

AFRICAN UNION  
الاتحاد الأفريقي



UNION AFRICAINE  
UNIÃO AFRICANA

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Addis Ababa, Ethiopia

P. O. Box 3243

Telephone: 5517 700

Fax: 5517844

Website: [www.au.int](http://www.au.int)

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**EXECUTIVE COUNCIL**  
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**ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN  
AND PEOPLES' RIGHTS (ACHPR)**

<b>AFRICAN UNION</b>		<b>UNION AFRICAINE</b>
<b>الاتحاد الأفريقي</b> <b>African Commission on Human &amp; Peoples' Rights</b>		<b>UNIÃO AFRICANA</b> <b>Commission Africaine des Droits de l'Homme &amp; des Peuples</b>
<p><i>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia</i>  <i>Tel: (220) 4410505 / 4410506; Fax: (220) 4410504 E-mail: <a href="mailto:au-banjul@africa-union.org">au-banjul@africa-union.org</a>; Web <a href="http://www.achpr.org">www.achpr.org</a></i></p>		

**47<sup>TH</sup> ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**Submitted to the Policy Organs in accordance with Article 54 of the African Charter on Human and Peoples' Rights**

**PART I: SUMMARY**

1. This 47<sup>th</sup> Activity Report of the African Commission on Human and Peoples' Rights ('ACHPR' or the 'Commission'), presented to the Heads of State and Government of the African Union (AU) in accordance with Article 54 of the African Charter on Human and Peoples' Rights (the 'African Charter' or 'Charter'), covers the period from 14 May to 10 November 2019. It highlights, among others: the statutory and other institutional meetings of the Commission; the status of State reporting; Resolutions adopted by the Commission; the human rights complaints before the Commission; the various interventions of the Commission on human rights issues including Urgent Appeal Letters, Press Releases and Letters of Appreciation; the human rights situation on the continent; financial, staffing and operational matters of the Commission; Implementation of the Recommendations of the Commission and Recommendations to the Assembly of Heads of State and Government.

**PART II: BACKGROUND**

2. The Commission was established in terms of Article 30 of the African Charter, which was adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) in 1986. The African Charter has been ratified by all Member States of the AU, except Morocco. The Commission became operational in 1987 and has its headquarters in Banjul, The Gambia.
  3. The Commission is composed of eleven (11) members elected by AU Heads of State and Government, who serve in their individual capacities on a part-time basis. The list of current Commissioners is herewith attached as Annex I.
  4. The Commission's mandate, as set out in Article 45 of the African Charter, is to:
    - i. Promote Human and Peoples' Rights;
    - ii. Ensure the protection of human and peoples' rights under conditions laid down by the Charter;
    - iii. Interpret the provisions of the Charter at the request of a State Party, an institution of the AU or an African organization recognised by the AU; and
    - iv. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.
  5. The Commission is also specifically charged under the Charter with receiving and examining Communications (complaints) submitted to it, and receiving and examining periodic reports from State Parties on the legislative or other measures taken to give effect to the rights and freedoms recognized and guaranteed by the Charter.
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6. Under Article 26 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), States parties are required to report to the Commission, the legislative and other measures undertaken for the full realisation of the rights recognised therein. Similarly, Article 14 (4) of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) requires State Parties to report on legislative and other measures taken to give effect to the rights of internally displaced persons.

### **PART III: GOVERNING BODIES**

#### **I. MEETINGS OF AU POLICY ORGANS, STATUTORY MEETINGS AND OTHER INSTITUTIONAL MEETINGS HELD DURING THE REPORTING PERIOD**

7. The Commission participated in the AU Policy Organ Meetings that were held in Addis Ababa, Ethiopia from **17 to 18 June 2019** and in Niamey, Niger from **4 to 8 July 2019** as follows:
  - i. 38<sup>th</sup> Ordinary Session of the Permanent Representatives' Committee (PRC): 17 and 18 June 2019;
  - ii. 35<sup>th</sup> Ordinary Session of the Executive Council (EC): 4 and 5 July 2019;
  - iii. 12<sup>th</sup> Extraordinary Session of the Assembly of Heads of State and Government (the Assembly): 7 and 8 July 2019.
8. The Commission held three (3) statutory meetings during the reporting period, namely:
  - i. the 26<sup>th</sup> Extraordinary Session of the Commission, held from 16 to 30 July 2019 in Banjul, The Gambia;
  - ii. the 12<sup>th</sup> Meeting of the Bureaus and 8<sup>th</sup> Annual Joint Meeting of the Commission and the African Court on Human and Peoples' Rights, 17 - 18 October 2019, Banjul, The Gambia; and
  - iii. the 65<sup>th</sup> Ordinary Session of the African Commission, held from 21 October to 10 November 2019 in Banjul, The Gambia.

