


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Final Communiqué of the 62nd Ordinary Session of the African Commission on Human and Peoples' Rights

25 April to 9 May 2018
Nouakchott, Islamic Republic of Mauritania

1. The African Commission on Human and Peoples' Rights (the African Commission), held its 62nd Ordinary Session from 25 April to 9 May 2018 in Nouakchott, Islamic Republic of Mauritania.
2. The following Members of the Commission participated in the 62nd Ordinary Session:
 - i. Honourable Commissioner **Soyata Maïga**, Chairperson;
 - ii. Honourable Commissioner **Lawrence Murugu Mute**, Vice Chairperson;
 - iii. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen**;
 - iv. Honourable Commissioner **Kayitesi Zainabo Sylvie**;
 - v. Honourable Commissioner **Maya Sahli-Fadel**;
 - vi. Honourable Commissioner **Jamesina Essie L. King**;
 - vii. Honourable Commissioner **Solomon Ayele Derso**;
 - viii. Honourable Commissioner **Hatem Essaiem**;
 - ix. Honourable Commissioner **Maria Teresa Manuela**; and
 - x. Honourable Commissioner **Rémy Ngoy Lumbu**.
3. Honourable Commissioner Lucy Asuagbor was absent with apologies.
4. The opening ceremony was graced by the presence of the President of the Islamic Republic of Mauritania, His Excellency **Mr Mohamed Ould Abdel Aziz**, who declared the 62nd Ordinary Session open.
5. Speaking on behalf of the NGO Forum Steering Committee, **Mr Abdoul Diallo Gadiry**, stated that despite a few positive developments, including the recognition and increased protection of the rights of young people, the prohibition of female genital mutilation, the campaign against early and forced child marriages and the campaign for the decriminalization of abortion in Africa, there are still many challenges to be faced. It is against this backdrop that the continuing deterioration of the human rights situation was discussed at the ten thematic panel meetings organised during the Forum from 21 to 23 April 2018. He welcomed the availability of the Commissioners, and in particular, their active participation in the proceedings and activities of the Forum and, on behalf of the Forum, called upon the African Commission to guarantee the convening of its public sessions so as to ensure that everyone can be informed of the reality about human rights in Africa.

6. In his Statement on behalf of the Network of African National Human Rights Institutions (NANHRI), **Mr Gilbert Sebihogo**, commended the African Commission for its coherence in the development and adoption of highly relevant and forward-looking guidelines for States, NHRIs and NGOs. He stressed the importance of these instruments which provide stakeholders with well-documented information on urgent human rights issues requiring the action of States and NHRIs. Noting the existing gap between the decisions and judgements of the African Commission and the African Court of Human and Peoples' Rights and the implementation efforts of the States, he emphasized the responsibility of NHRIs in coordinating and strengthening national efforts to implement these decisions with a view to building a culture of human rights in Africa.
7. Speaking on behalf of AU Member States, Honourable **Mr Lebohang Hlaele**, Minister of Law, Constitutional Affairs and Human Rights of the Kingdom of Lesotho highlighted the full support provided by African States to the African Commission in terms of their active involvement and commitment to ensuring compliance with the enforcement mechanisms of the African Commission. He also applauded the work accomplished by the African Commission in the area of human rights promotion and protection and added that States should support the African Commission for the latter cannot survive without a critical mass from States Parties.
8. Speaking on behalf of His Excellency **Mr Moussa Faki Mahamat**, Chairperson of the AU Commission, **Dr Khabele Matlosa**, Director of Political Affairs of the African Union, commended the work of the African Commission to promote human rights, peace and security in Africa, through its existing tools and mechanisms as well as its most recent initiative to develop a comprehensive framework for effectively addressing human rights issues in conflict situations, in accordance with its Resolution 332. He reiterated the determination of the AU Commission to pursue its work with the African Commission on this programme, notably through the deployment of human rights observers to Mali, South Sudan, Somalia, DRC and Burundi, and the future deployment of human rights experts to The Gambia to provide technical support for the establishment of the National Human Rights Commission and the National Truth and Reconciliation Committee before the end of this year. He briefed the audience on the first AU-UN High-Level Dialogue held on 24 April 2018 in Addis Ababa, Ethiopia, and co-chaired by their Excellencies Mr Moussa Faki Mahamat, Chairperson of the AU Commission and

Mr Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights. The main theme of the meeting was the issue of human rights in conflict situations. A Declaration prepared on behalf of the African Commission was distributed to participants at the Dialogue. He restated the commitment of the AU Commission to work in collaboration with all AU organs and institutions with a human rights mandate, including the African Commission on Human and Peoples' Rights, to effectively push forward this important initiative and informed that this event will be held each year with the next edition scheduled in 2019 in Geneva.

