ADOPTED COUNTRY RESOLUTIONS
AT THE NGOs FORUM PRECEDING THE 64TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS AND 38TH AFRICAN HUMAN RIGHTS BOOKFAIR
20-22 APRIL, 2019
JOLIE VILLE INTERNATIONAL CONFERENCE CENTRE
SHARM EL SHEIKH, ARAB REPUBLIC OF EGYPT

CRES/001/04/19: Burundi

We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples’ Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Recalling its mandate to promote and protect human and peoples’ rights in accordance with Article 45 of the African Charter on Human and Peoples’ Rights (African Charter);

Further recalling its previous Resolutions in which it expressed deep concern about the continued deterioration of the human rights situation in Burundi, namely Resolutions ACHPR/Res. 357 (LIX) 2016, ACHPR/Res. 396 (LXII) 2018 and ACHPR/Res. 412 (LXIII) 2018;

Bearing in mind the conclusions and recommendations of its Fact-finding Mission undertaken in December 2015, particularly the need for the Commission to continue to monitor and investigate human rights violations;

Concerned by the non-implementation of the recommendations made in the report of the above-mentioned Fact-finding Mission to the Republic of Burundi;
Deeply concerned by the persisting restrictions on the work of human rights defenders and humanitarian organisations in Burundi that continue to have a very negative impact on the life of the population;

Recalling with deep concern the lack of cooperation with the United Nations Commission of Inquiry on Burundi, the Office of the High Commissioner for Human Rights and the African Union in their attempt to contribute to the improvement of the human rights situation in Burundi;

Deploring the continued deterioration of human rights situation in Burundi and the fact that Burundi Government opposed all inquiries on allegations of human rights abuses, hence making it impossible to hold accountable all those allegedly perpetrating human rights violations;

Deeply regretting the unsuccessfulness of all the efforts of the International community to contribute to the resolution of the current political unrest in Burundi, particular the failing of the Inter-Burundi Dialogue under the mediation of the East African Community;

Deeply conscious of the risk of escalation as general elections are meant to be held in 2020 and alarmed by the implications of the Burundian crisis on the Great Lakes Region;

Call upon the African Commission to:

1. Work closely with a Commission of Enquiry\(^1\) established by the UN Human Rights to monitor the human rights situation in Burundi

2. Urge the Government of Burundi to comply with the international and regional obligation to promote and protect human rights.

\(^1\) Res 33/24 adopted on 30\(^{th}\) September, 2016 and revised in 2017 and 2018, Res 36/19 and Res 39/14
3. Engage with all stakeholders, including the East African Community, the African Union and the United Nations so that concerted and appropriate measures are taken in order to help finding a quick, peaceful, inclusive and sustainable solution to the crisis in strict observance of human rights and effective protection of the Burundian population while ensuring that justice is done.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019
We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples’ Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Considering that the Republic of Cameroon is a State Party to the African Charter on Human and Peoples’ Rights;

Considering Article 1 of the African Charter on Human and Peoples’ Rights which stipulates that “the State Parties recognize the rights, duties, and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them;

Recalling and reaffirming Resolutions ACHPR/Res. 395 (LXII) 18 and ACHPR/Res.405 (LXIII) 2018 on the human rights situation in the Republic of Cameroon and the need to take measures intended to bring an end to the ongoing serious human rights violations in the country;

Reaffirming the press communiqué of the African Commission on Human and People’s Rights of March 2019 signed by the Commissioner in charge of Cameroon, Pr. Remy NGOY LUMBU, urging the government to guarantee the right to fair trial, as well as the non-trial of civilians before military courts

Deeply concerned by the ongoing gross and systematic violations of human rights in the Far North, Northwest and Southwest regions of Cameroon which have led to a proliferation of armed groups, a large population of refugees and internally displaced persons, and an increase in cases of sexual abuse of women and female minors;

Deeply concerned by the tense sociopolitical climate following the post-electoral crisis of October 7th, 2018 which has resulted in recurrent restrictions of civic space, numerous arrests and unjustified detentions;