#### **A. MEETINGS OF AU POLICY ORGANS**

9. **38<sup>th</sup> Ordinary Session of the Permanent Representatives' Committee (PRC): 17 and 18 June 2019**
  10. The 46<sup>th</sup> Activity Report of the Commission was presented before the 38<sup>th</sup> Ordinary Session of the PRC.
  11. The 46<sup>th</sup> Activity Report was not presented before the 35<sup>th</sup> Ordinary Session of the Executive Council held from 4 to 5 July 2019, but observations were made
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on the Commission's Report and on the draft Decision as revised by the PRC, during the presentation of the PRC's Report to the Council and adoption of EC decisions, respectively.

12. The 46<sup>th</sup> Activity Report of the Commission was authorised for publication through Executive Council Decision **EX.CL/Dec.1164(XXV)** subject to the incorporation of the observations of State Parties and is available on the Commission's website: [www.achpr.org](http://www.achpr.org)

## **B. STATUTORY AND OTHER MEETINGS**

### **26<sup>th</sup> Extraordinary Session - Banjul, The Gambia, 16 to 30 July 2019**

13. The Commission held its 26<sup>th</sup> Extraordinary Session during the period aforementioned and was attended by the following Commissioners herewith attached as Annex II.
14. Details of the activities undertaken by the Commission during that Session are recorded in the relevant Final Communiqué, which is attached to this Report as Annex III. The Final Communiqué is also available on the website of the Commission at: [www.achpr.org](http://www.achpr.org)

### **65<sup>th</sup> Ordinary Session - Banjul, Republic of The Gambia, 21 October to 10 November 2019**

15. The 65<sup>th</sup> Ordinary Session was attended by the following Commissioners herewith attached as Annex IV.
  16. Details of the activities undertaken by the Commission during that Session are recorded in the relevant Final Communiqué, which is attached to this Report as Annex V. The Final Communiqué is also available on the website of the Commission at: [www.achpr.org](http://www.achpr.org).
  17. The inter-session reports presented by Members of the Commission during the 65<sup>th</sup> Ordinary Session are also available on the website of the Commission at: [www.achpr.org](http://www.achpr.org).
  18. During this Session, the Commission elected a new bureau composed of Honourable Commissioner Solomon Ayele Dersso as Chairperson, and Honourable Commissioner Rémy Ngoy Lumbu as Vice Chairperson for a period of two (2) years.
  19. The Commission also commemorated African Human Rights Day with a focus on the AU theme of the year, and on that occasion paid a tribute to the late Sir Dawda Kairaba Jawara for his contribution to human rights promotion and protection in Africa.
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20. The Commission also took part in the following meetings:

- AU-UN Human Rights Dialogue: Consultation and Assessment, 15-16 October 2019, Banjul, The Gambia; and
- 15<sup>th</sup> EU-AU Human Rights Dialogue, 19 October 2019, Banjul, The Gambia.

### **III. STATE REPORTING UNDER ARTICLE 62 OF THE CHARTER, ARTICLE 26 OF THE MAPUTO PROTOCOL AND ARTICLE 14 OF THE KAMPALA CONVENTION**

21. The Commission considered the Combined Periodic Report of the Republic of Chad (1998-2015), the Combined Periodic Report (11<sup>th</sup> to 15<sup>th</sup>) of the Republic of Zimbabwe (2006 to May 2019) and its Initial Report on the Maputo Protocol. Zimbabwe is now up to date with its reporting obligations under Article 62 of the Charter and Article 26 of the Maputo Protocol.

22. The status of Submission of Periodic Reports by State Parties to the Commission under Article 62 of the Charter stands as follows:

<b>Status</b>	<b>State Party</b>
Up to date: <b>2</b>	The Gambia and Zimbabwe.
One (1) Report overdue: <b>8</b>	Angola, Egypt, Eritrea, Lesotho, Niger, Nigeria, Rwanda and Togo.
Two (2) Reports overdue: <b>10</b>	Algeria, Botswana, Chad, Côte d’Ivoire, Democratic Republic of Congo, Kenya, Mauritania, Mauritius, Namibia and South Africa.
Three (3) Reports overdue: <b>10</b>	Burkina Faso, Djibouti, Ethiopia, Gabon, Liberia, Malawi, Sahrawi Arab Democratic Republic, Senegal, Sierra Leone and Uganda.
More than three (3) Reports overdue: <b>18</b>	Benin, Burundi, Cameroon, Cabo Verde, Central African Republic, Congo, Ghana, Guinea, Libya, Madagascar, Mali, Mozambique, Seychelles, Sudan, Eswatini, Tanzania, Tunisia and Zambia.
Never submitted a Report: <b>6</b>	Comoros, Equatorial Guinea, Guinea Bissau, Sao Tome and Principe, Somalia and South Sudan.

23. The status of Submission of Periodic Reports by State Parties to the Commission under Article 26 of the Maputo Protocol stands as follows:

Status	State Party
Up to date: 5	The Gambia, Lesotho, Nigeria, Togo and Zimbabwe.
One (1) Report overdue: 5	Angola, Democratic Republic of Congo, Mauritania, Rwanda and South Africa.
Two (2) Reports overdue: 3	Burkina Faso Malawi and Namibia.
Never submitted a Report: 29	Algeria, Benin, Cabo Verde, Cameroon, Comoros, Congo, Côte d'Ivoire, Djibouti, Egypt, Equatorial Guinea, Eswatini, Ethiopia, Gabon, Ghana, Guinea Bissau, Kenya, Liberia, Libya, Mali, Mauritius, Mozambique, Sao Tome and Principe, Sierra Leone, Senegal, Seychelles, Tanzania, Tunisia, Uganda, and Zambia.

