

<p style="text-align: center;">AFRICAN UNION</p> <p style="text-align: center;">الاتحاد الأفريقي</p> <p style="text-align: center;"><i>African Commission on Human & Peoples' Rights</i></p>		<p style="text-align: center;">UNION AFRICAINE</p> <p style="text-align: center;">UNIÃO AFRICANA</p> <p style="text-align: center;"><i>Commission Africaine des Droits de l'Homme et des Peuples</i></p>
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Final Communiqué of the 75th Ordinary Session of the African Commission on Human and Peoples' Rights

**BANJUL, THE GAMBIA
03 May - 23 May 2023**

1. In accordance with Article 64(2) of the African Charter on Human and Peoples' Rights (the African Charter), read together with Rule 27 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission), the Commission held its 75th Ordinary Session (Session) in hybrid format, from 03 to 23 May 2023 in Banjul, The Gambia.
2. The Opening Ceremony of the Session was held on 03 May 2023 at the Sir Dawda Kairaba Jawara International Conference Center, and was presided over by H.E. Dr. Mamadou Tangara, Minister of Foreign Affairs, International Cooperation and Gambians Abroad of the Republic of The Gambia; and Honourable Commissioner Rémy Ngoy Lumbu, Chairperson of the Commission.
3. The Commission held its Public and Private Session at the Sir Dawda Kairaba Jawara International Conference Center.
4. The substantive programs of the Session were presided over by Honourable Commissioner Remy Ngoy Lumbu, Chairperson of the Commission, assisted by Honourable Commissioner Maya Sahli-Fadel, Vice Chairperson of the Commission.
5. The following Members of the Commission participated in the Session:
 - i Honourable Commissioner **Rémy Ngoy Lumbu**, Chairperson;
 - ii Honourable Commissioner **Maya Sahli-Fadel**, Vice Chairperson;
 - iii Honourable Commissioner **Solomon Ayele Dersso**;
 - iv Honourable Commissioner **Hatem Essaïem**;
 - v Honourable Commissioner **Maria Teresa Manuela**;
 - vi Honourable Commissioner **Mudford Zachariah Mwandenga**;
 - vii Honourable Commissioner **Marie Louise Abomo**;
 - viii Honourable Commissioner **Janet Ramatoulie Sallah - Njie**; and
 - ix Honourable Commissioner **Litha Musyimi Ogana**.
6. Honourable Commissioners **Ourveena Geereesha Topsy-Sonoo** and **Idrissa Sow** were unable to be present in person. However, they participated and attended virtually.
7. Key Statements were delivered by:
 - Ms. Hannah Forster, Executive Director of the African Centre for Democracy and Human Rights Studies, on behalf of the Non-Governmental Organisation (NGO) Forum Steering Committee;
 - H.E. Dr. Elasto Mugwadi (virtually), Chairperson of the Network of African National Human Rights Institutions (NANHRI) and Chairperson of Zimbabwe National Human Rights Commission, on behalf of NANHRI;

- H.E Eamon Gilmore (virtually), European Union Special Representative for Human Rights;
- Mr. Marcel Akpovo (virtually), Regional Representative of the Office of the United Nations High Commissioner for Human Rights to the African Union and the Regional Office for East Africa;
- Hon. Lady Justice Imani D. Aboud (virtually), the President of the African Court on Human and Peoples' Rights (the African Court);
- Mr. Mehdy Remaoun, Head of subdivision of Human Rights in the Ministry of foreign affairs of Algeria, on behalf of State Parties to the African Charter;
- Honourable Commissioner Remy Ngoy Lumbu; Chairperson of the Commission;
- H.E. Amb. Bankole Adeoye (virtually), Commissioner for Political Affairs, Peace and Security, on behalf of H. E Mr. Moussa Faki Mahamat, the Chairperson of the African Union Commission;
- H.E. Dr. Mamadou Tangara, Minister of Foreign Affairs, International Cooperation and Gambians Abroad of the Republic of The Gambia.

8. **Ms. Hannah Forster**, speaking on behalf of the NGO Forum Steering Committee, extended appreciation to the Gambian Government for its support, and congratulated the Commission for its progress over the years. She indicated that The NGO Forum, held prior to the session, involved participants from various African countries and adopted resolutions and recommendations on topics such as electoral violence, armed conflict, freedom of expression, human rights in business practices, and women's rights. The forum emphasized the importance of creating an enabling environment for businesses while respecting human rights, and called for accountability of companies that negatively impact communities, workers, indigenous people and vulnerable groups. The Forum also highlighted the role of women in trade and emphasizes the need to empower them. Various panels and special interest groups were organized to discuss critical issues related to human rights, democracy, peace, and security in Africa.

