

Advancing knowledge-led
development through the
right to science in Africa

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Addis Ababa University - School of Law

Standing for the Right to Science Before African Courts

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Outlines

Frameworks

- Legal
- Institutional

Right to Science: Legal basis

Everyone has the right to ‘enjoy the benefits of scientific progress and its applications.’

Art 15(1)(b)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Right to Science in Africa

55
African States

50
African States parties to the ICESCR

91%
Ratification Rate

Right to Science in African Treaties

- No express recognition!
- Implied recognition?

Implied Recognition (assumed)

Regional level

- African Commission on Human and Peoples' Rights
- African Court on Human and Peoples' Rights
- African Committee of Experts on the Rights and Welfare of the Child

Sub-regional level

- ECOWAS Community Court of Justice

African Commission

- **Nature:** Quasi-judical organ
- **Composition:** 11 Commissioners
- **Seat:** Banjul, the Gambia
- **Jurisdiction:**
 - Individual complaints
 - Inter-state complaints
- **States parties:** 54

African Committee of Experts

- **Nature:** Quasi-judical organ
- **Composition:** 11 Experts
- **Seat:** Addis Ababa
- **Jurisdiction:**
 - Individual complaints
 - Inter-state complaints
- **States parties:** 49

African Court

- **Nature:** Judicial organ
- **Composition:** 11 Judges
- **Seat:** Arusha, Tanzania
- **Jurisdiction:**
 - Individual complaints (9)
 - Inter-state complaints
- **States parties:** 30

African Court

- The African Court has jurisdiction over the ICESCR.

The jurisdiction of the Court shall extend to ‘the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned.’

Art 3(1), African Court Protocol

ECOWAS Community Court of Justice

- **Nature:** Judical organ
- **Composition:** 7 Judges
- **Seat:** Abuja, Nigeria
- **Jurisdiction:**
 - Individual complaints
 - Inter-state complaints
- **States parties:** 15

Conclusions

18 States

Directly justiciable

36 States

Indirectly Justiciable

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THANK YOU!

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