

# The Reluctance of Member States in Implementation of the African Court of Human And Peoples's Rights Decisions: Experience from Rwanda and Tanzania

**Ansila**

Student, University of Iringa

## **Abstract**

It is trite understanding by almost all human rights lawyers that under International Human Rights Law, once a state ratifies a treaty and becomes party to the said international instrument; such a State is under obligations to promote; respect, protect and fulfil human rights. However, reports show that only one State has fully complied with the Court's decision; some partially but many States against which judgments have been pronounced have not shown any endeavour to heed to the court's decisions which is centrally to Article 30 of the Protocol. This study focuses on the reluctance of member States to the Protocol as among the factors that impedes implementation and compliance with the decisions and judgements of the Court as exemplified by Tanzania and Rwanda. Objectively, the research was centred on assessing the extent to which member States of the ACHPR comply with international legal commitments recalling the decisions and judgments of the Court with reference to Tanzania and Rwanda. The study employed qualitative research approach whereby 21 interview from the Office of Attorney General, Judiciary, Tanganyika Law Society, Legal and Human Rights Centre, Ministry of Justice and Constitutional Affairs, Legislature, and Law Reform Commission was conducted to collect primary. The data collected was subsequently analyzed qualitatively through narrative data analysis approach where the research question was affirmatively concluded. The findings underscore the necessity of member States to change their habit of being reluctant on implementation and compliance with the Court's decisions and judgment in order to fulfil the legal accountability and enhance justice within the region. The study recommends that in order to effectively implement Court's orders, member states must refrain from reluctance on heeding to what the Court has decided.

**KEYWORDS:** Reluctance, implementation, compliance, decisions, ACHPR, Tanzania and Rwanda

## **Introduction**

The African Court on Human and Peoples' Rights (ACHPR) was established in 1998 to address deficiencies in the African Commission on Human and Peoples' Rights, a quasi-judicial organ established by the Organization of African Unity.<sup>1</sup> The court was intended to address human rights abuses by apartheid

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<sup>1</sup>The African Court, <https://www.african-court.org/wpafc/basic-information/#ratification>. (Accessed 27<sup>th</sup> September 2024).

regimes in South Africa and Southwest Africa, currently Namibia. However, the commission faced challenges, leading to the establishment of the current ACHPR.

The ACHPR delivers judgments that member States are under obligations to accept, implement, and comply with. Article 27 sub 1 of the Protocol states that if the Court finds a violation of human or peoples' rights, it shall make appropriate orders to remedy the violation, including payment of fair compensation or reparation. In promptly implementing the findings of the Court, a member State is said to comply with its obligations under human rights instruments.

Reports show that many states go against the decisions and judgments that have been pronounced against them. Additionally, the report further shows that, by August 2022, the Court The Court has disposed of a total of one-hundred and sixty-four (164) Applications and fifteen (15) Requests for Advisory Opinion, and has one hundred and sixty eight (168) Applications pending before it.<sup>2</sup> Very few of the pronounced judgments have been complied with by respondent states as per Article 30 of the Protocol.<sup>3</sup> This implies that some member States fail to comply with the decisions of the Court, putting the Protocol at high risk of being eroded or washed away by member States themselves.

The study is premised by the main objective which seeks to examine the extent to which member States to the ACHPR implement and comply with the decision of the Court with reference to Tanzania and Rwanda specifically examining the reluctance of state parties to the Protocol, particularly Tanzania and Rwanda, in implementing and complying with the Court's decisions and judgments.

## 2.1 Conceptual definition

This section covers conceptual definitions of key terms, legal framework and experience from other regional human right courts.

### 2.1.1 The Concept of implementation

Implementation is the process of putting a decision or plan into effect, which is the first step towards compliance.<sup>4</sup> It involves taking collective steps by a State member to give effect to adverse judgments or decisions. In this context, it means putting effect to or executing the decisions and judgments of the African Court on Human and Peoples' Rights (ACHPR) by member States to the Protocol. Under Article 27 of the Protocol, the Court is empowered to make remedial orders upon finding of violations of human rights within a member State. The respondent State has a legal obligation to respond to such orders, as it is said to be implementing the judgment or decision of the Court.<sup>5</sup>

### 2.1.2 Concept of Compliance

Compliance can be defined as the conformity of an actor's observed behavior with the behavioral requirements of a normative pre- or proscription applicable to that actor. Compliance takes different types, including specific compliance that requires concrete actions from the party, such as remedial orders or

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<sup>2</sup>Activity Report of the African Court on Human and Peoples' Rights 1 January – 31 December 2022, p.4.

