

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

---

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone: 517 700

Fax: 5130 36

website: [www. www. www.au.int](http://www.wwww.aau.int)

---

**EXECUTIVE COUNCIL**

**Twenty-Fifth Ordinary Session**

**20 – 24 June 2014**

**Malabo, EQUATORIAL GUINEA**

EX.CL/856(XXV)

Original: English

**36TH ACTIVITY REPORT OF THE AFRICAN COMMISSION ON  
HUMAN AND PEOPLES' RIGHTS**

*Submitted in Accordance with  
Article 54 of the African Charter on Human and Peoples' Rights*

## I. INTRODUCTION

1. This 36<sup>th</sup> Activity Report of the African Commission on Human and Peoples' Rights (the Commission) , which is presented in accordance with Article 54 of the African Charter on Human and Peoples' Rights (the African Charter), covers the period **November 2013 to May 2014**. It highlights amongst others, the Statutory meetings of the Commission; the State Reports examined, and the Resolutions adopted by the Commission; the human rights complaints before the Commission; the human rights situation on the continent; promotion missions undertaken by the Commission; financial, staffing and operational matters; as well as implementation of Executive Council decisions.

## II. STATUTORY MEETINGS

2. Three statutory meetings were held during the reporting period, namely: (i) the 5<sup>th</sup> Meeting of the Joint Bureaux of the Commission and the African Court on Human and Peoples' Rights (the Court) which took place on 24 January 2014, in Addis Ababa, Ethiopia on the margins of the January Summit of the AU Policy Organs; (ii) the 15<sup>th</sup> Extra-Ordinary Session (EOS), which took place from 7 to 14 March 2014, in Banjul, The Gambia and (iii) the 55<sup>th</sup> Ordinary Session (OS) which took place from 28 April to 12 May 2014, in Luanda, Angola.

### a) 5<sup>th</sup> Joint Bureaux Meeting - Addis Ababa, Ethiopia, 24 January 2014

3. The two bureaux considered the roadmap for the joint preparation of the Concept Note for Project 2016, a year which has been declared the "African Year of Human and Peoples' Rights, particularly Women's Rights". In addition, they also discussed issues directed at deepening their collaboration and facilitating the promotion and protection of human rights on the continent.

### b) 15<sup>th</sup> EOS - Banjul, The Gambia, 7 to 14 March 2014

4. During the 15<sup>th</sup> EOS, the Commission adopted 4 Resolutions; it also considered 19 Communications as follows:

- (i) 6 on Seizure, of which 4 were seized, 2 were not seized, and Provisional Measures were issued in one;
- (ii) 9 on Admissibility, of which 7 were declared admissible, and 2 deferred pending receipt of more information;
- (iii) 2 on the Merits;
- (iv) 1 requesting relisting of the Complaint; and
- (v) 1 requesting addition of more Authors to a Complaint.

5. More details on this are provided in paragraphs 21 and 22 hereinafter.

**c) 55<sup>th</sup> OS - Luanda, Angola, 28 April – 12 May 2014**

6. The 55<sup>th</sup> OS was opened by the Minister of Justice and Human Rights of the Republic of Angola, His Excellency Dr. Rui Jorge Carneiro Mangureira, while the Chairperson of the Commission, Honourable Commissioner Kayitesi Zainabo Sylvie, presided over the proceedings of the Public Session and the opening of the Private Session. The Vice-Chairperson of the Commission, Honourable Commissioner Mohamed Béchir Khalfallah, chaired the rest of the deliberations of the Private Session, assisted by Honourable Commissioner Reine Alapini Gansou as Acting Vice-Chairperson.

7. In addition to the Chairperson and the Vice-Chairperson referred to above, the following members of the Commission attended the Session: Honourable Commissioner Reine Alapini Gansou; Honourable Commissioner Yeung Kam John Yeung Sik Yuen; Honourable Commissioner Soyata Maiga; Honourable Commissioner Lucy Asuagbor; Honourable Commissioner Med S. K. Kaggwa; Honourable Commissioner Maya Sahli Fadel; Honourable Commissioner Pacifique Manirakiza; and Honourable Commissioner Lawrence Murugu Mute. Honourable Commissioner Faith Pansy Tlakula was absent with apologies.