9. In her opening speech, the Chairperson of the African Commission, Honourable **Soyata Maiga** cordially thanked His Excellency **Mr Mohamed Ould Abdel Aziz**, President of the Islamic Republic of Mauritania for accepting to host the 62nd Ordinary Session in Nouakchott. She commended the Islamic Republic of Mauritania for the progress made as well as its legislative and other on-going developments.
10. She noted the deterioration of the security situation in the Sahel region, the persistent terrorist attacks and kidnappings of school girls in Nigeria, the crisis in Cameroon, the security and humanitarian situation in the Central African Republic and in the Democratic Republic of Congo, the violent repression of demonstrations organized in the country in relation to the presidential elections, and the persistent political crisis in Burundi. Other areas of concern highlighted include the recent expulsions of Sub-Saharan migrants by Algeria to Mali and Guinea under alleged degrading conditions and the tragedy suffered by migrants in Libya, where the fact-finding mission to be conducted by the African Commission pursuant to the instructions of the Chairperson of the AU Commission is yet to be authorised by the Libyan authorities.
11. She called upon States Parties to ratify the Protocol to the Treaty establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment, and to implement the policy framework on migration and its action plan to ensure the free movement of persons and goods, an important factor for meaningful economic development. While recalling that two years after the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, this instrument was yet to be ratified, she called upon States and political leaders to take the necessary measures for its ratification. She concluded by inviting participants to join all nations around

the world in celebrating 70 years of existence of the Universal Declaration of Human Rights, a key instrument which strongly influenced the authors of the African Charter on Human and Peoples' Rights.

12. In his opening address, the President of the Islamic Republic of Mauritania, His Excellency **Mr Mohamed Ould Abdel Aziz** expressed the satisfaction of the people of Mauritania in hosting the 62nd Ordinary Session of the African Commission and recalled the commitment of Mauritania to promoting and protecting human rights. He highlighted the efforts deployed by his country over the past ten years to protect human rights and consolidate the practice of democracy through the adoption of a comprehensive legal arsenal to protect individual and collective rights.
13. He also underscored the dangers that poverty, ignorance and under-development pose to the effective enjoyment of human rights and the measures taken by his country in response. He recalled the fundamental role of the African Commission in the development of the continent at the social and economic level in light of its significant contributions to the development of human capital. He called upon the African Commission to deploy greater efforts in the interest of the African peoples and the preservation of their dignity. His Excellency the President of the Republic concluded his remarks by wishing the delegations fruitful deliberations and declared open the 62nd Ordinary Session of the Commission.
14. Honourable Commissioner **Soyata Maiga** chaired the 62nd Ordinary Session.
15. The 62nd Ordinary Session was attended by a total of six hundred and seventy-six (676) delegates, with one hundred and twenty-eight (128) delegates representing twenty-nine (29) Member States, seven (7) delegates representing the African Union and its organs, thirty-seven (37) from national human rights institutions (NHRIs), four (4) from international and inter-governmental organisations, three hundred and sixty-three (363) from non-governmental organisations (NGOs), seventeen (17) other observers, seven (7) representing the media, and one hundred and twenty (120) representing Members of the Commission, the Secretariat, interpreters, translators and the entire organisation team.
16. During the 62nd Ordinary Session, the Commission launched the following documents and instruments:
 - i. African Human Rights Yearbook;

- ii. ACHPR Study on “HIV, the Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-Based Responses to HIV”;
 - iii. Guidelines on Elections and Access to Information in Africa; and
 - iv. Study on Child Marriage and Joint General Comment (ACHPR and ACERWC) on Ending Child Marriage.
17. With the view to strengthening the promotion and protection of human rights on the continent, the Commission organised several panel discussions, including the following:
- i. Panel on the Implementation of the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
 - ii. Panel on the Death Penalty in Africa;
 - iii. Panel on the Management of Mixed Migratory Flows;
 - iv. Panel on Social Protection as a Human Rights Imperative in Africa;
 - v. Panel on Stakeholders’ Consultation on the Study on Resolution 332 on Human Rights in Conflict Situations in Africa; and
 - vi. Panel on the 15th Anniversary of the Maputo Protocol.
18. The Panel on the Implementation of the Decisions of the Commission was deferred to the 63rd Ordinary Session.
19. Representatives of the following twenty-eight (28) States Parties made statements on the human rights situation in their respective countries: Republic of Angola, People’s Democratic Republic of Algeria, Burkina Faso, Republic of Cameroon, Republic of Côte d’Ivoire, Democratic Republic of Congo, Arab Republic of Egypt, State of Eritrea, Federal Democratic Republic of Ethiopia, Republic of The Gambia, Republic of Equatorial Guinea, Republic of Kenya, State of Libya, Kingdom of Lesotho, Republic of Mali, Republic of Malawi, Islamic Republic of Mauritania, Republic of Namibia, Federal Republic of Nigeria, Republic of Senegal, Republic of South Africa, Republic of Sudan, Republic of South Sudan, Sahrawi Arab Democratic Republic, Kingdom of eSwatini, Togolese Republic, and Republic of Uganda.
20. Representatives of national human rights institutions (NHRIs) of the following countries also made statements on the human rights situation in their respective countries: Côte d’Ivoire, Mauritania, Niger, Nigeria, Kenya, Sahrawi Arab Democratic Republic, Sudan, Togo and Uganda.