9. On a positive note, she indicated that the NGO Forum noted improvement in gender parity legislation in Senegal, the abolition of the death penalty in Zambia, and the implementation of a quota system for women's representation in Sierra Leone. However, she noted serious challenges persisted, such as human rights abuses in Sudan, violence against women, the impact of COVID-19, unconstitutional changes of government, and the precarious situation of human rights defenders.

10. Additionally, Ms. Hannah Forster urged the African Commission to urge States parties to adopt and implement the Maputo Protocol on women's rights, to recognize Ecocide as a crime against humanity, and to ensure free, fair, and transparent elections in a peaceful environment and finally to establish an

investigative and accountability mechanism to address alleged human rights violations and abuses in Sudan and to provide a humanitarian corridor for citizens.

11. In his speech, **Dr. Elasto Mugwadi**, Chairperson of NANHRI acknowledged the achievements and progress made by African human rights institutions but highlighted the challenges facing human rights in Africa, particularly the potential civil war in Sudan. He called upon the African Union to take action to prevent the conflict and emphasized the role of NHRIs in conflict prevention and resolution. Dr. Mugwadi commended the African Union's theme of accelerating the implementation of the African Continental Free Trade Area (AfCFTA) and urges NHRIs to advocate for the implementation of resolutions related to business and human rights and mainstreaming human rights in AfCFTA implementation. He expressed concern about the increasing suppression of human rights defenders and the use of tactics such as detention, internet shutdowns, and excessive force to restrict peaceful assembly. Finally, he reiterated NANHRI's commitment to the common goal of human rights for all in Africa.
12. The EU Special Representative for Human Rights, **H.E Eamon Gilmore**, in his speech commended the relentlessness of the Commission, and its dedication in the promotion and protection of Human Rights, he highlighted the importance of human rights and cooperation between the European Union (EU) and the African Commission on Human and Peoples' Rights. He emphasized the commitment to upholding human rights within the EU and worldwide, working together to ensure sustainable development for all countries. He expressed profound concern over the ongoing fighting in Sudan and calls for an immediate cessation of hostilities to prevent a humanitarian crisis. The EU-Africa relationship is seen as a strategic partnership covering various areas, including human rights, trade, investment, and climate change. He concluded reiterating EU commitment to cooperate and work together for a stronger future.
13. **Mr. Marcel Akpovo**, Regional Representative of the Office of the OHCHR to the African Union and the Regional Office for East Africa highlighted the renewed collaboration between the United Nations High Commissioner for Human Rights and the African Union to address the challenges hindering the progress of human rights in Africa. He remarked the importance of the 75th anniversary of the Universal Declaration of Human Rights and called for renewed commitment to promoting and protecting human rights. He recognized the various human rights crises and challenges in Africa, emphasized the integration of human rights into the African Continental Free Trade Area, emphasized collaboration between the United Nations Special Procedures and the African Commission, and expressed interest in the United Nations Voluntary Fund for Victims of Torture and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

14. In her statement **Hon. Lady Justice Imani D Aboud**, President of the African Court, commended the Commission for its work in promoting and protecting human rights in Africa. She highlighted the importance of collaboration between the Commission and the African Court on Human and Peoples' Rights to enhance the human rights situation on the continent. She called for Member States to prioritize human rights in their policies and programs and urged compliance with decisions of human rights bodies. She concluded by expressing the Court's commitment to working with all stakeholders to enhance human rights protection and wished the Commission a successful session.
15. **Mr. Mehdy Remaoun**, Head of the subdivision of Human Rights in the Ministry of foreign affairs of Algeria, representing the expressions of State Parties to the African Charter, expressed gratitude to the government and people of The Gambia for hosting the African Commission on Human and Peoples' Rights session. He highlighted the progress made by the Commission in advancing human rights in Africa since its establishment, emphasizing the interconnection between human rights and development. He also addressed the challenges facing human rights in Africa, such as the socio-economic consequences of the COVID-19 pandemic and the persisting legacies of colonization. He concluded by expressing support of Algeria as a member of the UN Human Rights Council and its commitment to using the mandate of the Human Rights Council to defend appropriate African Common positions and to work in favor of the interests of the continent and African people.
16. **Honourable Commissioner Rémy Ngoy Lumbu**, Chairperson of the Commission, highlighted the significance of the open session, which takes place amid discussions on reforms of the judicial and quasi-judicial bodies of the African Union, with the aim of strengthening institutions to enhance the quality of life for Africans.
17. The Chairperson conveyed the Commission's concern and disappointment regarding the overall regression in human rights on the continent. Called upon States to fulfill their human rights commitments by implementing appropriate legislative and policy measures that address the needs of their citizens. Additionally, the Chairperson expressed worries about security situations in various countries such as the Democratic Republic of Congo, Sudan, and Ethiopia. He strongly condemned human rights violations and urged an immediate cessation of hostilities, regional cooperation, and the reestablishment of unconditional peace throughout the continent.
18. Addressing the security situation in Nigeria, the Chairperson expressed deep concern, particularly regarding intercommunal conflicts that have resulted in brutal violence and the loss of over 351 lives in the Benue State. Moreover, the Commission highlighted instances of repression and excessive use of force by law enforcement in Senegal and Kenya, as well as reprisals against human rights defenders and journalists in Cameroon, Eswatini, and Mauritania. Other areas of