8. The following Member States attended the Session: Algeria, Angola, Burkina Faso, Cameroon, Djibouti, Eritrea, Ethiopia, Gabon, The Gambia, Guinea Bissau, Lesotho, Liberia, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Sahrawi Arab Democratic Republic (SADR), Sao Tome and Principe, Senegal, South Africa, South Sudan, the Sudan, Swaziland, Uganda and Zimbabwe.

9. Of the 26 States, the following 21 Member States made statements regarding the measures taken to promote and protect human rights in their respective countries: Algeria, Angola, Burkina Faso, Cameroon, Djibouti, Eritrea, Ethiopia, The Gambia, Lesotho, Liberia, Mauritania, Niger, Nigeria, Rwanda, SADR, Senegal, South Africa, South Sudan, the Sudan, Uganda and Zimbabwe.

10. In addition to making a statement on the human rights situation in her country, the Minister of Human Rights and Humanitarian Action and Relations with Civil Society of the Arab Republic of Mauritania, Mme. Aichetou M'haiham, also made a statement on behalf of African Union Member States during the Opening Ceremony of the Session.

11. The Commission notes with appreciation the high level and the diversity of some of the State delegations which included, *inter alia*, Members of Parliaments and National Human Rights Institutions. The Commission wishes to commend, in particular, the Republics of Angola, Liberia, Mauritania, Mozambique, SADR, the Sudan and Uganda for sending delegations at Ministerial level. The Commission further expresses its gratitude to the Republic of Angola for ensuring the participation of several Ministers in

the Session as well as the active engagement of the Angolan delegation in the deliberations.

**12.** Three hundred and eighty-four (384) delegates participated in the Session: 143 representing 26 Member States; 4 representing AU Organs; 18 representing National Human Rights Institutions (NHRIs); 13 representing International and Inter-Governmental Organizations; 180 representing African and International Non-Governmental Organisations (NGOs); and 26 representing other observers and the Press.

**13.** During the Session, 12 NGOs were granted Observer Status with the Commission, bringing the total number of NGOs with observer status with the Commission to 478.

**14.** The Commission considered and adopted the reports of the joint promotion missions to the Republics of Gabon and Uganda, as well as the following other documents: General Comments on Article 14.1(a),(b),(c) and (g) as well as Article 14.2 (a) and (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol); Report of the Study Group on Freedom of Association in Africa; Report on the Participation of the Commission in the 23<sup>rd</sup> Session of the African Committee of Experts on the Rights and Welfare of the Child; Toolkit for Promotion Missions of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa; Study on the Right to Nationality in Africa; Guidelines on Conditions of Police Custody and Pre-trial Detention in Africa; Principles and Guidelines on Human Rights and Countering Terrorism, Update on Cases before the Court; Advisory Opinion on the request of the African Committee of Experts on the Rights and Welfare of the Child to the Court; Concept Note on Project 2016; and the Report of the Secretary to the Commission.

**15.** The Commission appointed new Expert Members of its Working Groups on the following: Death Penalty and Extra-Judicial, Summary or Arbitrary Killings in Africa; Rights of Older Persons and People with Disabilities in Africa; and Extractive Industries, Environment and Human Rights Violations in Africa.

**16.** While thanking the Republic of Angola for hosting the 55<sup>th</sup> OS, the Commission seizes this opportunity to extend its appreciation to States Parties that have hosted Sessions of the Commission; the Commission further extends its appreciation to Niger, Mauritania and Burkina Faso for offering to host the 56<sup>th</sup>, 57<sup>th</sup>, and 58<sup>th</sup> Ordinary Sessions of the Commission, respectively.

**17.** The Commission also avails itself of this forum to urge other Member States, especially those that have not yet done so, to consider hosting one of the future Sessions of the Commission – not only to lessen the burden on the Commission's gracious host country, The Gambia, but also benefit from partnering with the Commission in this most worthy exercise.

### III. STATE REPORTING

18. During the Session, the Commission considered the Initial and Combined Periodic Report of Liberia, presented by the Acting Minister of Justice, Honourable Whettonia Y. Dixon Barnes; the Combined Periodic Report of Mozambique presented by the Minister of Justice of Mozambique, Honourable Maria Benvinda Delfina Levi; and the Combined Periodic Report of the Sahrawi Arab Democratic Republic, presented by the Minister of Justice of Sahrawi Arab Democratic Republic, Honourable Hamada Selma Daf. In that regard, the Commission wishes to note and commend the fact that all the Reports were presented by delegations at ministerial level.

