

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission africaine des Droits de l'Homme & des Peuples
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Final Communiqué of the 67th Ordinary Session of the African Commission on Human and Peoples' Rights

Virtual Session

13 November – 3 December 2020

1. The African Commission on Human and Peoples' Rights (the Commission) held its 67th Ordinary Session (the Session) virtually from 13 November to 3 December, 2020, due to the persistence of the COVID-19 pandemic.
2. H.E. Sarah Anyang Agbor, Commissioner for Human Resources, Science and Technology of the African Union Commission (AUC), representing H.E. Moussa Faki Mahamat, Chairperson of the AUC, honoured the Opening Ceremony with her presence and declared the Session open.
3. The Session was chaired by the Honourable Commissioner Solomon Ayele Dersso, Chairperson of the Commission, assisted by the Honourable Commissioner Rémy Ngoy Lumbu, Vice-Chairperson of the Commission.
4. The Session was attended by the following Members of the Commission:
 - i. Honourable Commissioner **Solomon Ayele Dersso**, Chairperson;
 - ii. Honourable Commissioner **Rémy Ngoy Lumbu**, Vice-Chairperson;
 - iii. Honourable Commissioner **Rémy Ngoy Lumbu**, Vice-Chairperson;
 - iv. Honourable Commissioner Maya Sahli-Fadel;
 - v. Honourable Commissioner **Jamesina Essie L. King**;
 - vi. Honourable Commissioner **Hatem Essaiem**;
 - vii. Honourable Commissioner **Maria Teresa Manuela**;
 - viii. Honourable Commissioner **Alexia Amesbury**;
 - ix. Honourable Commissioner **Mudford Zachariah Mwandenga**;
 - x. Honourable Commissioner **Marie Louise Abomo**; and
 - xi. Honourable Commissioner **NDiamé Gaye**.
5. The Honourable Commissioner Kayitesi Zainabo Sylvie did not take part in the entire Session and expressed her apologies.
6. **Mrs. Hannah Foster**, Director of the African Centre for Democracy and Human Rights Studies, speaking on behalf of the Steering Committee of the Non-Governmental Organizations (NGO) Forum, indicated that despite current efforts to resolve COVID-19 related issues, Africa still faces many human rights violations and cited a series of recently reported violations in some States Parties. She also deplored the fact that the AU's call to silence guns by 2020 and the UN's call for a ceasefire have yet to be heard in Africa. She stressed the active role played by civil society organizations and the media as viable and vital partners in a democratic society. In addressing the issue of COVID-19, she urged States to involve non-state actors, particularly civil society, in all actions at the community, national and regional levels. She recalled the need to create alliances and inclusive platforms between the State, civil society and the private sector to strengthen solidarity and support mechanisms, prerequisites for progress. Mrs. Forster further noted that adopting an inclusive approach to engagement is crucial for success and will undoubtedly lead to enhanced promotion and protection of human rights in

Africa. She reiterated the commitment of civil society to support the work of the Commission and invited those organizations that have not yet done so, to apply for observer status in order to fully play their role and benefit from access to the Commission that this status provides. Finally, she urged all stakeholders to renew their commitment and redouble their efforts to sustain and strengthen the Commission and to safeguard its independence.