<sup>3</sup> The Protocol establishing the African Court on Human and Peoples' Rights (ACHPR) was adopted on 9 June 1998 in Burkina Faso and came into force on 25 January 2004 after it was ratified by more than 15 countries.

<sup>4</sup>Murray, R., *et al*, 'Monitoring implementation of the decisions and judgments of the African Commission and Court on Human and Peoples' Rights' 1 *African Human Rights Yearbook*, (2017), p.150.

<sup>5</sup> This is according to the principle of *pact sunt servanda*

interim orders, and *erga omnes* authority that involves judgments interpretation of underlying law.<sup>6</sup> Enforcement is the act of compelling observance of or compliance with a law, rule, or obligation.<sup>7</sup>

### 2.1.3 Concept of Reluctance

Literally, a term reluctance is used to imply unwillingness or disinclination to do something. In this study, reluctance takes the same meaning of unwilling of the member State to the Protocol to implement and comply with the decisions and judgment of the Court. Some jurists call them political unwillingness of the respondent states to implement and comply with the Court's decisions and judgements.

## 2.2 Legal and institutional framework

### 2.2.1 The Vienna Convention

The Vienna Convention is a legal framework for international treaties, requiring parties to interpret treaties accurately and uphold good faith in international relations.<sup>8</sup> It also mandates States to consider the broader objectives and implications of their agreements. States must ensure their domestic laws align with international legal standards, contributing to the integrity and effectiveness of the international legal system. Adherence to the Vienna Convention promotes accountability, upholding human rights, and facilitating access to justice across borders. It serves as a cohesive framework for dialogue, dispute resolution, and treaty execution, promoting stability and peaceful coexistence among nations. In today's transnational challenges, adherence to these principles is crucial for a more equitable and just international order.

### 2.2.3 The African Charter on Human and Peoples Rights.

The African Charter<sup>9</sup> requires States Parties to recognize and uphold the rights, duties, and freedoms enshrined in the Charter. Member States can legislate or be adjudicated to do so by the Court.<sup>10</sup> Failure to implement a respondent State's decision defeats the Protocol, the African Charter on Human and Peoples' Rights, and other human rights instruments.

### 2.2.3 The Protocol establishing the Court.

The African Court of Justice is obligated to notify the African Union (AU) and submit reports on its work to each regular session of the Assembly. Under Article 31 of the Protocol requires the Court to "...submit to each regular session of the Assembly, a report on its work. The report shall specify, in particular, the cases in which a State has not complied with the Court's judgment".<sup>11</sup> The Protocol establishes a legal framework for satisfying the Court's rulings, but it is not just a reporting mechanism. Annual reports provide transparency in member states' actions and contribute to a collective understanding of human rights norms within the African Union. They also serve as a basis for discussions and deliberations among member states, cultivating a culture of accountability and responsibility. The Protocol emphasizes collaboration between the African Court and the AU, emphasizing the interconnectedness of legal and

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<sup>6</sup>Huneus, A. V., Compliance Judgments and Decisions in Alter K. J., Cesare R., & Shany, Y., "Compliance with International Court Judgments and Decisions", Oxford Handbook of International Adjudication, 2013, p.7 the term *erga omnes* is used here, as it is in national law, to refer to a judgment that binds not only the parties to the case, but others under the court's authority as well.

<sup>7</sup>Mutangi, T, "Enforcing Compliance with the Judgments of the African Court on Human and Peoples' Rights: Prospects and Challenges", in Adeola, A.(ed), *Compliance with International Human Rights Law in Africa*, Oxford, Oxford University Press, 2022, p. 190.

<sup>8</sup> Articles 1 and 27 of the Vienna Convention on the Law of Treaties, 1969 which came in force on 27th January 1980.

<sup>9</sup> African Charter on Human and Peoples Rights of 1986. The charter came into force on October 21, 1986

<sup>10</sup> Article 1 of the Charter urges member State to 'undertake to adopt legislative or other measures to give effect to them'.

<sup>11</sup> Activity Report of the African Court on Human and Peoples' Rights, 2022, p. 1.

political frameworks in the pursuit of justice. The success of these initiatives depends on the political will of member states, but the legal framework provides the necessary structure for accountability.