19. Adoption of the Concluding Observations on the Reports of these three States Parties was deferred to a later date, to allow the Member States to provide the additional information requested by the Commission.

20. The status of submission of Periodic Reports to the Commission by Member States as at the 55<sup>th</sup> OS stood as follows:

Status	State Party
<b>Report</b> with the Commission for consideration - <b>5</b>	Malawi, Nigeria, Senegal, Sierra Leone and Uganda.
Up to date – <b>6</b>	Cameroon, Côte d’ Ivoire, Gabon, Liberia, Mozambique and SADR.
<b>1 Report</b> overdue – <b>7</b>	Burkina Faso, Burundi, DRC, Libya, Namibia, Sudan and Togo.
<b>2 Reports</b> overdue- <b>8</b>	Angola, Benin, Botswana, Congo Brazzaville, Ethiopia, Madagascar, Mauritius and Rwanda.
<b>3 Reports</b> overdue – <b>6</b>	Algeria, Kenya, Tanzania, Tunisia, Zambia and Zimbabwe.
<b>More than 3 Reports</b> overdue – <b>14</b>	Cape Verde, Chad, CAR, Egypt, The Gambia, Ghana, Guinea, Lesotho, Mali, Mauritania, Niger, Seychelles, South Africa and Swaziland.
<b>Never submitted a Report</b> – <b>7</b>	Comoros, Djibouti, Equatorial Guinea, Eritrea, Guinea-Bissau, Sao Tome and Principe and Somalia.
Still to ratify the African Charter - <b>1</b>	South Sudan.

#### IV. RESOLUTIONS ADOPTED BY THE COMMISSION

21. The Commission adopted the following Resolutions during the reporting period:

Session	Resolutions adopted
15 <sup>th</sup> EOS	<ul style="list-style-type: none"> <li>(i) Resolution on the Human Rights Situation in the Republic of South Sudan;</li> <li>(ii) Resolution on Attacks on Journalists and Media Practitioners in the Federal Republic of Somalia;</li> <li>(iii) Resolution on the Human Rights Situation in the Central African Republic; and</li> <li>(iv) Resolution on the Human Rights Situation in the Federal Republic of Nigeria.</li> </ul>
55 <sup>th</sup> OS	<p style="text-align: center;"><b>a. Resolutions Relating to Special Mechanisms</b></p> <ul style="list-style-type: none"> <li>(i) Resolution on the Renewal of the Mandate of the Working Group on Specific Issues Relating to the Work of the Commission;</li> <li>(ii) Resolution on the Renewal of the Mandate of the Special Rapporteur on the Situation of Human Rights Defenders in Africa;</li> <li>(iii) Resolution on the Renewal of the Mandate of the Committee on the Protection of the Rights of People Living With HIV and Those at Risk, Vulnerable To and Affected By HIV;</li> <li>(iv) Resolution Appointing New Expert Members of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa;</li> <li>(v) Resolution Appointing New Expert Members of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa; and</li> <li>(vi) Resolution Appointing a New Expert Member of the Working Group on the Rights of Older Persons and People with Disabilities in Africa.</li> </ul> <p style="text-align: center;"><b>b. Country Resolutions</b></p> <ul style="list-style-type: none"> <li>(i) Resolution on the Suppression of Sexual Violence Against Women in the Democratic Republic of Congo; and</li> <li>(ii) Resolution on the Situation in the Arab Sahrawi Democratic Republic.</li> </ul> <p style="text-align: center;"><b>c. Thematic Resolutions</b></p> <ul style="list-style-type: none"> <li>(i) Resolution on the Right to Peaceful Demonstration;</li> <li>(ii) Resolution on the Protection Against Violence and Other Human Rights Violations Against Persons on the Basis of Their Real or</li> </ul>

Session	Resolutions adopted
	Imputed Sexual Orientation or Gender Identity; (iii) Resolution on the Drafting of Principles and Guidelines on Human Rights and Countering Terrorism; (iv) Resolution on the Extension of the Deadline for the Study on Transitional Justice in Africa; (v) Resolution on Climate Change in Africa; (vi) Resolution on the Situation of Women and Children in Armed Conflict; (vii) Resolution on Terrorist Acts in Africa; (viii) Resolutions on Elections in Africa in 2014; and (ix) Resolution on the Drafting of Protocol to the African Charter on Human and Peoples' Rights on the Right to Nationality in Africa.