Mindful of the implications of the Cameroon crises on regional security with severe economic and humanitarian consequences on neighboring countries;

Bearing in mind Article 58 of the African Charter on Human and Peoples’ Rights which states that “when it appears after deliberations of the Commission that one or more Communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples’ rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases”;
We call on the African Commission to:

1. Condemn the continued massive and recurrent violation of human rights in the country which have had severe economic and psychosocial consequences on the population;

2. Reiterate its demand to drop the charges brought against activists and arrested protesters in the Northwest and Southwest, Professor Kamto Maurice and other members of the MRC and their immediate and unconditional release;

3. Bring to the attention of the African Union the serious cases of human rights violations in Cameroon; and recommends that it sets up a commission of inquiry and a fact-finding body into the human rights situation in the country;

4. Demand that the African Union takes measures to encourage all conflicting parties to adopt a ceasefire in order to allow for the implementation of the Commission’s recommendations;

5. Call on the Cameroonian Government to respect the decisions of the African Commission and the regional and international instruments on the promotion and protection of human rights that it has freely ratified.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019

====== FRENCH VERSION OF CAMEROON RESOLUTION BELOW ======

Nous, les participants au Forum de participation des ONG à la 64ème Session Ordinaire de la Commission Africaine des Droits de l'Homme et des Peuples et à la 38ème Foire Africaine du Livre des Droits de l'Homme, tenue du 20 au 22 avril 2019 au Centre de Conférences International Jolie Ville à Sharm El-Sheikh, République Arabe d'Égypte

Considérant que la République du Cameroun est Etat membre de la Charte africaine des droits de l'homme et des peuples ;

Considérant l’article 1 de la Charte africaine des droits de l’homme et des peuples qui stipule que « Les Etats, parties à la présente Charte, reconnaissent les droits, devoirs et libertés énoncés dans cette Charte et s'engagent à adopter des mesures législatives ou autres pour les appliquer » ;

Réaffirmant le communiqué de presse de la Commission Africaine des Droits de l’Homme du 06 mars 2019 appelant le gouvernement camerounais à respecter les principes et directives de la Commission sur le droit à un procès équitable, évitant ainsi le jugement des civils devant les tribunaux militaires ;

Profondément préoccupée par les violations flagrantes et systématiques des droits de l’homme dans les régions de l’extrême nord, du Nord-ouest et du sud-ouest du Cameroun qui continue d’engendrer une prolifération des groupes armées, un flux massif de réfugiés et de déplacés internes et un accroissement des cas d’abus sexuels sur les femmes et jeunes filles mineures ;

Vivement préoccupée du climat sociopolitique tendu, résultante de l’actuelle crise postélectorale du 07 octobre 2018 avec des restrictions récurrentes de l’espace civique et de nombreuses arrestations et détentions abusives et non justifiées ;

Considérant les ramifications des différentes crises au Cameroun sur la sécurité de la sous-région avec des conséquences économiques et humanitaires sur les pays voisins ;

Gardant à l’esprit l’article 58 de la Charte africaine des droits de l’homme et des peuples qui stipule que « Lorsqu’il apparaît à la suite d’une délibération de la Commission qu’une ou plusieurs communications relatent des situations particulières qui semblent révéler l’existence d’un ensemble de violations graves ou massives des droits de l’homme et des peuples, la Commission attire l’attention de la Conférence des Chefs d’Etat et de Gouvernement sur ces situations » ;

La Commission :

1. Condamne la poursuite des violations massives et récurrentes des droits de l’homme dans le pays qui ont des conséquences économiques, et psychosociales sur les populations ;

2. Réitère sa demande de libération sans condition et immédiate avec l’abandon des charges des activistes et manifestants arrêtés dans le Nord-Ouest et Sud-Ouest, le Pr. Kamto Maurice et les autres membres du MRC ;

