


+

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>
No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) (220) 441 05 05 /441 05 06, Fax: (220) 441 05 04 E-mail: au-banjul@africa-union.org ; Web www.achpr.org		

**FINAL COMMUNIQUE OF THE 52nd ORDINARY SESSION OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS
HELD IN YAMO USSOUKRO, COTE D'IVOIRE
FROM 9 TO 22 OCTOBER 2012**

1. The African Commission on Human and Peoples' Rights (the Commission) held its 52nd Ordinary Session in Yamoussoukro, Republic of Côte d'Ivoire, from 9 to 22 October 2012.
2. The Opening Ceremony was graced by the presence of the President of the Republic of Côte d'Ivoire, **His Excellency Alassane Dramane Ouattara**, who declared the Session open.
3. Honourable Commissioner **Catherine Dupe Atoki**, Chairperson of the Commission, presided over the deliberations of the 52nd Ordinary Session.
4. The following Honourable Members of the Commission attended and participated in the Session:
 - Honourable Commissioner - **Kayitesi Zainabo Sylvie (Vice Chairperson);**
 - Honourable Commissioner **Reine Alapini-Gansou;**
 - Honourable Commissioner **Faith Pansy Tlakula;**
 - Honourable Commissioner **Yeung Kam John Yeung Sik Yuen;**
 - Honourable Commissioner **Soyata Maiga;**
 - Honourable Commissioner **Mohamed Bechir Khalfallah;**
 - Honourable Commissioner **Lucy Asuagbor;**
 - Honourable Commissioner **Med Kaggwa;**
 - Honourable Commissioner **Maya Sahli-Fadel;** and
 - Honourable Commissioner **Pacifique Manirakiza.**

5. Honourable Commissioners **Kayitesi Zainabo Sylvie** (Vice Chairperson) and **Lucy Asuagbor** attended part of the Session but had to leave in mid-Session, with apologies.
6. Altogether five hundred and sixty five (565) delegates participated in the 52nd Ordinary Session. Of these, ninety eight (98) represented twenty seven (27) States Parties, twenty four (24) represented National Human Rights Institutions, seventeen (17) represented International and Inter-Governmental Organizations, four hundred and nineteen (419) represented African and International NGOs as well as other observers, and seven (7) represented African Union Organs.
7. A number of parallel meetings were held prior to and on the margins of the 52nd Ordinary Session, including the following:
 - NGO Forum, from 6 to 8 October 2012;
 - Celebration of the 10th World Day against the Death Penalty, 10 October 2012;
 - Meeting of Women Human Rights Defenders to draft a Report on women's rights defenders, 10 October 2012;
 - Interactive session with the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, 10 October 2012;
 - Meeting of the Commission's Working Group on Economic, Social and Cultural Rights, 13 October 2012;
 - Interactive session on the issue of Libyan Migrants, 11 October 2012;
 - Launch of Decriminalisation of Freedom of Expression Project and 10th Anniversary of the Declaration on Freedom of Expression;
 - Launch of African Policing Civilian Oversight Forum (APCOF) newsletter, 16 October 2012;
 - Training by the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV on "HIV, The Law and Human Rights," 19 October 2011;