7. Speaking on behalf of the Network of African National Human Rights Institutions (NANHRI), **Dr. Elasto Hilarious Mugwadi**, Vice-President of NANHRI and Chairperson of the Zimbabwe National Human Rights Commission, highlighted the official launch of the Forum of National Human Rights Institutions (NHRI Forum), which will be held ahead of the Commission's ordinary sessions, to exchange on the human rights situation in Africa, with a view to defining a consolidated position on the way forward for the promotion and protection of human rights. He also took stock of the issues discussed during the NHRIs Forum held virtually from 10 to 12 November 2020. Dr. Mugwadi expressed NANHRI's concern about the numerous allegations of human rights violations in African countries where elections were recently held and recalled that the power of a nation is not measured by its aggression against its people, but by the use of its resources to ensure the security and future of its taxpayers, and guarantee the rule of law for good governance through independent institutions. He further expressed NANHRI's concern about the ongoing armed conflict in the Sahel region, Cameroon, Central African Republic, Mozambique, parts of the Democratic Republic of Congo and Ethiopia, among others. He concluded his address by calling on States Parties to involve all national and international actors in the planning and implementation of socio-economic recovery plans following the COVID-19 crisis, and to give priority to inclusive financial and technical contributions for the sustainable development of Africa.
8. **H.E. Michelle Bachelet**, the United Nations High Commissioner for Human Rights, acknowledged the fact that Africa has fared better than other regions in terms of direct health damage caused by COVID-19. She noted, however, that other aspects of the pandemic are hitting the continent very hard and could exacerbate tensions and conflicts and their impact on the development of countries. She stressed that steps have been taken by the Office of the United Nations High Commissioner for Human Rights to assist governments and other actors in mitigating the effects of COVID-19. While acknowledging that many governments have made significant strides to ensure respect for the rights of individuals, she deplored certain dangerous and negative practices that lead to human rights violations in the application of emergency measures in some countries. In this regard, she called on all stakeholders to reverse these negative trends, which undermine people's rights and any eventual recovery from the pandemic, and to ensure that the COVID-19 response and stimulus measures contribute to long-term recovery, as well as reducing inequality and discrimination. She also expressed concern about the climate of

violence, inter-community tensions and restrictions on fundamental rights that have characterized most of the recent elections on the African continent. She called for the reinforcement of joint efforts to promote the widest possible respect for civic and democratic space.

9. **Honourable Lady Justice Maria Mapani-Kawimbe**, Deputy Rapporteur of the African Committee of Experts on the Rights of the Child, indicated that issues relating to children's rights can be resolved at the continental level through enhanced collaboration between the Committee and the Commission. She informed the audience that 2020 marks the 30th anniversary of the African Charter on the Rights and Welfare of the Child and that during its commemoration, the Committee would endeavour to assess the status of implementation of this instrument through various activities and studies with a view to highlighting priorities for the years ahead. Honourable Mapani-Kawimbe noted the various advances made in the protection of children's rights on the continent as well as the areas that require more efforts and collaboration with the various stakeholders. She stressed that the COVID-19 pandemic has exacerbated child abuse, to the extent that its impact and the various measures taken to prevent the spread of the virus have been and are even more detrimental to children than any other category of the population. She indicated that the Committee has developed guidance notes for States on measures to mitigate the negative impact of the pandemic on children and to ensure that all measures taken by States are child-friendly. She finally recalled that the fate of African children can be changed by addressing the cross-cutting issues facing them through commitment and closer collaboration with all stakeholders.
10. In his intervention, **Honourable Justice Sylvain Oré**, President of the African Court on Human and Peoples' Rights (the African Court) noted that due to the persistence of the COVID-19 pandemic, the humanitarian deficit is highly palpable and human rights are under severe strain. In the face of these many challenges, the role of organs or institutions for the promotion and protection of human and peoples' rights is more than crucial. In this regard, he stressed that cooperation and close collaboration between States, African Union organs with a human rights mandate, non-governmental organizations and national human rights institutions is an imperative that no one can claim to be exempt from because the effectiveness of strategies and means to be implemented are also at this price. He recalled that individually, or collectively, the Court and the Commission are required to work together for the same cause, that of the respect and protection of human and peoples' rights. To this end, he invited the two bodies to do their utmost to consolidate their complementary relationships and make them more effective. The President of the Court also pointed out that the mission of human rights organs cannot be limited to finding violations of human rights, rule on the law, make recommendations or order reparations, for the cases before these organs will only be of interest to the African peoples if their judgments, orders and recommendations are fully

implemented. He thus called for the cooperation of all stakeholders, first and foremost the States Parties, to significantly advance human and peoples' rights in Africa.