3. Attire l’attention de l’Union Africaine sur les graves cas de violations des droits de l’homme au Cameroun et lui recommande de mettre en place une
commission d'enquête et d'établissement des faits concernant la situation des droits de l'homme dans le pays ;

4. Demande à l'Union Africaine de prendre des mesures pour exhorter les parties en conflit à un cessez-le-feu afin de permettre la mise en œuvre des recommandations de la Commission ;

5. Exhorte le gouvernement Camerounais de respecter les instruments de promotion et protection des droits humains régionaux et internationaux librement ratifiés et les décisions de la CADHP.
We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples’ Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Considering the provisions of the African Charter on Human and Peoples’ Rights and other regional and international human rights instruments to which the Sudan is a state party and that Sudan is legally bound to fully and effectively implement the provisions of these instruments, and respect and promote the human rights and fundamental freedoms set therein without discrimination on any ground;

Appreciating efforts of the African Commission on Human and Peoples’ Rights to address the situation in Sudan and recalling in this regard previous missions conducted by the Commission to Sudan in 2004, 2009 and 2015 as well as the resolutions on the situation of human and peoples’ rights in the country since its 35th Ordinary Session held in Banjul in May – June 2004;

Applauding the people of Sudan for the peaceful outcome of the popular uprising that took place in their country in April 2019 thus ending about 30 years of a military rule and marking the beginning of political transformation towards democratic governance, political pluralism and accountability;

Welcoming the Statement on the situation in Sudan issued by the Chairperson of the African Union Commission on 11 April 2019 in which he expressed the AU’s conviction that a military take-over is not the appropriate response to the challenges facing Sudan and the aspirations of its people;

Taking note of the relevant provisions of Communiqué No. PSC/PR/COMM.(DCCCXL) adopted by the AU Peace and Security Council at its 840th meeting held in Addis Ababa on 15 APRIL 2019;

Welcoming regional and international efforts to combat impunity and to uphold justice to the victims, particularly the decision of the International Criminal Court to hold accountable individuals accused of planning, executing, condoning or encouraging the commission of war crimes, crimes against humanity and genocide in Darfur;

We call upon the African Commission to adopt a resolution on the situation of human and peoples’ rights in Sudan in which the Commission express its resolve to:
1. Fully support the demand of the pro-democracy political forces which led the uprising on the Transitional Military Council that replaced the ousted government to step aside and facilitate a swift, expeditious and unhindered transition of political power to a civilian-led authority in accordance with the will of the people;

2. Call on the Transitional Military Council to refrain from using force against the peaceful protesters and to ensure that all persons held in its custody for political reasons, including the armed conflict in Darfur, Southern Kordofan and the Blue Nile States are released without delay;

3. Urge the future Transitional Civilian Authority in Sudan to comply with Sudan’s obligations under the AU Constitutive Act, the African Charter on Human and Peoples’ Rights, the UN Charter and all other regional and international human rights treaties to which Sudan is a state party;

4. Urge the future Transitional Civilian Authority in Sudan to embark on an inclusive consultative process involving all Sudanese political actors and stakeholders, in view of creating conducive environment for the holding of free, fair and transparent elections as immediately as possible;

5. Call on the future Transitional Civilian Authority to implement previous recommendations and Concluding Observations made by the African Commission, including on Sudan’s Third Periodic Report, in particular to amend/repeal the 2010 National Security Act, the Public Order Regime and all other laws in conformity with the African Charter thus ending immunity enjoyed by the perpetrators of violations of human rights and international humanitarian law, to criminalize torture and all forms of violence against women, end corporal punishment and revise laws regarding press freedom;

6. Urge the future Transitional Civilian Authority to undertake immediate and independent investigations into allegations of human rights violations and international crimes taking place in the country and hold perpetrators to account to put an end to continued impunity;
7. Urge all AU member states and the international community at large to continue their efforts in combating impunity and to expand regional and international coordination to apprehend and hand over all individuals accused by the International Criminal Court (ICC) of committing war crimes, crimes against humanity and genocide in Darfur.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019
CRES/004/04/19: Tanzania
We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples’ Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Recalling its mandate to promote and protect human and peoples’ rights in Africa under Article 4 of the African Charter on Human and Peoples’ Rights;

