



WAHRDN's statement on the decision of Benin and Côte d'Ivoire to withdraw their declaration under Article 34(6) of the Protocol of the African Court of Human and Peoples' Rights

The West African Human Rights Defenders Network (WAHRDN) recognizes the tremendous progress made by the governments and peoples' of Benin and Cote d'Ivoire in the promotion and protection of human rights and particularly interest in ensuring an effective and independent African human rights system that promotes and protects human and peoples' rights on the continent. The ability of individuals and non-governmental organizations (NGOs) to submit complaints directly to the African Court (the principal judicial body on human rights on the continent) significantly reduces the obstacles for survivors and victims of human rights violations in their quest for justice and reparation, and contributes substantially to enabling the Court to carry out its mandate was indeed a laudable efforts by the government of Benin and Cote d'Ivoire.

By letters notified on March 16th, 2020 and made public on April 29th, 2020, Benin and Côte d'Ivoire decided to withdraw their declarations under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights.

This decision comes in a pre-electoral context in both States where we are witnessing a lack of respect for fundamental freedoms, in particular freedom of expression and demonstration for political opponents and some Human Rights Defenders.

The withdrawal of their declaration under Article 34(6) of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights by Benin and Côte d'Ivoire is a complete departure from AU's very founding Constitutive Act, which accords protection of human and peoples' rights, and is also inconsistent with article 4 of the Constitutive Act that rejects impunity. Victims cannot be protected if those at the highest levels of power are undermining the African Court on Human and Peoples' Rights from the law's reach.

The decision therefore goes against not only the very essence of promoting human rights, peace and stability, and presents setback to advances made towards democracy and the rule of law but also undermine the possibility recognized to individuals and Non-Governmental Organizations to exercise judicial remedies before the African Court when their rights are not respected and in case they do not obtain justice before national courts.

We recall the collective withdrawal of African States from the International Criminal Court accused of applying double standards, African leaders had insisted on the strengthening of African human rights mechanisms and even envisaged the creation of an African Criminal Court. It seems very unlikely to implement such an initiative when member states of the African Union contribute to the weakening of existing mechanisms. The West African Human Rights Defenders Network (WAHRDN) is deeply concerned by the recent development in Benin and Cote d'Ivoire and calls on the respective governments to reconsider their decision in the spirit of the African Charter on Human and Peoples' Rights.



The Network further calls on the African Union and all African States committed to the development of the African human rights system to urge the governments of Benin and Côte d'Ivoire to reconsider their decision to withdraw their declaration under Article 34(6) and calls on all African States to strengthen the promotion and protection of human and peoples' rights across the continent by ratifying the Protocol of the African Court and submitting declarations allowing direct access to the Court by individuals and NGOs.

With regard to States that have ratified the Protocol to the African Charter establishing the African Court and have made the declaration of acceptance of the jurisdiction of the Court, the Network invites them to respect their obligations of cooperation.

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