#### **2.2.4 Rules of the Court.**

The African Court's Rules of Procedure mandate the Court to include references to interim orders and make recommendations in cases of non-compliance.<sup>12</sup> The Court also allows member states to request clarification on matters, which can be used to delay implementation and compliance with the Court's orders.<sup>13</sup> However, the Court's interpretation can be used negatively if the state aims to delay the process. In conclusion, the chapter highlights the importance of member states implementing and complying with the decisions and judgments of the African Court on Human and Peoples' Rights (ACHPR) due to the doctrine of *pact sunt servanda*.

### **2.3 The Experience from other Human Right Courts.**

#### **2.3.1 Implementation under the European Court on Human Rights**

The European Court on Human Rights (ECtHR), also known as the Strasbourg Court, is responsible for protecting human rights and fundamental freedoms in Europe under the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The Strasbourg Court's decisions are supervised by the Committee of Ministers, but the execution of the judgment is left to the respondent State. The ECtHR has follow-up power, but implementation by member states is hindered by factors such as inexecutability or legal reasons. The Committee of Ministers reported in its 2019 Annual report that despite member States' success, problems such as domestic actor capacity, resource issues, insufficient political will, or disagreement with a judgment impede the ECtHR's implementation.

#### **2.3.2 Implementation of the decisions under the Inter American Court on Human Rights**

The Inter-American Court of Human Rights (IAHRS Court) was established in 1959 and is based in San José, Costa Rica. Effective compliance with IACHR decisions is influenced by member states' perceptions that they are not binding. The IACHR Court emphasizes the importance of integration between the Court and domestic courts to ensure member states take judgments seriously. The Court's philosophy on follow-up is based on active role and complementarity, where international instruments are perceived as complementary to national constitutions. The Supreme Court of Justice of Argentina intervened in the Mendoza Prisons case, ordering Argentina to remedy an unhealthy environment and adopt urgent measures to protect prisoners' rights. The implementation of Human Rights Courts' rulings is complex and multifaceted, with no single model of workable implementation. The IACHR takes an active role, extending its jurisdiction beyond determining rights infringement, and making the mandatory notion of implementation communicable to domestic courts, enhancing compliance with the Court's decisions by member states.

### **3.1 Methodology**

The study used a qualitative approach to assess member States' compliance with the ACHPR Protocol's decisions. It focused on how lawyers and other stakeholders understand human rights law and how member States relate to its decisions. The study used a purposive sampling technique to select 21 from the Office of Attorney General, Judiciary, Tanganyika Law Society, Legal and Human Rights Centre, Ministry of Justice and Constitutional Affairs, Legislature, and Law Reform Commission. Informants with

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<sup>12</sup> Rule 59 (4) read in *tandem* with Rule 31 of Court Rules, 2020.

<sup>13</sup>*Ibid*, Rule 77(1)

knowledge of human rights law from selected institutions informed the study. The researchers selected participants based on their relevance and adequate information, ensuring the study's accuracy and confidence level. The choice of purposive sampling is to ensure the study's objectives are met by selecting participants who possess the characteristics, roles, opinions, knowledge, ideas, or experiences that are relevant to the research.

The researcher used an in-depth interview method to gather information from participants about their experiences on reasons of non implementation and compliance with the Court's decisions and judgments by member State. A semi-structured interview guide was used, allowing for open-ended questions. All interviews were recorded in audio tape for later review. The study used narrative data analysis. Narrative analysis is a qualitative research method used to examine and interpret the stories or narratives people tell. It is a way of understanding and making sense of the underlying themes, structures, and meanings within these narratives.<sup>14</sup>

## 4.1 Findings

### 4.1.1 Participants' information

This study involved 21 participants from seven institutions, including the Office of Attorney General, Tanzania Law Society (TLS), Legal and Human Right Centre (LHRC), Ministry of Justice and Constitutional Affairs, legislatures, Law Reform Commissions, and Judiciary. The institutions provided specific information on the implementation of international human rights obligations and decisions. The Tanganyika Law Society provided information on societal awareness of the ACHPR and its decisions, while the LHRC improved coordination between government bodies responsible for implementing ACHPR decisions. The Office of the Attorney General provided information on state implementation of decided cases and the incorporation of ACHPR decisions into national laws. The study found that human rights protection is enjoyed by both genders, although females were outnumbered by men. The experience of participants ranged from 3 years to 33 years, which was crucial for the researcher during interviews. The study met the research goal of understanding factors that hamper member states from implementing and complying with the Court's decisions.