concern included the devastating cyclone in Malawi, forced evictions in Zambia, targeted violence against women and girls, and challenges related to youth unemployment, gender equality, torture, and internet access.

19. On a positive note, the Chairperson commended the Republic of South Sudan for ratifying various human rights instruments, and acknowledged the efforts of Niger and the Republic of the Congo in reducing statelessness. Furthermore, he congratulated Zambia for abolishing the death penalty.
20. The Chairperson also recognized the significance of the African Continental Free Trade Area (AfCFTA) and encouraged states to expedite its implementation in order to stimulate economic growth, alleviate poverty, and uphold human rights. Finally, the Chairperson expressed gratitude to all stakeholders and emphasized the importance of constructive discussions and cooperation to strengthen the African human rights system for the benefit of its people.
21. **H.E. Amb. Bankole Adeoye**, Commissioner for Political Affairs, Peace and Security, spoke on behalf of H. E Mr. Moussa Faki Mahamat, the Chairperson of the African Union Commission. He acknowledged the Republic of The Gambia for hosting the session and commended the Chairperson of the ACHPR and his team for organizing the event. Amb. Adeoye emphasized the need for the African Union to focus on preventive measures to address alarming security trends in Africa. He highlighted the importance of promoting a culture of respect for human rights and human dignity, as well as supporting member states in delivering on their social contracts to protect the rights and freedoms of African citizens.
22. Amb. Adeoye called for early warning and response mechanisms within the African Union to prevent conflict and human rights violations. He mentioned ongoing reforms to integrate human rights indicators into the African Union Continental Early Warning System. He stressed the need for collaboration and synergy among AU organs, including the ACHPR, the African Committee of Experts on the Rights and Welfare of the Child, and the African Court on Human and Peoples' Rights, to implement joint preventive measures and provide technical assistance to member states.
23. In his opening statement, delivered on behalf of President of the Republic of The Gambia, H.E. President Adama Barrow, the Minister of Foreign Affairs, International Cooperation and Gambians Abroad of the Republic of The Gambia, **H.E. Dr. Mamadou Tangara**, heartily welcomed all participants to The Gambia and commended the Commission for its human rights engagements in creating a better Africa.
24. **H.E. Dr. Mamadou Tangara** emphasized the need to strengthen intra-African trade and increase Africa's participation in global trade, as the current contribution to global trade is low. Underscoring that the AfCFTA was seen as

an opportunity to boost intra-African trade, create jobs, reduce poverty, and improve living standards. Structural reforms, legal institutions, infrastructure development, digitalization, energy costs, and manufacturing capacities were highlighted as areas to be addressed. He underlined the commitment of the government of The Gambia to protect and promote human rights, particularly for women, and highlighted its efforts to investigate past human rights violations. Conflict in Africa was addressed, emphasizing the need to silence the guns, condemn unconstitutional changes of government, and work towards a prosperous and peaceful continent.