## V. HUMAN RIGHTS COMPLAINTS BEFORE THE COMMISSION

22. Eighty-seven (87) Communications are currently before the Commission. The following were considered during the reporting period:

### (a) Communications considered

Session	Phase, Name, Outcome/Remarks
15 <sup>th</sup> EOS	<p><b>I. SEIZURE</b></p> <p><b>a) Seized:</b></p> <p>(i) <b>Communication 460/13</b> - Francisco Filipe Machado Vasco Mboia Campira (represented by Professor Dr Gilles Cistac) v. Mozambique;</p> <p>(ii) <b>Communication 462/13</b> - Jacques Jonathan Benjamin Virassamy (represented by Dev Hurnam) v. Mauritius; and</p> <p>(iii) <b>Communication 463/14</b> - Eugene Atigan-Ameti (represented by Collectif des Associations contre l'Impunite au Togo) v. Togo.</p> <p><b>b) .....Seized and Provisional Measures Issued:</b></p> <p>(i) <b>Communication 461/13-</b> Eskinder Nega and Reeyot Alemu (represented by Media Legal Defence Initiative, Freedom Now and Lincolns Inn) v. Ethiopia.</p> <p><b>c) Not Seized:</b></p> <p>(i) <b>Communication 464/14</b> - Uhuru Kenyatta and Mr. William Ruto (represented by Innocence Project Africa) v. Kenya; and</p> <p>(ii) <b>Communication 465/14</b> - Benedict F. Sannoh (represented by Innocence Project Africa) v. South Sudan.</p>

**II. ADMISSIBILITY****a) Admissible:**

- (i) **Communication 318/06** - Open Society Justice Initiative v. Côte d'Ivoire;
- (ii) **Communication 341/2007** - Equality Now and Ethiopian Women Lawyers Association (EWLA) v. Ethiopia;
- (iii) **Communication 344/07** – INTERRIGHTS v. Egypt;
- (iv) **Communication 385/10** – ICJ (Kenya) v. The Republic of Kenya;
- (v) **Communication 388/10** – Nitroranya Adrien v. Burundi;
- (vi) **Communication 396/11** – Mr. El Sharkawi (represented by EIPR and OSJI) v. Egypt; and
- (vii) **Communication 393/10** – Institute for Human Rights and Development in Africa and Accountability in Development v. DRC.

**b) Deferred Pending Additional Information**

- (i) **Communication 383/10** – Al-Assad v. Djibouti; and
- (ii) **Communication 406/11** – The Law Society of Swaziland v. Swaziland.

**III. MERITS**

- (i) **Communication 287/04** - Titanji Duga Ernest (on behalf of Cheonumu Martinet and Others) v. Cameroon; and
- (ii) **Communication 379/09** - Monim Elgak, Osman Hummeida and Amir Suliman v. Sudan.

**IV. REQUEST FOR RELISTING GRANTED**

- (i) **Communication 391/10** – Abdelrahman Mohamed Gassim and Nine Others (represented by East and Horn of Africa Human Rights Defenders Project) v. Sudan.

**V. REQUEST TO ADD MORE AUTHORS TO A COMMUNICATION**

- (i) **Communication 452/13** – Ali Askouri and Abdel-Hakeem Nasr (on behalf of Persons Affected by the Construction of the Merowe and Kajbar Dams) v. Sudan.