### 4.1.2 The instances and effect of the reluctance of Tanzania and Rwanda in implementing the decisions of the ACHPR.

The study aimed to understand the impact of reluctance of state parties, particularly Tanzania and Rwanda, in implementing the African Court's decisions. It was found that member states are reluctant to comply with the Court's decisions, especially when they involve changes in laws, policies, or social settings. Interview data showed that the majority of participants believed that Tanzania and Rwanda were unwilling to implement the Court's decisions, which could erode the confidence and commitment efforts of different organs towards human rights movement.

The instance of reluctance of implementation and compliance with the decision of the Court by Tanzania is the case of *Mtikila vs Tanzania*<sup>15</sup>, the applicant sought redress from the respondent State who appeared to violate Articles 2,3,10 and 13(1) of the Charter. The applicant contested the Tanzanian legal regime that prevents independent candidates from contesting presidential, parliamentary as well as local

<sup>14</sup> Hassan. M., Narrative Analysis-Types, Methods and Examples, [https://researchmethod.net/narrative\\_analysis\(accessed on 24<sup>th</sup> June 2024\)](https://researchmethod.net/narrative_analysis(accessed on 24<sup>th</sup> June 2024))

<sup>15</sup> Consolidated Applications 009 and 011/2011 Tanganyika Law Society and the Legal and Human Rights Centre & Reverend Christopher R. Mtikila v. United Republic of Tanzania, Judgment of 14<sup>th</sup> June 2013 on Merit, and 13<sup>th</sup> June 2014 on Reparation.

government elections.<sup>16</sup> The Court ruled in favour of the applicants on merit. The reparation order of the Court was, *inter alia*, that the respondent State must take constitutional, legislative and other necessary measures within reasonable time to remedy the violations. It is a decade now since the pronouncement of the judgment to date, Tanzania has not remedied the violations.<sup>17</sup>

Another equally important case is the Jebra Kambole case.<sup>18</sup> The case concerned the prohibition, to challenge the outcome of the presidential elections once the electoral commission had proclaimed the candidate winner protected under Article 41(7) of the Constitution of the United of Republic of Tanzania, 1977, which provides;

“When a candidate is declared by the Electoral Commission to have been duly elected in accordance with this Article, **then no court of law shall have any Jurisdiction to inquire into the election of that candidate**”.

According to the applicant, prohibiting challenge to the presidential election result is against the principle of non-discrimination and equal protection before the law, as well as the right to invoke judicial protection (Articles 1, 2, 3.2, 7.1 a) of the Charter).<sup>19</sup> The Court found respondent State in violation of non discrimination and right to invoke judicial protection. The reasoning advanced by the Court was *inter alia* that, failure of Tanzania to provide judicial remedies to challenge the results of the presidential elections in a multiparty democracy, is an unreasonable treating differently the supporters of the winner, who have no interest in contesting anything, and “that part of the electorate who, could instead have reason to complain about the conduct of voting operations, despite the scrutiny of the electoral commission.”<sup>20</sup> Tanzania was once again ordered to amend, within a reasonable time, the impugning Article of the Constitution and report within twelve months on the measures adopted and to transmit further reports in every six months, to the satisfaction of the Court the full implementation of ruling. To date the Article survives in Tanzanian Constitution.

In the case of *Andrew Ambrose Cheusi v Tanzania*<sup>21</sup> the Applicant alleged the respondent’s violation of the right to equality and equal protection of the law under Article 3 of the African Charter on Human and Peoples’ Rights and the right not to be subjected to cruel, inhuman and degrading treatment under Article 5 of the Charter for isolation during the proceedings, beaten up by state agents and denial of medical care. The applicant further averred that his rights to a fair trial as provided under Article 7 of the Charter was violated for not presented with witness statements; not considered of his defence of alibi; denied free legal assistance; his appeal was not concluded within a reasonable time; and he was imprisoned for a term that did not exist at the time the commission of the alleged crime. After deliberation of admissibility and jurisdiction, the Court found Tanzania in violation of the Applicant’s right to defence enshrined under Article 7(1)(c) of the Charter. Additionally, the Court found that, a period of ten years four (4) months and twenty three (23) days was excessive thus violated the Applicant’s right to be tried within a reasonable time as per Article 7(1)(d) of the Charter. The Court ordered Tanzania to pay the Applicant the sum of Tanzanian Shillings Five Million Seven Hundred Twenty-Five Thousand (TZS 5,725,000) exempt of tax

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<sup>16</sup> Ibid, para 31-32.

<sup>17</sup> Even the current enactment of the Election Act No.1 of 2024, the *legislative measure* [as ordered by the court] did not consider remedying *the violation*.

