

[HOME](#) >

TUNISIA WITHDRAWS ARTICLE 34(6) DECLARATION LIMITING DIRECT ACCESS FOR INDIVIDUALS & NGOS TO THE AFRICAN COURT

Blog

24 **TUNISIA WITHDRAWS ARTICLE 34(6)** **DECLARATION LIMITING DIRECT ACCESS FOR** **INDIVIDUALS & NGOS TO THE AFRICAN COURT**

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 Publications & Documents  HumanRights, Jurisprudence, Women'sRight  0 Comments

ENGLISH VERSION

Tunisia has withdrawn its Declaration under Article 34(6) of the African Court Protocol, becoming the fifth State to withdraw the Declaration. The withdrawal notice dated 3 March 2025 shows it was communicated on 7 March 2025 to the President of the African Union Commission, Office of the AU-Legal Counsel and the African Court. Other State Parties to the African Court Protocol that withdrew Article 34(6) Declaration are Rwanda (2016), Tanzania (2019), and Benin and Cote d'Ivoire (both in 2020).

The African Court Coalition expresses its concern over Tunisia's decision and the increase of withdrawals of Article 34(6) Declarations as they limit African citizens from directly accessing the African Court on Human and Peoples' Rights. The African Court is the judicial arm of the African Union and it is members of the African Union that agreed to the establishment of this Court. Although indirect access to the African Court for NGOs exists through referrals of cases from the African Commission on Human and Peoples' Rights (the Banjul Commission) to the African Court, such avenue has, for a long time now, been limited in scope and efficacy.

After exhaustion of local remedies, citizens have the liberty to access justice beyond domestic mechanisms and they thus need an avenue to address their human rights complaints. The African Court was thus established to protect human and peoples' rights in Africa primarily through judicial consideration of human rights complaints. It is indeed established under the AU Constitutive Act that one of the objectives of the African Union is to

promotion of human rights in their countries and in Africa by large. A State that respects human rights and follows the rule of law should be in a position to allow its citizens to seek justice beyond domestic borders.

It should be noted that to-date, out of 34 State Parties that have ratified the African Court Protocol, only 12 had deposited Article 34(6) Declaration to allow direct access to the African Court for individuals and NGOs, but now after withdrawals from the five States, there remains seven (7) States that allow direct access. These are; Burkina Faso, Ghana, Guinea Bissau, The Gambia, Malawi, Mali and Niger.

The African Court Coalition calls for Tunisia to reconsider its withdrawal decision, and we also call upon all African Union Member States that are yet to ratify the African Court Protocol to do so, and those that have ratified but are yet to Deposit Article 34(6) Declaration to also do so to allow direct access for their citizens to the African Court for justice is without borders.

FRENCH VERSION

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