8. The Mayor of Yamoussoukro, **Mr. Kouakou Gnanragbe Jean**, welcomed all invited dignitaries and participants of the 52nd Ordinary Session and the 25th Anniversary of the Commission to Yamoussoukro, and wished them a pleasant stay.
9. As part of the events in commemoration of its 25th Anniversary, the Commission organised a Moot Court Competition between Université de l'Atlantique and Institut Universitaire d'Abidjan, on 12 October 2012. It also organised a Musical Concert and a Marathon for Human Rights on the following day.
10. In her Opening Address, the Chairperson of the Commission, **Honourable Catherine Dupe Atoki**, thanked His Excellency the President, Mr Alassane Dramane Ouattara and the people of Côte d'Ivoire for hosting the 52nd Ordinary Session, and noted that the holding of the Session in Yamoussoukro is a clear testimony that not only has peace been restored in Côte d'Ivoire but also that good governance and in particular, the promotion and protection of human rights are on top of the country's agenda.
11. She stated that the 52nd Ordinary Session marks the 25th Anniversary of Commission's establishment by the then Organization of African Unity (OAU). She lamented that freedom did not bring the much-anticipated progress and prosperity as independent African states struggled to contain the impact of arbitrary borders that fuelled tensions. She went on to say that the question of human rights did not feature prominently when the OAU was created, but faced with widespread human rights challenges, in 1981 the OAU adopted the African Charter on Human and Peoples' Rights (the African Charter).
12. The Chairperson said that the formative years of the Commission were fraught with acute challenges that threatened its existence, as Member States were uncooperative with a new organization prying into their 'private lives'.
13. The Chairperson, however, was pleased to note that despite these challenges, the Commission has been able to traverse the terrain in Africa and claim ownership as the first reference point on issues of human rights on the continent - going on to establish various Subsidiary Mechanisms and to address complex human rights situations.
14. In conclusion, she suggested that for a more efficient Commission of the next 25 years and beyond, it is imperative that as the foremost institution mandated to promote and protect human rights on the continent, the African

Union should fully support it. She further appealed to States Parties to live up to their commitments and obligations under the Charter and, by implication, the decisions and recommendations of the Commission. She also reminded the delegates that the promotion and protection of human rights is the collective responsibility of all.

15. Speaking on behalf of Her Excellency Mrs Navy Pillay, United Nations High Commissioner for Human Rights, **His Excellency Mr Bert Koenders**, UN Special Representative to Côte d'Ivoire, recalled the serious measures that the African continent has taken in the realization of the promotion and protection of human rights. He pointed out that the Commission has contributed to the improvement of legislation in many African countries.
16. Regarding the working relationship between the Commission and the United Nations, Mr Koenders reported that in 2002 the UN High Commission for Human Rights established an office in Addis Ababa in order to cement its ties with the African Union and its mechanisms for the protection of human and peoples' rights in Africa. He stressed that the protection of human rights is a continuous mission of the UN.
17. With regard to the current situation in Côte d'Ivoire, Mr Koenders affirmed that the Ouattara government's programmes in place are destined to promote a vigorous reform of the security sector, and also revealed that the government had in fact set up a Truth and Reconciliation Commission to bring lasting peace to the county. He stressed the importance of peace in Africa and stated that without peace and security human rights are fragile and that without respect for human rights there is neither peace nor security.
18. Professor Christof Heyns, the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, and the Chairperson of the HRC-Commission Joint Working Group for Implementing the Addis Ababa Road Map on the collaboration between the HRC and the Commission special procedures mandate holders, indicated that the Charter greatly contributed to the promotion and protection of human rights on the continent. The Commission, he said, has provided robust jurisprudence and a forum for the deliberation of various human rights issues in Africa.
19. Professor Heyns stated that mindful of the similarities between the mandates of the Commission and the UN special procedures, the mandate holders of these two institutions came together to develop a Road-Map to strengthen collaboration and synergies between the two institutions, which was adopted

in January 2012 in Addis Ababa, Ethiopia. Since then the mandate holders of the two institutions undertook various joint activities, among which are joint press releases, conferences and seminars and a fact-finding mission. He underscored the need for the two institutions to continue working together towards achieving accountability for human rights violations.

20. Speaking on behalf of the President of the African Court on Human and Peoples' Rights (African Court), Honourable Justice Orée Sylvain emphasized on the relationship between human rights, peace and development which, he said, are the values that helped build the African Union. As such, it is legitimate for African leaders and the people of Africa to expect the Commission, the African Court and other regional human rights protection mechanisms to use these values towards attaining the objectives of the AU.
21. He underscored the complementarity relationship between the two institutions which, he stated, was established by the Court Protocol, and has enabled the two institutions to put in place the necessary collaboration structures for strengthening human rights protection on the continent. With the objective of enhancing this complementarity, he indicated that the two institutions have already organised joint meetings, two meetings between the respective bureaux and one joint annual meeting held in Algiers in July 2012. He commended the Commission for the work done.
22. **Honourable Lamin Jobarteh**, Attorney General and Minister of Justice of the Republic of The Gambia, recalled that many of the negotiations that led to the adoption of the Charter took place in Banjul, The Gambia, which is why it is also called the *Banjul Charter*.
23. **Mr Jobarteh** expressed regret that the African continent is still very far from attaining the goal of full enjoyment of rights by each individual. The Minister stated that there can be no doubt that the system for the protection of human rights has brought an improvement in the living conditions of millions of Africans.
24. **Mr Gilbert Sebihogo**, speaking on behalf of the Network of African National Human Rights Institutions, thanked the Commission for the recognition it has accorded the NHRIs and lamented about the continued deterioration of the human rights situation in Africa. He reminded the delegates about the deaths of almost forty-five (45) people at the Marikana platinum mine in South Africa where miners were shot and killed in August 2012, as well as the