25. Before finally declaring the 75th Ordinary Session open, H.E. Dr. Mamadou Tangara concluded with a vision of an Africa that upholds constitutionalism, democracy, human rights, trade, and unity for the betterment of its people.
26. A total number of **Six hundred and eighty two (682) Participants attended the Session including:** one hundred and sixteen (116) representatives of State Delegates (Representing 30 States), Ten (10) representatives of various AU Organs, Fifteen (15) International Organization (including 7 UN agencies), Six (6) Diplomatic Missions, Seventy-seven (77) Representatives of NHRIs (From 32 countries), Three hundred and twenty seven (327) Representatives of NGOs, One hundred and fifteen (115) Other Observers and sixteen (16) Press and Media Organizations.
27. The representatives of the following Seventeen (17) State Parties made statements on the human rights situation in their respective countries: Algeria, Angola, Burkina-Faso, Botswana, Cameroun, Cape Verde, Egypt, Eswatini, Eritrea, Ethiopia, Equatorial Guinea, Malawi, Mauritania, Sahrawi Arab Democratic Republic, South Africa, Togo and Zimbabwe.
28. Representatives of Nine (9)¹ NHRIs with Affiliate Status with the Commission made statements on the human rights situation in their respective countries.
29. One (1) International Organization,² with Observer Status at the Commission also made statements.
30. About Thirty-three (33) NGOs with Observer Status at the Commission made statements on the human rights situation in Africa.³

¹ The National Human Rights Council of Algeria, the Independent National Commission on Human Rights of Burundi, the National Commission on Human Rights and Freedoms of Cameroon, the National Council for Human Rights of the Arab Republic of Egypt, the Ethiopian Human Rights Commission, the National Human Rights Commission of Kenya, the Human Rights Commission of Malawi, the National Human Rights Commission of Mauritania, Sahrawi National Commission for Human Rights.

² International Committee of the Red Cross (ICRC).

³ People Opposing Women Abuse (POWA) ; La Voix Des Sans Voix pour les Droits de l'Homme, DRC ; International Federation for Human Rights (FIDH) ; Center for Reproductive Rights ;

31. Four (4) State Parties to the African Charter, Egypt, Eritrea, Cameroun and Zimbabwe exercised their right of reply.

32. With a view to strengthening the promotion and protection of human rights on the continent, several panel discussions on various themes were organized during the Session:

- i. Panel on Increasing awareness of the Guidelines on Freedom of Association and Assembly in Africa, for effective implementation;
- ii. Panel on Awareness in support of the treaty against trade of instruments of torture;
- iii. Panel on the 29th Commemoration of the 1994 Genocide against the Tutsi in Rwanda;
- iv. Panel on African Union Theme of the Year for 2023 “Acceleration of AfCFTA Implementation”
- v. Panel on Human Rights situation in prisons
- vi. Panel on Leveraging Data for meaningful progress towards Economic, Social and Cultural Rights
- vii. Panel on Debate on the Reform of the Judicial and Quasi-Judicial Organs of the African Union;
- viii. Panel on Protection of the socio-economic rights of refugees and migrants at the national level;
- ix. Panel on the official launch of the Guidelines on Adhering to Human and Peoples’ Rights under the African Charter in the Context of States of Emergency or Disaster; and
- x. Panel on State Reporting: Sharing best practices;

33. The Commission launched the following documents:

- i. Guidelines on Adhering to Human and Peoples’ Rights under the African Charter in the Context of States of Emergency or Disaster ;
- ii. Guidance note on State Reporting ; and

ACDHRS ; Amnesty International ; La Fédération Internationale des Actions des Chrétiens pour l’Abolition de la Torture (FIACAT) ; East and Horn of Africa Human Right Defenders Project (EHAHRDP) ; Transformation Resource Center ; Maat for peace, Development and Human Rights ; Independent Medico-Legal Unit ; Collectif Des Associations Contre L’impunité Au Togo ; International Federation of Women Lawyers (FIDA) ; Ligue Tunisienne pour la Défense des Droits de l’Homme ; Equality Now ; International Lawyers.org ; Strategic Initiative for Women in the Horn of Africa ; Zimbabwe Lawyers for Human Rights (ZLHR) ; The Human Rights Implementation Centre ; International Service for Human Rights ; Africa Policing Civilian Oversight (APCOF) ; Centre for Rights Development (CEMIRIDE) ; Réseau des Défenseurs des Droits de l’Homme en Afrique Centrale; Fédération Internationale des Ligues Droits de l’Homme ; IPAS Africa Alliance ; Human Rights Awareness and Promotion Forum ; Center for Reproductive Rights ; Organisation Mondiale Contre la Torture (OMCT) ; Zimbabwe Human Rights NGO Forum; Minority Rights Group International ; Association Djazairouna; Open Society South Africa; Institute for Human Rights and Development in Africa.

