiatives and legal reforms are necessary to foster a culture of human rights where violations are systematically addressed and rights are universally respected. Civil society organisations play a crucial role in this process by advocating reforms, raising awareness and holding governments accountable.

With the legal framework available at the regional and international levels, Africa has the capacity to realise its vision of a future where all citizens enjoy complete human rights. However, substantial efforts must be made to bridge the gap between legal norms and practical implementation by insisting on compliance with legal decisions at the national level. This requires a collective effort by governments, regional bodies, civil society and international partners to foster peace and justice in Africa, leading to security, development and prosperity.

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