55 <sup>th</sup> OS	<p><b>I. SEIZURE</b></p> <p><b>Seized:</b></p> <ul style="list-style-type: none"> <li>(i) <b>Communication 466/14</b> – Individuals Killed and Injured in the 2011 Cabinet Offices Clashes (represented by the families of Alaa Abdel-Hady and 3 Others) v. Egypt; and</li> <li>(ii) <b>Communication 467/14</b> – 529 Persons Sentenced to Death (represented by Freedom and Justice Party of Egypt) v. Egypt.</li> </ul> <p><b>II. ADMISSIBILITY</b></p> <p><b>a) Admissible :</b></p> <ul style="list-style-type: none"> <li>(i) <b>Communication 324 &amp; 325/06</b> - OMCT and LIZADEEL v. DRC;</li> <li>(ii) <b>Communication 346/07</b> - Mouvement du 17 Mai v. DRC;</li> <li>(iii) <b>Communication 415/12</b> - Edouard Nathanaël ETONDE EKOTO v. Cameroon;</li> <li>(iv) <b>Communication 416/12</b> - Jean Marie ATANGANA MEBARA v. Cameroon;</li> <li>(v) <b>Communication 431/12</b> - Thomas Kwayelo v. Uganda; and</li> <li>(vi) <b>Communication 443/12</b> - Safia Ishaq Mohammed Issa (represented by The REDRESS Trust) v. Sudan.</li> </ul> <p><b>b) Inadmissible:</b></p> <ul style="list-style-type: none"> <li>(i) <b>Communication 383/10</b> - Al-Assad v. Djibouti;</li> <li>(ii) <b>Communication 414/12</b> - Lawyers for Human Rights (Swaziland) v. Swaziland;</li> </ul> <p><b>c) Deferred Pending More Information:</b></p> <ul style="list-style-type: none"> <li>(i) <b>Communication 366/09</b>- Hammadi Kammoum v. Tunisia.</li> </ul> <p><b>III. MERITS</b></p> <ul style="list-style-type: none"> <li>(i) <b>Communication 322/06</b> – Tsatsu Tsikata v. Ghana.</li> </ul> <p><b>IV. REQUEST FOR RE-LISTING</b></p> <ul style="list-style-type: none"> <li>(i) Formerly <b>Communication 394/11</b> – EIPR, HRW and INTERIGHTS (on behalf of the People of Libya) v. Libya subsequently <b>Application 004/2011</b> – African Commission on Human and Peoples’ Rights v. Libya.</li> </ul>
---------------------	---

23. Paragraph 22 above shows that during the period between November 2013 and May 2014:

- 6 new Communications were seized;
- 2 Communications were not seized;
- 18 Communications were considered at admissibility level - 13 were declared admissible, 2 inadmissible and 3 were deferred pending receipt of additional information;
- 3 Communications were considered and decided at merits level;
- 1 Communication was re-listed; while 1 request for re-listing was deferred pending receipt of additional information; and
- 1 request to add more Authors to a Communication was granted.

24. Pursuant to Rule 112 of its Rules of Procedure, the Commission received information regarding implementation of its decisions in two Communications, namely, ***Communication 323/06 - Egyptian Initiative for Personal Rights and INTERIGHTS v. Egypt*** and ***Communication 365/2008 - Byagonza Christopher (represented by Dr. Curtis Doebbler and Ms. Margreet Wewerinke) v Uganda***.

25. In **Communication 365/08**, the Complainant informed the Commission that the decision of the Commission has been partially implemented, and the Commission has requested the State to implement the outstanding part of the decision.

26. In **Communication 323/06**, the Respondent State indicated that efforts have been made to protect the rights of women in the country in general, and the Commission has requested the State for information regarding the concrete measures (being) taken to implement the specific decision of the Commission in the Communication in identified areas.

27. The Commission seizes this opportunity to indicate that pursuant to Rule 112(8) and (9) of its Rules of Procedure, it will henceforth include in its Activity Reports a section detailing implementation of the decisions of the Commission by Member States. The Commission will now also include sections on responses to its requests for Promotional Missions and Urgent Appeals as well as compliance with its Orders for Provisional Measures.

## VI. INTER-SESSION ACTIVITIES OF COMMISSIONERS

28. The intersession activities undertaken by the Honourable Commissioners in their capacities as Members of the Commission, and as Members of Special Mechanisms of the Commission mainly consist of their participation in the Sessions and statutory meetings of the Commission, undertaking promotion missions, promoting the African

Charter and other African human rights instruments through seminars, conferences and workshops, as well as through meetings and other activities organised by their respective mechanisms.

29. In that regard, during the period under review, among other things, the Commission issued Press Releases as follows: Press Release on the Human Rights Situation in the Federal Republic of Nigeria; Press Release on the Human Rights Situation in the Central African Republic; and a Joint Press Release between the Commission and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) on the Kidnapping of School Girls in Nigeria.

30. The Activity Reports of Honourable Commissioners detailing their inter-session activities are set out in their Activity Reports, which are available on the website of the Commission: [www.achpr.org](http://www.achpr.org).

