



SIDE EVENT: LITIGATING SEXUAL AND GENDER MINORITY RIGHTS BEFORE THE AFRICAN HUMAN RIGHTS SYSTEM – FROM STRATEGY TO IMPLEMENTATION

CONCEPT NOTE

Date: 20 October 2025

Time: 14:00 – 16:00 (TBC)

**Location: Sir Dawda Kairaba Jawara International Conference Center, Banjul,
The Gambia**

Facilitator: Dr Ayodele Sogunro (Consultant)

1. ISLA Mandate

The Initiative for Strategic Litigation in Africa (ISLA), in collaboration with the SOGIE Working Group, will convene a side event during the 85th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) under the theme 'Litigating Sexual and Gender Minority Rights before the African Human Rights System, from strategy to implementation'. This side event marks a significant milestone in the collective efforts of the Working Group to advance sexual orientation, gender identity and expression (SOGIE) rights through the African regional human rights mechanisms.

ISLA is a pan-African feminist organisation that employs strategic litigation to advance women's human rights and sexual rights across the continent. Since its establishment in 2014, it has been at the forefront of developing feminist and decolonial jurisprudence in Africa. ISLA views litigation not as a mere legal remedy but as a political and transformative act, a way of dismantling systems of oppression and asserting the right to dignity, equality, and autonomy for all. Central to this vision is the pursuit of justice for sexual and gender minorities through the African human rights system, an area that remains underdeveloped and often politically contested.

2. Background

At the heart of this work lies the SOGIE Working Group, a regional coordination mechanism co-founded by ISLA and allied partners under the Africa Civil Society



Engagement (ACSE) platform. The Working Group brings together litigators, scholars, and activists who share a common goal: to strengthen jurisprudence on SOGIE rights across Africa through collective advocacy, research, and strategic litigation. Over the past years, it has functioned as a collaborative space for conceptualising and harmonising approaches to SOGIE-related cases, providing technical and analytical support, and facilitating cross-regional solidarity among lawyers and movement actors. The Working Group's mandate is grounded in the belief that African human rights systems, particularly the African Commission and African Court can serve as vital instruments for transformative justice when strategically engaged.

The Working Group has been instrumental in developing the SOGIE Advocacy Strategy and Operational Guidelines, a comprehensive framework designed to guide regional engagement on SOGIE issues. These guidelines were developed through extensive consultations with legal practitioners, community leaders, and human rights defenders across the continent. They aim to ensure that the African human rights mechanisms remain responsive to the lived realities of LGBTIQ+ persons and capable of protecting their rights as guaranteed under the African Charter on Human and Peoples' Rights and other international instruments. The SOGIE working group strategy, launched at the 83rd Session of the ACHPR in Banjul in May 2025, represents years of collaborative movement-building and research. It articulates a shared vision of access to justice for SOGIE communities through regional litigation, combining legal mobilisation, advocacy, documentation, and alliance-building.

3. Rationale

The Litigating SOGIE rights side event at the 85th ACHPR Session builds upon this foundation and the collective momentum generated by previous regional strategy consultations convened by ISLA and the SOGIE Working Group. It provides an opportunity to consolidate key findings and recommendations from these consultations, present a comprehensive mapping of the SOGIE litigation landscape, and launch a new, centralised SOGIE legal research database. This resource has been conceptualised as a joint initiative of the Working Group, intended to strengthen collaboration, support evidence-based litigation, and coordinate continental strategies on SOGIE rights. More than a repository of data, the database will serve as an evolving platform for legal



research, strategic case development, and knowledge exchange among movement actors.

The side event will contextualise this work within the broader landscape of SOGIE litigation in Africa, a terrain that has seen both progress and resistance. Across the continent, progressive judicial decisions, vibrant advocacy efforts, and a growing recognition of human rights universality have emerged. Yet these gains have been met with increasing anti-rights mobilisation, state-sponsored restrictions, and systemic violence against gender-diverse persons. For individuals and communities facing exclusion from national legal protections, regional human rights mechanisms, particularly the African Commission and the African Court remain crucial spaces for justice and recognition. The Working Group's engagement in these mechanisms aims to move beyond reactive litigation and towards a coordinated, forward-looking strategy that anticipates backlash, builds resilience, and amplifies African legal voices in defense of equality.

The SOGIE Working Group thus occupies a central role in this process. It not only facilitates collaboration among regional actors but also anchors strategic reflection and knowledge production. Its membership, drawn from across linguistic and geographic regions, reflects the diversity of Africa's movements for sexual and gender rights. Through the Working Group, ISLA and its partners have curated consultations that examine the viability and readiness of regional mechanisms to handle SOGIE-related cases. These engagements have led to critical insights on procedural obstacles, state non-compliance, and political trends, insights that now shape the side event's agenda and focus.

4. Deliverables

The proposed side event at the 85th ACHPR Session is designed as a bridge between the Strategy's conceptual foundations and its practical implementation. It will consolidate insights and recommendations emerging from previous strategy consultations convened by ISLA and the Working Group. This deliverable represents a single, integrated outcome both an analytical and practical resource designed to serve the SOGIE movement, legal practitioners, and human rights advocates. It combines a



comprehensive research mapping of SOGIE-related litigation across Africa with the establishment of an interactive, centralised database.

- i. The research mapping provides an in-depth overview of the current state of SOGIE litigation in Africa, drawing from ISLA's and the Working Group's research, documentation, and consultations. It examines cases before domestic courts and regional mechanisms, including the African Commission, the African Court, and the ECOWAS Court, as well as comparative jurisprudence from other regional systems. The mapping identifies patterns in legal reasoning, highlights emerging doctrines on equality and non-discrimination, and analyses the strategic framing of cases that have shaped discourse on bodily autonomy, gender identity, and state obligations. It also captures the institutional and political challenges that litigants and advocates face, including admissibility barriers, state non-compliance, and political interference in regional justice systems. By tracing both achievements and setbacks, the mapping serves as a diagnostic and strategic compass, identifying where legal interventions have been most impactful and where future efforts are most urgently needed.
- ii. The discussions at the side event will further outline strategic recommendations arising from the Working Group's consultations. These will include insights on framing cases for maximum jurisprudential impact, identifying thematic priorities for litigation such as decriminalisation, gender recognition, access to healthcare, and protection from violence, and ensuring that all litigation efforts remain movement-led and responsive to lived realities. Participants will reflect on how to link litigation with advocacy and narrative change, how to counter anti-rights mobilisation through strategic legal resistance, and how to anchor litigation within broader regional solidarity frameworks.

By the conclusion of the side event, participants will have a consolidated understanding of the SOGIE litigation landscape in Africa. They will have access to a centralised tool that will guide their future work, support strategic coordination, and strengthen regional advocacy. Above all, they will reaffirm the centrality of the SOGIE Working Group as



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the coordinating mechanism for regional collaboration, research exchange, and litigation strategy on SOGIE rights within the African human rights system.