



EU Statement at the  
African Judicial Dialogue

6 November 2015, Arusha, Tanzania

Mr. Chairman, Honourable Judges, Excellencies, Ladies and Gentlemen,

- First of all I would like to **congratulate** the African Court for its staunch commitment to enhancing human rights on the continent and for convening this Second Judicial Dialogue. I would like to especially thank the Court for inviting the European Union Delegation to the African Union and the European Court of Human Rights to participate in this Dialogue.
- The EU greatly values the continued **cooperation** between the EU and the AU on human rights issues. The EU and the AU share the view that good governance, human rights and rule of law are a driving force for development and an essential part of realizing society's full potential. Europe fully supports AU's efforts in developing its human rights governance architecture on the continent. The African Commission, the African Court, and the Committee on the Rights and Welfare of the Child form a strong basis for the promotion and protection of human rights across the continent.
- Let me quote the speakers before me – the best African legal minds have gathered here to discuss on **connecting national and international justice**. It is important to remember that the Court's core business is working on human rights judgements and improved access to justice for African citizens. In order to achieve this it is important to bring the political leadership of African states fully on board. This dialogue is an opportunity to exchange lessons learnt on common challenges in order to enhance the efficiency and the quality management system. In this sense, we aim to follow up on the commitments made here, including through concrete exchanges between the European and African Court and also with the Inter-American system.

Mr. Chairman,

- I would like to take the occasion and note several recent **positive** legal and human rights related **developments** on the African continental level.

- First, the EU commends African Union efforts in **South Sudan** and welcomes the release of the AU Commission of Inquiry Report on Human Rights abuses during the conflict. In this regard the EU commends the AU decision to create a Hybrid Court for South Sudan and will continue to support efforts in this direction.
- Second, the EU looks forward to the final adoption of the Statute of the Establishment of the **Legal Aid Fund** in January 2016 by the AU Executive Council. The creation of this Fund will represent a big step forward in helping citizens of the seven African countries who cannot afford legal representation, to have equal unhindered access to the African Court and receive a fair hearing. The EU reiterates that a common Legal Aid Fund for the whole African Human Rights System – that is the Court, the Banjul Commission and the Child Committee – would be even more beneficial. We look forward to the swift operationalization of the Fund and financial ownership by AU Member States.
- Third, we commend and congratulate the African Union for taking a pro-active step in drafting the Protocol to the African Charter on Human and Peoples' Rights on the Abolition of **Death Penalty**. We encourage the African Union policy making organs to swiftly adopt the Protocol during its January 2016 Summit.
- Fourth, the EU also looks forward to the adoption of the draft **African Transitional Justice Policy Framework** in January 2016 by the AU Executive Council. Transitional Justice is a key priority of the EU in its external action. This is reflected in the EU Council conclusions and policy on transitional justice that are about to be adopted. The EU looks forward to working closely with the AU as we move to the implementation phase of our respective policies on this issue.
- Finally, I would also like to commend the AU for celebrating **2016 as the African Year of Human Rights**. The EU stands ready to support the AU in its activities organised for this occasion. We also invite the AUC to take the opportunity and prepare a State of Human Rights in African Report to mark the year.

Mr. Chairman,

- Both the EU and Africa are – for reasons of their own history – committed to providing their people with access to justice and to preventing the most serious crimes.
- Over the past three decades the AU has developed a range of **legal instruments** that are the foundation of the African Human Rights System. However, the slow ratification and implementation of the AU instruments by Member States is a serious

hindrance to achieving access to justice for all in Africa. Only the African Charter on Human and Peoples' Rights has achieved almost continent-wide ratification. Seventeen years after the establishment of the African Court on Human and Peoples' Rights only slightly more than half of the AU Member States have ratified it. Moreover, only seven African countries have made a declaration allowing for individuals to take cases to the Court. The EU encourages all AU Member States to ratify the Protocol establishing the African Court and to deposit the Article 34(6) declaration without delay.

- Regarding the matter of an expanded African Court, I can reconfirm that the EU is not in a position to support the **Malabo Protocol** creating the additional Criminal Chamber as it includes the provision of immunity for sitting Heads of State and senior state officials and lacks complementarity with the ICC.

Mr. Chairman,

- The 11<sup>th</sup> African Union and European Union **Human Rights Dialogue** later this month will be a good occasion for the EU and AU to take stock of the above developments, as well as many others. The Dialogue will be preceded by the EU-AU Civil Society Forum.
- In conclusion, Democratic Governance and Human Rights are at the heart of our partnership under the Joint Africa-EU Strategy. This will receive a further boost by the upcoming approval by the EU of the 10 M € African Union Human Rights Support Programme in the framework of the Pan-African Programme, which includes specific support to the Court.

I thank you.