31. The Commission would also like to indicate that, pursuant to Article 45(1) (c) of the Charter, it is collaborating with the Special Mandate-Holders of the United Nations Human Rights Council with a view to ensuring better promotion and protection of human rights on the continent.

## VII. THE HUMAN RIGHTS SITUATION IN AFRICA

### (a) Positive developments

- i) An increase in the number of States Parties submitting their Periodic Reports to the Commission in compliance with Article 62 of the African Charter;
- ii) Efforts to combat the use of torture: 46 African States have banned the use of torture, while 44 AU Member States have ratified the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- iii) Measures being taken to promote and protect human and peoples' rights in various countries: establishment of National Human Rights Commissions in SADR; establishment of a National Human Rights Commission and adoption of a National Human Rights Action Plan in the Sudan; adoption of a National Human Rights Action Plan and enactment of the Citizens Charter to ensure effective and efficient provision of public service and accountability of the Government and the Civil Service in Ethiopia; establishment of a National Observatory on the Protection of Women's Rights and a National Council for the Rights of the Disabled in Algeria; and adoption of a Resettlement Action Plan that provides for payment of compensation to people displaced from their property by the oil industry in Uganda;

- iv) An increase in the ratification of regional and international human rights instruments by States Parties: 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 the African Union Convention on Preventing and Combating Corruption by SADR; ratification of the African Charter on Democracy, Elections and Governance by Côte d' Ivoire, Mali, the Sudan and SADR; as well as ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa by Angola, Côte d' Ivoire, Malawi, SADR, and Zimbabwe;
- v) Measures being taken to protect the rights of children: establishment of a Children's Court together with translation of the Children's Protection and Welfare Act into the local languages for easy access by the population in Lesotho; development of a Basic Education Assistance Module (BEAM) Programme to assist and create access to education for and assistance to vulnerable children in Zimbabwe; introduction of school feeding programs in South Africa to encourage parents to send their children to school; adoption of a law against child pornography in Burkina Faso; and establishment of National and State Councils for Child Welfare in the Sudan as well as promulgation of a law prohibiting female genital mutilation (FGM) in four States of the Sudan;
- vi) Efforts to stop gender-based discrimination and promote the rights of women: in Angola enactment of a law on violence against women, prohibiting trafficking in persons, and increasing the percentage of female parliamentarians to 33%; appointment of women to high positions in the Judiciary in Nigeria; adoption of a National Plan of Action for Combating Violence Against Women in the Sudan; and an increase in the quota for women in Parliament in Algeria, SADR and the Sudan ;
- vii) Efforts being made to promote freedom of expression, press freedom and access to information: enactment of an Access to Information Law in Côte d' Ivoire and promulgation of an Access to Information Bill in Ghana;
- viii) Advances being made in the health sector: establishment of a Mental Health Authority in Ghana to track and monitor mental health facilities in the country; implementation of the Rural Water Supply Project to provide safe drinking water for all in Lesotho; and in Zimbabwe, development of a Child Survival Strategy to address child health challenges and reduce child mortality and morbidity rates in line with MDGs;
- ix) Progress being made in the area of HIV and AIDS: adoption of a National Action Plan for Women and Girls on HIV and AIDS and establishment of an HIV and AIDS unit at the Ministry of Gender in Lesotho; passing of a bill in Nigeria to prohibit discrimination against persons living with HIV and AIDS in the workplace; and in South Africa an increase in access to antiretroviral drugs from 1 million to 2.4 million people together with the establishment of

300 new health facilities nationwide which minimizes mother to child transmission of HIV and AIDS;

