

The ACtHPR Monitor

Essential guide to the African Court on Human and Peoples' Rights

This guide is aimed at providing prospective applicants with basic information designed to assist in determining whether they may be able to bring a case before the Court. The guide should be viewed as a starting point for applicants and does not constitute legal advice.

Why was the Court established?

The Court was established by the African Union to protect human and peoples' rights in Africa. Countries who sign up to the Court have an obligation to ensure that their national laws are in line with, and respect, citizen's human and peoples' rights as found in the Charter on African Human and Peoples' Rights and any other international instruments the country has ratified. If a country's laws breach a citizen's human rights then the Court may hear the case.

Who can make an application?

The Court can hear cases from individuals, peoples' and NGOs who claim that their country's laws or the application of the laws breach their human rights. The Court does not hear cases relating to complaints between individuals, civil cases or review criminal convictions or sentences. There is no bar on a case being brought on behalf of a deceased person, for example by the next of kin.

Currently only seven countries allow their citizens to bring cases directly to the Court: Mali, Cote D'Ivoire, Burkina Faso, Rwanda, Tanzania and Mozambique. Many other countries have signed up to create the Court but do not allow their citizens and NGOs to bring cases directly to the Court. If you are a citizen of one of these latter countries your claim can only be considered by the Court if it is referred by the country itself, the African Commission on Human and Peoples' Rights or African Intergovernmental organizations. You can use The ACtHPR Monitor Country Tracker to find out more www.acthprmonitor.org/country-tracker.

When can I make an application?

The Court will only hear cases when judicial remedies in your country have been exhausted. This often means that you should have taken your case as far as possible domestically, for example to a Supreme, High or Appeals Court. If the Court finds you have not taken your case as far as possible in your country it may decline to consider your application further.

While there is no timeline on an application, the application must be filed within a reasonable time. What constitutes 'reasonable' is a difficult question to answer, but any delays to filing a claim after a breach of your rights occurred may need to be explained.

What powers does the Court have?

If the Court finds that a country has breached a person or people's human rights, the country must amend its laws. The Court can only find that a country's laws breach human rights; it is the country, not the Court, which decides what measures to take to fix the breach.

Between an application and a judgment the Court can in certain circumstances issue provisional measures. Examples of previous provisional measures include ensuring an applicant's right to medical treatment and right to legal representation. Once a judgement has been rendered there is no appeal. If new evidence not available at the time of the judgement comes to light there is a six month time limit when an application for review can be submitted to the Court.

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