- iii. Report on the production, trade and use of tools of torture in Africa.
34. The Commission reported on the status of its relations and cooperation with NHRIs and NGOs as well as the status of submission of Activity Reports by NHRIs and NGOs.
35. Pursuant to its Resolution on the Criteria for Granting and Maintaining Observer Status to NGOs working on Human and Peoples' Rights in Africa, the Commission granted Observer Status to the following eight (8) NGOs:
 - (i) Avocats Sans Frontières Canada/Québec (ASFC) ;
 - (ii) Coalition Ivoirienne des Défenseurs de droits de l'homme (CIDDH);
 - (iii) Uganda Association of Women Lawyers (FIDA Uganda);
 - (iv) Tanzania Network of Legal Aid Providers (TANLAP);
 - (v) Network of Ethiopian Women's Associations (NEWA);
 - (vi) Youth and Society (YAS);
 - (vii) The Coalition of Organizations for the Defense of Children's Rights (CODEDIC) ; and
 - (viii) Réseau des Femmes Leaders pour le Développement (RFLD)
36. This brings the total number of NGOs with Observer Status with the Commission to **five hundred and fifty-two (552)**.
37. The Commission considered the Periodic Reports of the following State Parties:
 - i. Combined 12th, 13th, 14th and 15th Periodic Report (2015 to 2023) of the Republic of Senegal submitted in accordance with Article 62 of the African Charter; and
 - ii. Combined 1st, 2nd, 3rd, 4th, 5th, 6th and 7th (2005 to 2019) Periodic Report of the Republic of Zambia submitted in accordance with Article 62 of the African Charter, and Article 26 (1) of the Maputo Protocol.
38. Members of the Commission presented their intersessional reports to highlight the activities undertaken in their capacities as Commissioners, Country Rapporteurs and Special Mechanism mandate holders.
39. The presentation of these reports generated reactions, contributions and questions from State delegates, NHRIs and representatives of CSOs.
40. During its private Session, the Commission also considered and adopted the following documents, with comments and/or amendments:
 - i. Concluding Observation on the Periodic Report of Mauritania;
 - ii. African Guiding Principles on the Human Rights of all Migrants;
 - iii. Study on African Responses to the Issue of Migrants and the Protection of Migrants in Africa; and
 - iv. Joint General Comment on Female Genital Mutilation

41. The Commission considered the following reports:

- i. Report of the Chairperson on the intersession oversight activities;
- ii. Report of the Secretary to the Commission

42. The Commission considered Nine (9) Communications as follows:

- i. Three (3) Communications on Admissibility of which, one (1) was declared admissible and Two (2) were declared inadmissible;
- ii. Two (2) Communications on the Merit ;
- iii. Three (3) Communications on Strick Out ; and
- iv. One (1) Communication on Preliminary Objections.

43. The Commission adopted three (3) Special Mechanisms Resolutions as follows:

- i. Resolution on the Appointment of Expert Members of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV ;
- ii. Resolution on the Appointment of Expert Members of the Working Group on Indigenous Populations/Communities and Minorities in Africa ; and
- iii. Resolution on the Appointment of an Expert Member of the Working Group on Economic, Social and Cultural Rights in Africa.

44. The Commission adopted Three (3) Country Resolutions as follows:

- i. Resolution on the Situation of Human Rights in Eswatini ;
- ii. Resolution on the Human Rights Situation in the Republic of Sudan ; and
- iii. Resolution on the termination of the mandate of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Democratic Republic of Ethiopia.

45. The Commission adopted five (5) thematic Resolutions as follows:

- i. Resolution on conducting a Study on Integrating Economic, Social and Cultural Rights in National Development Planning in Africa ;
- ii. Resolution on conducting a study on Prisons and conditions of detention in Africa ;
- iii. Resolution on the need for a Study on the situation of human rights defenders working on sexual and reproductive health rights issues ; and
- iv. Resolution on the celebration of the Nelson Rolihlahla Mandela African Day in Recognition of his Efforts as a Great Human Rights Defender.

46. The Commission decided to hold its 76th Ordinary Session virtually from **19 July to 02 August 2023**. Details of the next Ordinary Session will be made available on the Commission's website in due course.

47. The Commission expresses its sincere gratitude to State Parties, international organisations, NHRIs, NGOs and all stakeholders who participated in this Ordinary Session.
48. The Commission also expresses its deep gratitude to the Government of the Republic of The Gambia for the facilities provided for the organisation of the Session.
49. The Closing Ceremony of the 75th Ordinary Session took place on 23rd May 2023.