- x) Progress in the area of socio-economic rights: development of an employment policy and creation of 1.5 million jobs in Nigeria through initiatives such as the Re-Investment Programme (SURE-P); increase in school enrolment rate to 90% and an increase in the minimum wage in Algeria; increase in salaries and provision of scholarships to students in Burkina Faso to mitigate the high cost of living; enactment of Law 03/14 on Crimes Against the Environment in Angola to protect the environment as a natural resource base for the people, which conduces to the enjoyment of their socio-economic and cultural rights; signing of a Memorandum of Understanding between Lesotho and South Africa on Labour Cooperation to better protect semi-skilled migrant Sesotho workers in South Africa together with establishment of a Migrant Liaison Section to provide labour-related advisory services to the migrant workers;
- xi) Improvements in prisons and other places of detention: construction of new prisons in Angola, Liberia, Mozambique and Uganda to curb the issue of overcrowding in prisons together with provision of capacity building for prison officials in international human rights norms and standards;
- xii) Protection of the rights of persons with disabilities: promulgation of Law no. 21/12 in Angola to promote and protect the rights of people with disabilities; establishment of a Council on the Welfare of Persons with Disabilities in the Sudan; introduction of a Community-based rehabilitation programme in Eritrea to facilitate social integration and mobilize community resources for the benefit of persons with disabilities and to provide orthopedic services, skills training, employment, as well as provision of loans and other economic opportunities;
- xiii) Progress made in the area of civil and political rights: national registration of births and provision of identity cards pursuant to a presidential decree in Angola;
- xiv) Concerning the implementation of its decisions, information is now beginning to reach the Commission regarding implementation of the Commission's decisions at the national State level.

**(b) Areas of concern**

- i) Many Member States are behind in their reporting obligations under Article 62 of the Charter: for example, 14 States Parties have more than 3 overdue Reports, while 7 have never submitted States Parties any Report;
- ii) None of the Reports submitted by Member States thus far complies with either the Commission's Guidelines for reporting under the Maputo

Protocol or the Commission's Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter;

- iii) So far only 27 of the 54 AU Member States have ratified the Protocol to the African Charter on the Establishment of the African Court;
- iv) So far only 7 out of the 54 AU Member States have made the Declaration under Article 34(6) of the Protocol allowing individuals and NGOs direct access to the African court;
- v) Thus far only 38 of the 54 AU Member States have ratified the Maputo Protocol;
- vi) The conflict situation in CAR continues to take the lives of many people, destroy livelihoods, and spawn masses of internally displaced people and refugees;
- vii) The death toll from the atrocities committed by Boko Haram in Nigeria continues to rise, leaving a permanent scar on the global psyche—especially the abduction of more than 200 girls from a boarding school in the village of Chibok, Borno State, on 14 April 2014;
- viii) Attacks on persons with albinism still continue in Tanzania, which exacerbates the plight of a vulnerable group that is already subject to unfair discrimination, stigma and social exclusion;
- ix) The Somali population in refugee camps in Kenya continues to increase exponentially;
- x) The human cost of the conflict in South Sudan continues to mount, accompanied by massive population displacements and arbitrary detentions;
- xi) The deplorable human rights situation in SADR continues unabated;
- xii) Indigenous populations continue to shoulder the brunt of discrimination, dispossession, and eviction;
- xiii) Poverty and unemployment remain major challenges to the effective enjoyment of socio-economic rights, especially by those living below the international poverty threshold;
- xiv) Reports of extra-judicial killings, enforced disappearances, assault, harassment, arrest and detention of human rights defenders, journalists and media practitioners continue to reach the Commission;

- xv) Some States Parties are still to put in place the required legislative frameworks to protect people living with HIV and AIDS; they are also still to adopt human rights centred approaches to HIV and AIDS, to provide sufficient protection for those affected;
- xvi) Poor conditions in hospitals, especially psychiatric ones: many hospitals are characterized by inadequate medical facilities, overcrowding, unsanitary conditions and inappropriate confinement of persons with psycho-social disabilities;
- xvii) Within the extractive industries area: expropriation of land without prior free and informed consent of former occupiers, without payment of adequate compensation to the affected populations, compounded by lack of the technical expertise to evaluate the impact of mining practices on the environment;
- xviii) Lack of attention by States to areas of concern already identified in previous Activity Reports of the Commission: torture; conditions of prisons and other places of detention; use of death sentences and extra-judicial killings; gender discrimination; female genital mutilation; forced marriages and other harmful traditional practices.

## VIII. PROMOTION MISSIONS

**32.** As part of its promotion mandate under Article 45 of the African Charter, the Commission undertook a joint promotion mission to Gabon from 13 to 18 January 2014, and a promotion mission to Zambia from 13 to 17 January 2014.

**33.** The Commission commends Djibouti, Liberia, Seychelles, Senegal, Sudan and Tunisia for agreeing to the Commission's request to undertake promotion missions to their respective countries. Liberia is further commended for requesting the Commission to work together with it to improve the human rights situation in that country.

