

8-9
AUG
2025

Strategy
consultation
on litigating
**SOGIE before
the African
human rights
system**

Nairobi,
Kenya

Communique

The Initiative for Strategic Litigation in Africa (ISLA) convened a two-day Strategy Consultation on Litigating Sexual Orientation, Gender Identity and Expression (SOGIE) Before the African Human Rights System from 8–9 August 2025 in Nairobi, Kenya. The meeting brought together a diverse group of litigators, human rights defenders, movement actors, academics, and representatives of regional and international organisations.

The Consultation was anchored in ISLA's commitment to building feminist jurisprudence that confronts structural oppression, defends contested rights, and advances social justice across the continent. Over the course of two days, participants engaged in analysis, reflection,

and experience-sharing aimed at charting a deliberate and coordinated approach.

The meeting took place against a backdrop of growing hostility toward Lesbian, Gay, Bi-sexual, Transgender, Queer + (LGBTQ+) people, the weaponisation of “African values” by anti-rights actors, and shrinking civic space. These political shifts, alongside contestations of the human rights of LGBTQ people, political interference within the African Commission on Human and Peoples’ Rights, and increasing state withdrawals from Article 34(6) declarations at the African Court on Human and Peoples’ Rights require careful strategic navigation before embarking on the first case.

The Consultation built on the ACSE SOGIE Working Group's Advocacy Strategy and Operational Guidelines launched at the 83rd African Commission Session in May 2025, as well as insights from a meeting held in September 2024 in Johannesburg, South Africa. It aimed to ensure that litigation efforts are not only legally sound but also politically strategic, movement-owned, and capable of producing durable gains.

ISLA will publish a comprehensive report of the meeting in the coming months, detailing the strategic insights, agreed actions, and proposed pathways for litigation before African regional human rights mechanisms. This report will serve as a resource for litigators, activists, and policymakers committed to advancing an African human rights system that protects all.

The Consultation concluded that:



Strategic litigation before the African human rights system must be deliberate, sequenced, and embedded in wider movement struggles for accountability and equality.



Violence-based claims, anchored in state accountability and substantive equality, may provide a strong entry point for initial cases, provided they are carefully framed to secure judicial recognition without triggering harmful regression.



Regional and continental solidarity, as well as cross-learning from other human rights movements, will be critical to the success of such litigation.

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