21. **Fifty-six (56)** NGOs with Observer Status with the Commission made statements on the human rights situation in Africa.
22. The Commission discussed the status of its relationship and cooperation with national human rights institutions (NHRIs) and non-governmental organisations (NGOs).
23. The Commission also gave an update on the status of submission of periodic activity reports of NHRIs and NGOs.
24. In accordance with its Resolution on the Granting of Affiliate Status to NHRIs, the Commission granted Affiliate Status to the Commission for Gender Equality of the Republic of South Africa, the first institution specialised in human rights to be granted affiliate status by the Commission. This brings the total number of NHRIs with Affiliate Status with the Commission to **twenty-eight (28)**.
25. The Commission gave an update on the presentation of activity reports of NGOs and granted Observer Status to the following three (3) NGOs in accordance with its Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organisations Working on Human and Peoples' Rights in Africa:
 - Dream Factory Foundation (South Africa);
 - Al Khatim Adlan Centre for Enlightenment and Human Development (KACE - Uganda); and
 - Ivoirian Human Rights Observatory (OIDH - Côte d'Ivoire).
26. This brings the total number of NGOs with Observer Status with the Commission to **five hundred and eighteen (518)**.
27. The Commission gave an update on the status of submission of periodic reports of States Parties.
28. In accordance with Article 62 of the African Charter and Article 26 of the Maputo Protocol, the Commission considered the periodic reports of the following two (2) States Parties:
 - i. Federal Republic of Nigeria; and
 - ii. State of Eritrea.

29. The following Members of the Commission presented reports on their activities undertaken during the intersession period in their capacities as Commissioners, as well as reports of their various subsidiary mechanisms:

- i. Chairperson of the Commission;
- ii. Vice-Chairperson of the Commission;
- iii. Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
- iv. Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- v. Special Rapporteur on the Rights of Women in Africa;
- vi. Special Rapporteur on Human Rights Defenders in Africa;
- vii. Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
- viii. Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;
- ix. Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- x. Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa;
- xi. Chairperson of the Committee for the Prevention of Torture in Africa;
- xii. Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV;
- xiii. Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa.
- xiv. Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; and
- xv. Chairperson of the Working Group on Communications.

30. The Commission adopted the following Resolutions:

- i. Resolution Appointing an Expert Member of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa;
- ii. Resolution on the Human Rights Situation in the Republic of Burundi;
- iii. Resolution on the Human Rights Situation in the Togolese Republic; and

Resolution on Mixed Migratory Movements, the Challenges of Protecting Migrants, and the Prohibition of Trafficking in Persons and all forms of Violence in Africa.

31. The Commission also reviewed and readopted its Resolution on the Human Rights Situation in Cameroon which, having been initially adopted during the Commission's 23rd Extraordinary Session, had not been published.
32. The Commission considered **ten (10)** Communications:
 - i. Seven (7) Communications on Seizure: The Commission was seized of six (6) and deferred the consideration on one (1), and granted two (2) requests for Provisional Measures;
 - ii. Two (2) Communications on Admissibility: One (1) was declared admissible and the other deferred; and
 - iii. One (1) Communication on the Merits which was adopted.
33. Within the framework of the consideration of Communications, the Commission organised a Hearing during which it heard the parties to a Communication.
34. The Commission discussed the report on the preparation of the retreat, planned to be held on 4 and 5 June 2018 in Naivasha, Kenya, between the African Commission and the Permanent Representatives Committee of the African Union.
35. The Commission considered and adopted the following documents subject to amendments:
 - i. African Commission on Human and Peoples' Rights 30th Anniversary Outcome Document;
 - ii. Procedures for the Adoption of Resolutions ; and
 - iii. Guidelines on State Reporting on Extractive Industries, Human Rights and the Environment.
36. The Commission considered and adopted the following documents :
 - i. Report on Follow-up Actions of the Commission;
 - ii. Report of the Secretary to the Commission; and
 - iii. 44th Activity Report.
37. The Commission had a working session with a team from the African Union Institutional Reforms Unit.

38. The Chairperson of the Commission also signed a memorandum of understanding between the Commission and the African Peer Review Mechanism (APRM).
39. The Commission received authorisation to undertake promotion missions to the following countries:
 - i. Republic of South Africa;
 - ii. Republic of Botswana; and
 - iii. People's Democratic Republic of Algeria.
40. The Commission took note of the invitation of the Arab Republic of Egypt to host the 64th Ordinary Session of the Commission.
41. The Commission decided to hold its 24th Extraordinary Session from 30 July to 8 August 2018.
42. The Commission decided to hold its 63rd Ordinary Session from 24 October to 7 November 2018 in Banjul, Republic of The Gambia.
43. The Commission expresses its appreciation to all participants and partners who contributed at various levels to the successful organisation and conduct of the 62nd Ordinary Session.
44. The Commission expresses its sincere gratitude to the Government of the Islamic Republic of Mauritania for accepting to host the Session and for providing the Commission with the necessary facilities which greatly contributed to the smooth and successful conduct of the Session, as well as the warm welcome and hospitality extended to the participants of the 62nd Ordinary Session.
45. The closing ceremony of the 62nd Ordinary Session was held on 9 May 2018 in Nouakchott, Islamic Republic of Mauritania.

Done in Nouakchott, Islamic Republic of Mauritania, on 9 May 2018