**34.** The Commission seizes this opportunity to encourage States Parties to give standing invitations to the Commission to undertake promotional missions to their respective countries, and exhorts especially those to whom requests have been made to authorize the undertaking of the proposed missions.

## IX. FINANCIAL AND STAFFING SITUATION

### (a) Staffing and Communication

**35.** The Commission wishes to express its appreciation to the AUC for the efforts deployed, especially in 2014, to recruit Legal Officers for the Commission's Secretariat.

36. Concerning Communication at the Commission's Secretariat, major challenges remain: telephone lines do not really function, email is erratic and fax lines are not operational.

**(b) Funding**

37. A total of US\$ 6,395,466.00 was approved for the Commission for the 2014 fiscal year, of which US\$ 4, 821,043.00 is from Member States, while US\$ 1,569, 423.00 represents pledges from partners.

38. As in preceding years, the programme budget approved for the Commission is not adequate to support the activities which the Commission needs to undertake in order to implement effectively the mandate entrusted to it in the Commission's constitutive text, the African Charter on Human and Peoples' Rights.

**X. IMPLEMENTATION OF EXECUTIVE COUNCIL DECISION**

**(a) Declaration of 2016 as the African Year of Human and Peoples' Rights, Particularly 'Women's Rights'**

39. In line with Executive Council Decision EX.CL/Dec.804 (XX1V), the Commission and the Court, in collaboration with other AU Organs with a human rights mandate, together with the Government of Rwanda, have been working on a Concept Note for the commemoration of 2016 as the "African Year of Human and Peoples' Rights, Particularly Women's Rights". That Concept Note will be submitted to the Policy Organs for consideration during this Session.

**XI. RECOMMENDATIONS**

40. Having regard to the foregoing, the Commission recommends as follows:

***To State Parties:***

- i) Sign, ratify, domesticate and implement regional and international instruments on good governance and democracy, in particular the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights and make the declaration required under Article 34 (6) of the Protocol; the African Charter on Democracy, Elections and Governance; the African Union Convention on Preventing and Combating Corruption and the Convention for the Protection and Assistance of Internally Displaced Persons in Africa;
- ii) Comply with obligations under Article 62 of the African Charter and present their Periodic Reports regularly and in compliance with the Commission's Guidelines for National Periodic Reports; State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights; and with the Guidelines for State Reporting under the



Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;

- iii) Respect the timeframes set for the submission of State Reports, and for making submissions on Communications before the Commission, to enable the Commission deal with Communications on time;
- iv) Implement the decisions of the Commission on Communications and report on the measures they have taken with regard to this, respond to Urgent Appeals from the Commission, and accede to the Commission's requests to undertake missions in their respective countries;
- v) Take action to address in their respective countries, the areas of concern that are highlighted in the Activity Reports of the Commission;
- vi) Formulate and implement national human rights actions plans;
- vii) Establish and/or designate independent national bodies mandated to undertake regular visits to prisons and other places of detention;
- viii) Consider hosting one of the Sessions of the Commission.

***To the Republic of South Sudan:***

Ratify the African Charter.

***To the AUC:***

- i) Take the necessary steps to address the operational challenges confronting the Commission and its Secretariat;
- ii) Expedite the recruitment for the remaining positions at the Commission's Secretariat.

***To the Executive Council:***

- i) Increase support to the Commission in material and financial terms, to enable it carry out its mandate effectively;
- ii) Exhort Member States to accede to the Commission's requests to undertake promotional missions in their respective countries, respond to the Commission's Urgent Appeals and honour Orders for Provisional Measures issued by the Commission; and
- iii) Urge parties to Communications to make their submissions on time and inform the Commission of the measures (being) taken to implement the decisions of the Commission in their respective cases.

***To the Assembly of Heads of State and Government:***

- i) Urge Member States to honour their obligations under the African Charter;
- ii) Exhort Member States to comply with the decisions of the Commission; and
- iii) Take note of the Provisional Measures Orders issued by the Commission and the response of States Parties thereto.

2014

# 36th activity Report of the African commission on human and peoples' rights submitted in accordance with article 54 of the African charter on human and peoples' rights

African Union

African Union

---

<http://archives.au.int/handle/123456789/4594>

*Downloaded from African Union Common Repository*