Recalling further its Press Release on the growing trend of stringent regulation of the internet in East African States in July 12 2018 in Banjul on the limitation of the right to freedom of expression and information. The press release is based on the resolution on the Right to Freedom of Information and Expression on the Internet in Africa (ACHPR/Res. 362(LIX) 2016) which recognizes the importance of the Internet in advancing human and peoples’ rights in Africa, particularly the right to freedom of information and expression

Bearing in mind its joint letter of appeal to the United Republic of Tanzania on the readmission of teen mothers to schools

Acknowledging the role of the Commission for Human Rights and Good Governance in accordance with Paris Principles to protect human rights and oversee and resolve complaints, noting however that Tanzania for over 12 months not had a chairperson, commissioners and the secretary resulting in the inability of the Commission to operate

Acknowledging further the Protocol to the African Charter on Human and People’s rights on the rights of persons with disabilities in Africa as adopted in January 2018 by AU Heads of State, that Tanzania is yet to ratify, as well as the Regional Action Plan on Albinism in Africa (2017-2021) as adopted by the Commission under Resolution 373 (LX) 2017;

Concerned about the continuous deterioration of the human rights situation in Tanzania as well as the shrinking civic space for human rights defenders, non-governmental organisations, political parties and the media, since October 2015 following brutal crackdowns on lawyers, opposition leaders, journalist, human rights defenders and members of civil society;
Deeply concerned about continued incidences of enforced disappearance, arbitrary arrest and detention, malicious prosecution, state impunity towards human rights defenders, journalist, lawyers, activists and opposition leaders deplorable conditions, prohibition of peaceful demonstrations and constant insecurity;

Highly perturbed by the enactment of repressive laws such as cybercrimes act 2015, media services act 2016, the online content regulations 2018, access to information act 2016, statistics act 2015 which restricts freedom of expressions, encourages undue surveillance, curtails investigative journalism;

Disturbed by the ongoing questioning of activists’ nationality and confiscation of their travel documents as a tool of muzzling dissent and intimidating human rights defenders and denying them freedom of movement as well as the right to seek asylum against state persecution.

Recalling also that the right to peaceful assembly and demonstration is guaranteed under Article 11 of the African Charter, and that all Tanzanian citizens have to be treated equally without any discrimination (Article 2 of the African Charter), the curtailing of this right on the basis of security reasons is an affront to a fundamental freedoms and a clear act of discrimination to persons not within the ruling party;

We call on the African Commission to:

1. Call on the Tanzanian Government to respect fundamental rights and freedoms of Association, Assembly and Expression of Tanzanian citizens and refrain from repression against Human Rights Defenders and political activists and fully comply with the African Charter on Democracy, Elections and Good Governance.

2. Cease attacks, reprisal, intimidation and travel ban imposed against Human Rights Defenders

3. Ensure that victims of human rights abuses and violations obtain full and adequate redress, compensation and rehabilitation.

4. Urge the government of Tanzania to ensure freedom of the press and journalists
5. Urge Member States to submit report and attend ACHPR sessions

6. Cease the confiscation of passports of Human Rights Defenders

7. We call on the Tanzanian government to observe gender parity as stipulated in the Maputo Protocol by raising the marriage consent age for girls from 15 to 18 like that of boys.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019
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Bearing in mind the obligations of the Togolese Republic as a Member State of the African Union and a State Party to the African Charter, the African Charter on Democracy, Elections and Governance, and other regional human rights instruments;

Recalling Principles (m) and (n) of the Constitutive Act of the African Union on respect for democratic principles, human rights, the rule of law and good governance;