<sup>18</sup> ACHPR, case 18/2018 *Jebra Kambole v. United Republic of Tanzania* of 15 July 2020.

<sup>19</sup> Murray, R. *The African Charter on Human and Peoples’ Rights. A commentary*. Oxford University Press, Oxford, 2019.

<sup>20</sup> Boylan, L. African court on human and peoples’ rights: What are the steps for democracy and political rights?, *Juris Gradibus*, vol. 2, n. 1, Article 3, (2023) p.76 66-86,

<sup>21</sup> Application No. 004/2015 Judgment on Merits and Reparations 26 June 2020.

or levies as fair compensation to be paid within six months of the notification of judgement failure of which Tanzania will pay interest on arrears for the time which failed to pay.

The documents reviewed and the interview conducted agreed that Tanzania has not done anything worth to implement the decision, which ordered the repeal of impugned provisions under the Constitution and electoral laws. It is arguable that, Tanzania is preparing for local government elections on 2024 and the national election to be carried on 2025, the infringing provisions which were complained for still exist in the pieces of legislations pertaining to elections. This prima facie evidence that Tanzania is unwilling to implement the decisions of the ACHPR.

On part of Rwanda, there are also various judgments against Rwanda by the Court which have never been implemented.

The case of *Ingabire Victoire Umuhoza v. Republic of Rwanda*,<sup>22</sup> the applicant was the leader of a Rwandan political party, the Forces Democratiques Unifiees (FDU Inkingi), since 2000. After staying abroad for quite some time, on January 16, 2010 decided to return in Rwanda to register her party and participate in election of the country. After her arrival decided to visit the Genocide Memorial in Kigali and she gave a speech lamenting the lack of recognition for the Hutus who perished during the genocide and severely criticizing public officials and government institutions including the Gacaca court system. The government of Rwanda arrested her on February 10, 2010, before she could register her political party, accusing her for propagating genocide, complicity in terrorism, sectarianism, divisive tendencies, and attempts to destabilize the constitutionally established government. The High Court of Rwanda found her guilty of the alleged offenses and imprisoned her for eight years. She later made an application to the Court on October 3, 2014, alleging respondent violating her rights including freedom of expression and a fair trial resulting from the manner of her arrest, detention, and trial centrally to under Article 7 of the Banjul Charter and Article 14 of the ICCPR.<sup>23</sup> The Court found Rwanda had infringed upon Victoire Ingabire Umuhoza's rights and emphasized the importance of safeguarding opposition voices and ensuring impartial legal proceedings.<sup>24</sup> The Court ordered Rwanda to take necessary measures to restore her rights of setting her free and submit a report on the measures taken within six months. Rwanda did not fully implement the court's decision, despite the court's findings, raising concerns about the Rwandan government's commitment to human rights and compliance with international judicial decisions. Later on the applicant was released under presidential pardon with imposed several sanctions on applicant including leaving Rwanda may require authorization acquisition from the minister in charge of justice and occasionally reporting to the prosecutor of her residency.

Another case is that of *Léon Mugesera V Rwanda*,<sup>25</sup> where the applicant lodged the application before the Court while in police custody in Rwanda waiting for awaiting judicial proceedings against him for the crime of genocide, the application claimed infringements done by Rwanda during the proceeding brought against him between 2012 and 2016, the courts in Rwanda did grave violations on procedure prison conditions and maltreatment by the prison authorities. The aforementioned acts caused violations of applicant's rights namely, the right to defence; the right to legal assistance; the right to be heard by an independent and impartial tribunal; the right not to be subjected to cruel, inhuman and degrading treatment; the right to physical and mental integrity; and the right to family and information. The applicant further

<sup>22</sup> Application No.003/2014 judgment of 24<sup>th</sup> November 2017.

<sup>23</sup> Articles 7(1)(c), 9(2) of the Charter and 19 of the International Covenant on Civil and Political Rights (ICCPR) 1966.

<sup>24</sup> Judgments of 24 November 2017 on merits and of 7 December 2018 on reparations.

<sup>25</sup> ACHPR, Application No. 012/2017 Judgment on Merits and Reparations 27 November 2020.

prayed for the Court's order to grant him fair compensation pursuant to Article 27(1) of the Protocol Establishing the African Court on Human and Peoples' Rights (the Protocol). The Court found the Respondent State in violation of the Applicant's right to life under Article 4 of the Charter, as well as his right to family life under Article 18(1) of the Charter, and ordered Rwanda to pay the Applicant free of tax, within six months from the date of notification of the judgment, a total sum of thirty five Million (30,000,000) Rwandan francs failing which it shall also pay default interest calculated on the basis of the applicable rate set by the Central Bank of the Republic of Rwanda, throughout the period of delayed payment and until the sums due have been paid in full. Since the date of pronouncement, Rwanda has not paid the damages because it proclaimed from the outset that it will not cooperate with the Court due to her withdrawal of the declaration under Article 34(6) of the Protocol.