11. In his statement on behalf of the Member States of the African Union (AU), the **Honourable Dawda Jallow**, Attorney-General and Minister of Justice of the Republic of The Gambia, began by stressing the importance of the sessions of the Commission. He referred to the COVID-19 situation in his country and highlighted the measures taken to prevent, contain and manage the spread of the virus, as well as the positive developments in the promotion and protection of human rights therein. While noting that our continent continues to make steady progress in the promotion and protection of human rights, Honourable Jallow nonetheless highlighted persistent challenges that States Parties continue to face. He therefore urged States to remain vigilant and open to new and innovative ideas to address these emerging challenges. He further recalled that it is only by working together, with the ultimate goal of lifting African peoples out of poverty and recognizing their inalienable rights to freedom, justice and the pursuit of happiness, that African leaders will become truly proud to have served the continent. Referring to the commitment made under the theme "Silencing guns by 2020" which includes the eradication of all wars, civil conflicts, violent conflicts, sexual and gender-based violence and the prevention of genocide, he called on States to be aware of their responsibilities to rid the continent of unnecessary wars and conflicts. The Honourable Jallow concluded by urging States Parties to take their periodic reporting obligations very seriously, follow up on the decisions and recommendations of the Commission, strengthen the Commission and provide it with all the support it needs to discharge its mandate for the benefit of the African people.
12. In his opening statement, the Chairperson of the Commission, **Honourable Commissioner Solomon Ayele Dersso**, welcomed all participants to the 67th Ordinary Session. The Chairman indicated that the context of the COVID-19 pandemic demonstrated that access to the Internet is essential for the enjoyment of various rights, including access to information, the right to education, freedom of expression, the right to work, participation in public life. He pointed out that its lack or deprivation leads to the complete exclusion of the enjoyment of these and other fundamental rights, thus leading to the aggravation of inequalities. To this end, he invited the Human Rights Community to advocate for the right of access to the Internet.
13. Reiterating the need to implement Resolution 449 of the Commission, Honourable Dersso stated that the outbreak of COVID-19 has reminded us that the health of each person is intrinsically linked to the health of others, so the protection of the right to health and the provision of care are issues for every member of society.

14. The Chairperson expressed the Commission's concern about the human rights situation on the continent, including human rights violations committed by the SARS Unit of the Nigerian Police, the deteriorating human rights situation and the post-election violence in Côte d'Ivoire and Guinea, allegations of intimidation and attacks in Tanzania, the ongoing situation of insecurity and community violence in various parts of Africa, and the socio-political crisis and multiple human rights violations in the Tigray region of Ethiopia. He also shared some positive developments on the continent.
15. Addressing the theme of the AU year, Hon. Dersso recalled the objectives of the AU campaign "Silencing the guns in Africa by 2020" and linked it to the human rights agenda. He commended the work of national human rights institutions which continue to demonstrate the critical role they play. He also praised the role of NGOs, social justice movements, human rights defenders and journalists for their services, sometimes at the risk of their lives or freedom.
16. Delivering the opening speech of the Session on behalf of **H.E. Moussa Faki Mahamat**, Chairperson of the AUC, **H.E. Sarah Anyang Agbor**, Commissioner for Human Resources, Science and Technology of the AUC, reflected on the commemoration of African Human Rights Day which was celebrated on 21 October under the theme: "**Silencing the Guns and Deepening the Culture of Human and Peoples' Rights: the Opportunities and Challenges of COVID-19 in Africa**". She recalled that the promotion and protection of human and peoples' rights are a collective responsibility, hence the importance of recognizing the challenges faced by all African States during this period of the COVID-19 pandemic and the collective determination to reflect on how best to advance human rights on our continent. Mrs. Agbor recalled that the vision of a peaceful, united and prosperous Africa, set out in Agenda 2063, can only be achieved through sound planning and results-oriented policies and actions, which requires a shared determination. She thus seized the opportunity to call on all AU member states to cooperate with all the human rights organs they have established to ensure that human rights and dignity are fully enhanced throughout the continent. In conclusion, she requested the Commission to explore the possibility of issuing a set of guidelines that will assist States Parties in adopting a human rights-based approach, in response to COVID-19, and declared the Session open.
17. A total of **five hundred and fifty-two (552)** delegates attended the Session: **eighty-nine (89)** representing States Parties from **twenty-six (26)** countries; **eleven (11)** representing AU Organs; **fifty-three (53)** representing NHRIs; **twenty-three (23)** International and Intergovernmental Organizations; **three hundred and twenty-eight (328)** African and International NGOs; **forty-seven (47)** other observers and **one (01)** from the media.