killing of more than one hundred and ten (110) people in Kenya's Tana River Region.

25. **Mr Sebihogo** commended the Commission for helping to find solutions to the conflict in Côte d'Ivoire, where many of its citizens suffered during the post-election conflict in 2010, and called on the Government of Côte d'Ivoire to resolve the current impasse, and fast-track its reconciliation.
26. **Mrs Hannah Forster**, Executive Director of the African Centre for Democracy and Human Rights Studies, speaking on behalf of NGOs, commended the Republic of Côte d'Ivoire for presenting its initial State Report to the Commission, despite the challenges and austerity measures the country has been going through. She called on States Parties to respect the right to life and urged them to impose a moratorium on the death penalty.
27. Mrs Forster said that the declarations emerging from the NGO Forum indicated that participants, particularly NGOs with Observer Status, have reiterated their readiness to work in collaboration with the Commission, as well as the African Union and its organs, in the furtherance of human rights, good governance and the rule of law in Africa. She finally appealed to the international community to continue to support the NGO Forum, which, she said, will no doubt go a long way towards the effective implementation of its mandate.
28. His Excellency, **Honourable Coulibaly Gnenema Mamadou**, Minister of Human Rights and Public Freedoms of Côte d'Ivoire, applauded the commitment of the Commissioners and delegates to the cause of human and peoples' rights in Africa. He also expressed delight at hosting the 52nd Ordinary Session in Côte d'Ivoire, which was previously sidelined, but that it is gradually stepping forward to position itself in the international community.
29. The Minister emphasized that President Alassane Dramane Ouattara's attendance at the Opening Ceremony of the 52nd Ordinary Session is a clear demonstration of the President's commitment to the promotion and protection of human and peoples' rights in Côte d'Ivoire. He also stated that it is this commitment that made the President authorize, without hesitation, the financing and holding of the session in Yamoussoukro.
30. In his Opening Address, **His Excellency President Alassane Dramane Ouattara** congratulated the Commission for its relentless efforts towards

making human rights a reality on the African continent. He stated that the return of Côte d'Ivoire to the Commission, after a decade of absence, has enabled it to appreciate the enormous work the Commission has achieved in the field of human rights.

31. The President requested that as the Commission celebrates its 25th Anniversary, it is necessary that it takes a retrospective look at its performance, in order to continue on a new footing. He stated that the dignity and integrity of the human person, without distinction as to race, sex, age, religion or culture, are amongst the values to be upheld in the 21st century, and suggested that the respect, protection and enforceability of these fundamental principles are the responsibility of states and governments as well as individuals. He further stated that a lot of work still remains to be done to consecrate human life, as environmental degradation, gender-based violence, the proliferation of small arms, protracted conflicts, high levels of illiteracy, poverty, HIV/AIDS and corruption continue to affect the enjoyment of human rights. He lamented about the situation in Mali and called on the international community and civil society organizations to mobilize their efforts to bring an end to this threat in Mali and the entire West African sub-region. He also appealed to the international community to respond to the humanitarian crisis in the Sahel region by increasing its assistance to refugees, displaced persons and other vulnerable groups and people.
32. With regard to Côte d'Ivoire, the President informed the Session that the appalling situation of human rights and public liberties over the years had its origin in the absence of a genuine policy for protecting human rights and a general culture of impunity during the decade 2000-2010. These inform his decision to establish various institutional and legal measures to ensure the rule of law, fight against impunity and the promotion of a culture of human rights, including the introduction of human rights and civic education in schools.
33. The President further stated that his Government has undertaken many legal reforms, and pledged to honour his commitment to submit its Periodic Reports to treaty bodies and ensuring the implementation of the African Charter. He reaffirmed his Government's determination to collaborate with the Commission in its noble mission of promoting and protecting human rights.
34. His Excellency the President, as Guest of Honour, made the presentation of the Commission's 25th Anniversary Awards for NHRIs and NGOs. The top