It is arguable that, Systemic non-compliance with the Court's decisions erodes the confidence of African peoples in the commitments and human rights credentials of State Parties to the Protocol and Member States of the AU as a whole. This suggests that member States should adopt laws that reinforce or give effect to constitutional provisions on human rights and international human rights institutions.

The study also highlights the need for the African Court to continue monitoring the implementation of its decisions, as it is essential for its effectiveness and added value to the human rights system, as the way American Court do make follow-ups to her decided cases.

Despite of States habit of failure to implement and comply with the decisions of the Court, the African Court's decisions have a significant impact on domestic systems, affecting member states' political, social, and legal systems. These decisions can be reflected in changes in domestic laws, administrative measures, practices, or their interpretation and application in judicial decisions. For example, the court's landmark judgments on freedom of expression, electoral laws, and legal assistance have triggered legislative reform and provided inspiration to judges in some member states of the AU.

Additionally, the decisions have a positive impact among them, including awareness creation to stakeholders like civil societies, political parties, and other citizens. The accessibility, clarity, and timeliness of the court's decisions influence its impact at the domestic level. Member States should make declarations under Article 34(6) to allow other stakeholders to lodge applications before the court, and the same declaration should not be withdrawn by declaring states.

However, the majority of participants expressed concern that the African Court's impact has yet to reach the desired level due to a significant gap between the human rights standards articulated by the Court and those enjoyed by citizens across Africa. This gap needs to be addressed, as decisions made by the court are seldom implemented by member states.

The trend of withdrawing member states' declarations under Article 34(6) of the Protocol reveals the states' hidden agenda of continuing violations of human rights and obstructing other stakeholders who are constantly ready to seek redress. From 2016 to 2020, four member states (Rwanda, Tanzania, Benin, and Cote d'Ivoire) have withdrawn from the Declaration under Article 34(6), which limits direct access for individuals and NGOs to file cases before the court.

It is imperative worth noted that, the impact of the African Court's decisions is dependent on various factors, including the economic, social, and political context of member states, the strength of media and civil society, and the political will of member states to implement and comply with the court's decisions and judgments.



### 5.1 Conclusion and Recommendations

The study aimed to assess the compliance of the African Court of Human Rights (ACHPR) with its decisions and judgments in Tanzania and Rwanda. Reluctance to implement the Court's decisions can erode the confidence and commitment of different organs towards human rights movement. The impact of the Court's decisions depends on factors such as economic, social, and political context, as well as the strength of media and civil society. The study suggests amendment of Article 34(6) of the Declaration to enhance access to the Court by individuals and NGOs. Though it may be argued that the principle of subsidiarity defends the right of member State to use the right of withdrawal, the reality is that withdrawal is the hidden agenda or practically demonstration of member State intention of not cooperating with Arusha judges.

The African Court of Human Rights (ACHPR) faces numerous challenges in its implementation, which undermines the credibility of the system and undermines the effectiveness of the African Court in the human rights system. The low level of compliance with the ACHPR decisions contradicts the commitment of the AU Member States to the Protocol and the overall human rights system. The study recommends a holistic approach to assessing compliance and further sensitization to dispel myths about the Court's role. Cooperation between various human rights stakeholders, including public officials, parliament members, judges, prosecutors, national human rights institutions, civil society, academia, bar associations, law society members, and the media, is encouraged to ensure full compliance.

The study also calls for national mechanisms to follow up on the implementation of the Court's decisions, enacting legislation to implement the Court's decisions, and holding governments accountable for their obligations in relation to African human rights law. Civil society organizations should submit applications and defend human rights victims before the Court, and the media should provide accurate, objective, timely, and unbiased information about the functioning and impact of the African Court and other relevant continental human rights developments.

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## **DISSERTATIONS**

1. The Local Government Authority Support to Informal Sector and Performance of the Sector in Tanzania: A Case of Food Vending in Songea Rural and Urban Districts, Dissertation submitted in partial fulfilment of the requirements for the degree of Master of Arts in Rural Development of Sokoine University of Agriculture. Morogoro 2014.