18. Representatives of the following **seven (7)** States Parties made statements on the human rights situation in their respective countries, namely the Republic of Angola, the Sahrawi Arab Democratic Republic (SADR), the Republic of Cameroon, the Republic of Côte d'Ivoire, the Arab Republic of Egypt, the Republic of Eritrea and the Republic of Malawi.
19. Representatives of the following **fourteen (14)** NHRIs made statements on the human rights situation in their countries, namely: Burundi, Democratic Republic of Congo, Ethiopia, Kenya, Malawi, Mali, Mauritania, Nigeria, SADR, Rwanda, Senegal, South Africa, Tanzania and Zambia.
20. **One (1)** international organization, the International Committee of the Red Cross, made a statement on the situation of human rights in Africa.
21. **Twenty-seven (27)** NGOs with Observer status with the Commission made statements on the human rights situation in Africa.
22. **Three (3)** States Parties exercised their right to reply, namely the Republic of Côte d'Ivoire, the Arab Republic of Egypt and the Republic of Eritrea.
23. The Commission launched the following documents:
 - i. General Comment No. 6 on Article 7(d) of the Maputo Protocol;
 - ii. Simplified Version of the Principles on Decriminalisation of Petty Offences in Africa;
 - iii. Newsletter No. 14 on Police and Human Rights in Africa;
 - iv. Newsletter of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa.
24. Several panel discussions on various themes were organized during the Session with a view to strengthening the promotion and protection of human rights on the continent. These include the:
 - i. Panel on the AU theme for 2020: Human and Peoples' Rights for Silencing the Guns in Africa;
 - ii. Panel on the Simplified Version of the Principles on Decriminalisation of Petty Offences in Africa;
 - iii. Panel on the Right to health and its financing towards building health systems for universal access to health care;
 - iv. Panel on the Addis Ababa Roadmap on Commission and UN Human Rights Mechanisms Relationship;
 - v. Panel on the Protection of all Persons from Enforced Disappearances in Africa;
 - vi. Panel on Extractive Industries and Illicit Financial Flows in Africa;
 - vii. Panel on the issue of Forced Displacement and Conflicts in Africa;
 - viii. Panel on the Situation of Freedom of Association in Africa;
 - ix. Panel on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa in the context of the outbreak of the COVID-19

pandemic, and Advocacy for the Ratification of the Protocol on the Rights of Older Persons in Africa and the Protocol on the Rights of Persons with Disabilities in Africa;