Reaffirming the provisions of the African Charter on Democracy, Elections and Governance, in particular, Article 3 (1), 13, 32 (8) urging the respect for human rights and democratic principles, the obligations of states to take measures to ensure and maintain political and social dialogue, as well as public trust and transparency between political leaders and the people, in order to consolidate democracy and peace and entrenching and respecting the principles of the rule of law;

Emphasizing the rights under the African Charter on Human and Peoples’ Rights, in particular Articles 4, 6, 7, 9, 11 and 23 providing for the right to life and physical integrity, right to liberty, right to fair trial, right to freedom of expression, right to peaceful assembly and demonstration as well as the right to national and international peace and security;

Aware of the obligations of State parties under the African Charter to guarantee the independence of the courts and allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the Charter;

Recalling Resolution 397 passed during the 62nd Ordinary Session of the Commission in which it emphasized the primary responsibility of the Togolese State to guarantee the respect and effective protection of rights in accordance with the African Charter and other relevant human rights instruments it has ratified;
Deeply concerned about the situation prevailing in Togo since 19 August 2017 following the various demonstrations calling for constitutional and institutional reforms which have been marked by violations of freedom of expressing, opinion and demonstration, endangering lives, the integrity of the human person, private and public property, freedom of movement, the disproportionate use of force and torture against demonstrators and human rights defenders as well as arbitrary detentions;

Taking note of the just concluded Togolese parliamentary elections in December 2018;

Welcoming efforts by the ECOWAS Heads of State to resolve the Togolese crisis through the designation of the Ghanaian and Guinean Presidents H.E. Nana Addo Dankwa Akufo-Addo and H.E. Professor Alpha Condé as facilitators and the eventual adoption of a roadmap to resolve the crisis;

Considering Resolution 345 passed during the 58th Ordinary Session of the Commission in which it strongly condemned obstacles to the activities of human rights defenders and all forms of violence and reprisals against them;

Cognizant of the importance of protecting and promoting human rights, democracy, the rule of law and the consolidation of peace on the continent;

Stressing the responsibility of the Togolese government and opposition leader to demonstrate real commitment to the constitutional and legislative reform process.

We call on the African Commission to:

1. Strongly condemn all continued human rights violations and urges the Togolese Government to put an end to them, in particular the arrest, torture, arbitrary detention and other violations of its citizens including human rights defenders.

2. Call on the Togolese Government and opposition leaders to implement the ECOWAS roadmap developed to guide the country’s institutional and constitutional reform process.

3. Urge the Togolese Government to respect and uphold the independence of the judiciary in the execution of its mandate.
4. Call on the Togolese government to respect and protect its citizens’ rights to peaceful protest and assembly including taking the necessary measures to conduct independent investigations into violations of the rights of human rights defenders and prosecuting the perpetrators.

5. Urge the Togolese government to collaborate with the Commission in organizing a general human rights mission to the country in line with commitments made under Resolution 397 passed during the 62nd Ordinary Session of the Commission.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019

-------- FRENCH VERSION OF TOGO RESOLUTION BELOW --------

Nous, les participants au Forum de participation des ONG à la 64ème Session Ordinaire de la Commission Africaine des Droits de l'Homme et des Peuples et à la 38ème Foire Africaine du Livre des Droits de l'Homme, tenue du 20 au 22 avril 2019 au Centre de Conférences International Jolie Ville à Sharm El-Sheikh, République Arabe d’Égypte

Gardant à l’esprit les obligations de la République du Togo en tant qu’Etat membre de l’Union africaine et Etat partie à la Charte africaine, à la Charte africaine sur la démocratie, les élections et la gouvernance et autres instruments régionaux des droits de l’homme ;

Rappelant les principes (m) et (n) de l’Acte Constitutif de l’Union africaine sur le respect des principes démocratiques, des droits de l’homme ; de l’état de droit et de la bonne gouvernance ;