Award went to the Uganda Human Rights Commission and the Centre for Human Rights, University of Pretoria as Best African National Human Rights Institution and Best Civil Society Organisation respectively.

35. His Excellency the Minister of Human Rights and Public Freedoms of Côte d'Ivoire, made the presentation of the Commission's 25th Anniversary Awards to seven (7) former Chairpersons of the Commission and two (2) former Secretaries to the Commission, in recognition of their outstanding contributions to the work of the Commission.
36. Regarding the situation of human rights in Africa, representatives of the following States Parties made statements relating to the human rights situation in their respective countries: Peoples' Democratic Republic of Algeria, Republic of Burkina Faso, Republic of Côte D'Ivoire, Republic of Chad, Republic of The Gambia, Arab Republic of Egypt, Republic of Eritrea, Federal Democratic Republic of Ethiopia, Kingdom of Lesotho, Republic of Liberia, Republic of Mauritania, Republic of Niger, Republic of South Africa, Kingdom of Swaziland, Republic of Sudan, Republic of Togo, United Republic of Tanzania, and Republic of Zimbabwe.
37. Four (4) National Human Rights Institutions (NHRIs) made statements on the state of human rights in their various countries, being the National Human Rights Institutions of the Federal Republic of Nigeria, Republic of Kenya, Republic of Malawi, and Republic of Sierra Leone.
38. A total of sixty seven (67) NGOs enjoying Observer Status with the Commission also made statements on the human rights situation in Africa.
39. The Commission considered applications for Observer Status from twelve (12) NGOs and granted the Status to all the twelve (12) NGOs, in accordance with Resolution ACHPR/Res.33 (XXV) 99 on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organisations Working in the Field of Human and Peoples' Rights. These are:
 - 1) AIDS and Rights Alliance for Southern Africa (ARASA);
 - 2) HIAS Refugee Trust of Kenya;
 - 3) African Union for the Blind;
 - 4) The Royal Commonwealth Society for the Blind (Sight Savers);
 - 5) Transformation Resource Center;
 - 6) The West African Bar Association (WABA);
 - 7) African Centre for the Treatment and Rehabilitation of Torture Victims (ACTV);

- 8) Confédération syndicale Internationale - Afrique (CSI-A);
- 9) Femina international;
- 10) Collectif des Associations Contre l'Impunité Au Togo;
- 11) Positive Generation; and
- 12) CRADLE, The Children Foundation

40. This brings the total number of NGOs with Observer Status with the Commission to four hundred and forty seven (447).

41. In conformity with Article 62 of the African Charter, the Republic of Côte d'Ivoire presented its Initial and Combined Periodic Report (1994 - 2012) to the Commission.

42. The Commission conducted a five- day colloquium, during which several presentations were made in the context of reviewing the twenty five (25) years of the work of the Commission in promoting and protecting human and peoples' rights in Africa. The presentations took the form of interactive sessions between the Commission and participants highlighted important recommendations to the Commission and its partners.