- x. Panel on Role of National Human Rights Institutions in the Work of the Commission.
25. The Commission reported on the status of its relationship and cooperation with NHRIs and NGOs, and gave an update on the status of submission of activity reports by NHRIs and NGOs.
 26. In accordance with its Resolution on the Granting of Affiliate Status to NHRIs and specialized human rights institutions in Africa, the Commission granted Affiliate Status to one (1) NHRI, namely the National Commission on Human Rights and Citizenship of Cabo Verde. Thus, the total number of NHRIs and specialized institutions with Affiliate Status with the Commission is thirty (30).
 27. In accordance with its Resolution on the Criteria for Granting and Maintaining Observer Status to Human Rights NGOs in Africa, the Commission granted Observer Status to **three (3)** NGOs, namely:
 - i. African Biodiversity Network (ABN);
 - ii. Media Counsel of Tanzania (MCT); and
 - iii. Maat for Peace, Development and Human Rights.
 28. The Commission deferred consideration of one (1) Application for Observer Status submitted by the NGO *International Press Institute (IPI)*.
 29. This brings the total number of NGOs, which have Observer Status with the Commission to **five hundred and twenty-eight (528)**.
 30. The Commission gave an update on the status of submission of periodic reports by States Parties.
 31. In accordance with Article 62 of the African Charter, the Commission considered the Republic of Cameroon's Combined 4th, 5th and 6th Periodic Report under the African Charter on Human and Peoples' Rights and Initial Report under the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).
 32. The following members of the Commission presented their intersession reports highlighting the activities undertaken in their capacity as Commissioners, Commissioner Rapporteurs and mandate holders of Special Mechanisms:
 - i. The Chairperson reporting on his activities as Chairperson of the Commission and of the Bureau;

- ii. The Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
 - iii. The Vice Chairperson of the Commission and Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa;
 - iv. The Special Rapporteur on the Rights of Women in Africa;
 - v. The Special Rapporteur on Refugees, Asylum Seekers, Internally-Displaced Persons and Migrants in Africa;
 - vi. The Special Rapporteur on Freedom of Expression and Access to Information in Africa;
 - vii. The Chairperson of the Committee for the Prevention of Torture in Africa;
 - viii. The Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
 - ix. The Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
 - x. The 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;
 - xi. The Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
 - xii. . The Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;
 - xiii. The Chairperson of the Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa;
 - xiv. The Chairperson of the Working Group on Communications.
33. The presentations of these Reports generated reactions, contributions and questions from State Delegates and Civil Society Organizations.
34. During its private Session, the Commission considered and adopted the following documents after amendments:
- i. The draft 2021-2025 strategic plan; and
 - ii. The Report of the promotion mission conducted in South Africa.
35. The Commission considered the following reports:
- i. Report on Follow-up Actions;
 - ii. Report of the Secretary to the Commission;
 - iii. Report on the Communications Audit; and
 - iv. Report of the Advisory Committee on Budgetary and Staff Matters.
36. The Commission considered **twenty (20)** Communications as follows:

- i. **Fourteen (14)** Communications on Admissibility, of which **five (5)** were declared admissible, **seven (7)** jointly considered inadmissible and **two (2)** deferred due to time constraints;
 - ii. **One (1)** Communication which was withdrawn;
 - iii. **One (1)** Communication which was struck-out for lack of diligent prosecution;
 - iv. **One (1)** application for review of an inadmissibility decision, which was denied; and
 - v. **Two (2)** Communications for which guidance was provided and **one (1)** Communication which was deferred.
37. The Commission also identified Communications for which decisions on the merits are currently being drafted. The Commissioner Rapporteurs exchanged views with legal officers on approximately ten Communications and guidance was provided to facilitate the drafting of related decisions.
38. The Commission adopted Resolutions on Special Mechanisms, Country Resolutions and Thematic Resolutions, which will be finalized and published on the Commission's website.
39. The Commission considered and adopted its 48th and 49th Activity Reports. The Combined Report will be submitted to the 38th Ordinary Session of the AU Executive Council and the 36th Ordinary Session of the AU Assembly of Heads of State and Government scheduled in January 2021.
40. The Commission decided to hold its 30th Extraordinary Session virtually from 11 to 19 December 2020. Information relating to its next Ordinary Session will be made available on the Commission's website in due course.
41. The Commission expresses its sincere gratitude to States Parties, international organizations, NHRIs, NGOs and all stakeholders who participated in this second virtual Ordinary Session of the Commission.
42. The Closing Ceremony of the 67th Ordinary Session took place virtually on 3 December 2020.

Done this 3rd day of December 2020