Réaffirmant les dispositions de la Charte africaine sur la démocratie, des élections et de la gouvernance, notamment en ses articles 3(1), 13, et 32.8, sur le respect des droits de l'homme et des principes démocratiques, les obligations des états de prendre des mesures pour établir et maintenir le dialogue politique et social, ainsi que la transparence et la confiance entre les dirigeants politiques et les populations en vue de consolider la démocratie et la paix, le renforcement et le respect des principes de l’état de droit;
Soulignant les provisions de la Charte africaine des droits de l'homme et des peuples, en particulier ses articles 4, 6, 7, 9, 11 et 23 qui garantissent le droit à la vie et l’intégrité physique, droit à la liberté, droit au procès équitable, le droit à la liberté d’expression, le droit de réunion et de manifestation pacifique ainsi que le droit à la paix et la sécurité aux niveaux national et international ;

Consciente des obligations des états partie à la Charte africaine des droits de l'homme et des peuples de garantir l’indépendance des tribunaux et permettre l’établissement et l’amélioration des institutions nationales appropriées ayant le mandat de la promotion et la protection des droits et libertés garantis par la Charte ; Rappelant la résolution 397 adoptée à la 62ème session ordinaire de la Commission qui soulignait la responsabilité primaire de l’état Togolais de garantir le respect et la protection effective des droits conformément à la Charte africaine et d’autres instruments pertinents relatif aux droits de l’homme qu’il a ratifié ;

Gravement préoccupée par la situation qui prévaut depuis le 19 aout 2017 au Togo, suite aux multiples manifestations pour réclamer des réformes constitutionnelles et institutionnelles qui sont caractérisées par des violations de la liberté d’expression, d’opinion et de manifestation, des atteintes à la vie, à l’intégrité de la personne humaine, à la propriété privée et publique, à la liberté de mouvement, l’usage disproportionnée de la force et torture contre les manifestants et défenseurs de droits de l’homme ainsi que la détention arbitraire;

Prenant note des élections parlementaires récemment conclues en décembre 2018 ;

Se réjouissant des efforts des chefs d’Etats de la CEDEAO pour adresser la crise Togolaise par la désignation des Présidents Ghanéen et Guinéen S.E. Nana Addo Dankwa Akufu-Addo and S.E. Professor Alpha Condé comme facilitateurs et l’adoption de la “feuille de route” pour résoudre la crise ;

Considérant la résolution 345 adoptée à la 58ème session ordinaire de la Commission qui condamnait les obstacles aux activités des défenseurs des droits de l’homme et toutes formes de violence et représailles contre eux ;

Consciente de l’importance de protéger et promouvoir les droits de l’homme, la démocratie, l’état des droits et la consolidation de la paix sur le continent ;

Rappelant la responsabilité du gouvernement Togolais et chefs des partis d’opposition de démontrer un engagement véritable à réaliser les réformes constitutionnelles et législatives ;

La Commission :
1. Condamne fermement la continuation de toutes violations de droits de l’homme et appelle le Gouvernement Togolais à y mettre un terme, particulièrement les arrestations, torture, détentions arbitraires et d’autres violations contre les citoyens notamment les défenseurs des droits de l’homme ;
2. Appelle le gouvernement Togolais et les chefs des partis d’opposition à mettre en œuvre la “feuille de route” développée par la CEDEAO pour guider le processus de réforme institutionnelle et constitutionnelle ;
3. Exhorte le gouvernement Togolais à respecter et soutenir l’indépendance de la justice dans l’exécution de leur mandat ;
4. Appelle le gouvernement Togolais à respecter et protéger les droits de réunion et de manifestation pacifique de leurs citoyens et aussi de prendre les mesures nécessaires pour mener des enquêtes indépendantes sur les violations des droits des défenseurs de droit de l’homme et de poursuivre les auteurs des actes criminels ;
5. Exhorte le gouvernement Togolais à collaborer avec la Commission afin d’organiser une mission générale de promotion des droits de l’homme au Togo en ligne avec les engagements de la Résolution 397 adoptée à la 62ème session ordinaire de la Commission.