43. Members of the Commission presented Reports of the Subsidiary Mechanisms on the twenty five (25) years of the promotion and protection of human and peoples' rights in Africa. In that regard, participants at the Session listened and made contributions to the Reports of the following Commissioners:

- a) Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa;
- b) Special Rapporteur on the Rights of Women in Africa;
- c) Special Rapporteur on Human Rights Defenders in Africa;
- d) Special Rapporteur on Prisons and Conditions of Detention in Africa;
- e) Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- f) Chairperson of the Working Group on the Death Penalty in Africa;
- g) Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
- h) Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;

- i) Chairperson of the Working Group on Extractive Industries, Environment and Human Rights in Africa;
- j) Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa (ECOSOC);
- k) Chairperson of the Working Group on Communications;
- l) Chairperson of the Committee for the Prevention of Torture in Africa; and
- m) Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV;

44. The Commission examined and adopted the Reports of the Promotion and Fact-finding missions to the following States Parties:

- a) Central African Republic; and
- b) Sahrawi Arab Democratic Republic;

45. The Commission considered and adopted the Report of the Secretary to the Commission which highlighted the achievements of the Commission in the promotion and protection of human and peoples' in Africa between 2008 to 2012 as follows:

- Ordinary Sessions conducted –ten (10);
- Extra-ordinary Sessions conducted to deal with Communications and other urgent issues, nine (9);
- Promotion Missions, twenty two (22);
- Missions of Special Mechanisms, nineteen (19);
- Fact-finding Missions, two (2);
- State reports considered, twenty-two (22);
- Concluding Observations, twenty-one (21);
- Resolutions adopted, ninety-seven (97);
- Urgent Appeals issued, one hundred and fifty-two (152);
- Workshops/Conferences, twelve (12).

46. The Commission further considered and adopted the following Reports of:

- a) The Study Group on Freedom of Association; and
- b) The Advisory Committee on Budget and Staff Matters;

47. The African Commission considered and adopted the following working documents;

- a) A General Comment on Article 14(1)(d) and (e) of the Protocol to the African Charter on the Rights of Women in Africa; and
- b) A Protocol on Older Persons

48. The Commission also adopted its Concluding Observations on the Initial and Combined Periodic Report of the Republic of Côte d'Ivoire.

49. The Commission adopted the following Resolutions:

- Resolution on the Expansion of the Mandate of the Working Group on Communications and Modifying its Composition;
- Resolution on the Expansion of the Mandate of the Working Group on the Death Penalty in Africa;
- Resolution on the Extension of the Deadline for the Study on Freedom of Association in Africa;
- Resolution on the need to Develop Guidelines on Conditions of Police Custody and Pretrial Detention in Africa;
- Resolution on the need for a Study on the Situation of Women Human Rights Defenders in Africa;
- Resolution on the Ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights; and
- Resolution on the Right to Adequate Housing and Protection from Forced Evictions.

50. The Commission considered 80 Communications: it was seized with four (4), considered one (1) on admissibility, two (2) on the Merits, and 9 were struck out for lack of diligent prosecution. Sixty four (64) Communications were deferred to the 53rd Ordinary Session, for various reasons, including time constraints and lack of response from one or both parties.

51. The Commission adopted its 33rd Activity Report which will be submitted to the 22nd Ordinary Session of the Executive Council of the AU and the 20th Summit of the Assembly of Heads of State and Government of the AU, which are scheduled to take place in January 2013.

52. The Commission decided that it will hold its 13th Extra-ordinary Session from 18 to 25 February 2013 in Banjul, The Gambia.
53. The Commission also decided to hold its 53rd Ordinary Session from 9 to 23 April 2013, at a venue to be yet to be decided.
54. The Commission expresses sincere appreciation and profound gratitude to the Government and people of the Republic Côte d'Ivoire for the facilities placed at its disposal, and for the warm welcome and hospitality accorded to the participants, all of which contributed to the excellent outcome and successful deliberations of its 52nd Ordinary Session.
55. The closing ceremony of the 52nd Ordinary Session took place on 22 October 2012 in Yamoussoukro, Republic of Côte d'Ivoire.
56. The Chairperson of the Commission, **Honorable Commissioner Catherine Dupe Atoki**, held a Press Conference after the closing ceremony.

Done in Yamoussoukro, Republic of Cote d'Ivoire, on 22 October 2012

AFRICAN UNION UNION AFRICAINE

African Union Common Repository

<http://archives.au.int>

Organs

African Commission on Human and People's Rights Collection

2012

FINAL COMMUNIQUE OF THE 52nd ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

African Union

African Union

<http://archives.au.int/handle/123456789/5372>

Downloaded from African Union Common Repository