24. The Commission received the latest Periodic Reports of the Republic of Benin and the Republic of Mauritius which will be considered at the 66<sup>th</sup> Ordinary Session of the Commission.

25. Fourteen (14) countries have so far submitted Reports under Article 26 of the Maputo Protocol: Angola, Burkina Faso, Democratic Republic of the Congo, The Gambia, Lesotho, Mauritania, Malawi, Namibia, Nigeria, Rwanda, Senegal, South Africa, Togo and Zimbabwe. Twenty-seven (27) State Parties to the Maputo Protocol have not submitted Reports under this Protocol.

26. With the ratification of the Kampala Convention by the Republic of South Sudan on 21 June 2019, twenty-eight (28) States have now ratified the Convention. However, no State Party has complied with Article 14(4) of the Kampala Convention which requires them to indicate in their report to the Commission the legislative and other measures they have taken to give effect to this Convention.

#### IV. HUMAN RIGHTS COMPLAINTS BEFORE THE COMMISSION

##### Communications

27. Of the **238 (Two Hundred and Thirty-Eight)** Communications currently pending before the Commission, the following were considered during the reporting period:

Session	Communication (Name/Phase)
<p><b>26<sup>th</sup> Extraordinary Session</b></p>	<p><b>I. Seizure</b></p> <p><b>a. Seized</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 722/19</i> – Global Concern Cameroon (on behalf of the populations of southern Cameroon v. Cameroon</li> <li>- <i>Communication 723/19</i> – Nimboma Tharcisse (represented by Ntiburumunsi Jean-Claude and Ntiranyuhura Divine) v. Republic of Burundi</li> <li>- <i>Communication 725/19</i> - Mr. Hassane Ahmed El Barwane and 14 others v. Union of the Comoros</li> <li>- <i>Communication 726/19</i> - Gregory Chifire v. Republic of Zambia</li> </ul> <p><b>b. Not Seized</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 707/19</i> – Mohamed Ibrahim v. Arab Republic of Egypt</li> </ul> <p><b>II. Admissibility</b></p> <p><b>a. Admissible</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 565/15</i> - Papa Seye and Family v. Mauritania</li> <li>- <i>Communication 626/16</i> – Philip Forsang Ndikum (Represented by Ndikum Law Offices) v. Republic of Cameroon</li> </ul> <p><b>b. Inadmissible</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 631/16</i> – Perem Aoudou v. Republic of Cameroon</li> <li>- <i>Communication 643/16</i> – Family of Shabani Bin Mkosa (Represented by the NGO Via-Volonte) v. Republic of Burundi</li> </ul> <p><b>III. Struck-Out for Lack of Diligent Prosecution</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 506/15</i> - Gouamba Ninon Pachel v. Republic of Congo</li> <li>- <i>Communication 563/15</i> – Mohammed Bakri Harun and 7 Others v. Arab Republic of Egypt</li> <li>- <i>Communication 637/16 – 639/16</i> - Mr. Mohammed Abdel Hay Faramawy and Mr. Mostafa Abdel hay Faramawy (represented by Dr. Abdel Hay Faramawy) and 3 others v. Arab Republic of Egypt; Mr. Amed Farooq Kamel Mohammed (represented by Mr. Farooq Kamel Mohammed and 3 others) v. Arab Republic of Egypt</li> </ul>



	<p><b>IV. Deferred for a review</b></p> <p><b>a. Merits</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 426/12</i> - Agnes Uwimana &amp; Saidati Mukakibibi v. Rwanda</li> </ul> <p><b>b. Admissibility</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 480/14</i> - Senate Masupha &amp; Others v. Lesotho</li> <li>- <i>Communication 653/17</i> - Desmond Nunugwo v. Federal Republic of Nigeria</li> <li>- <i>Communication 670/17</i> - Fadhl Al Mawla Husni Ahmed Ismail and 19 Others (represented by Freedom and Justice Party of Egypt) v. Arab Republic of Egypt</li> </ul> <p><b>V. Oral Hearing</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 716/19</i> - Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v. State of Eritrea</li> </ul> <p><b>VI. Submitted for guidance</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 650/17</i> - Kum Bezeng and 75 Others (represented by Professor Carlson Anyangwe) v. Republic of Cameroon</li> </ul>
65 <sup>th</sup> Ordinary Session	<p><b>I. Seizure</b></p> <p><b>a. Seized</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 728/19</i> - Ntahoturi Idelfonse v. Burundi</li> <li>- <i>Communication 729/19</i> - Bob Rugurika v. Republic of Burundi</li> <li>- <i>Communication 733/19</i> - Cyrille Ndayirukiye (represented by Bernard Maingain and Armel Nyongere) v. Republic of Burundi</li> <li>- <i>Communication 734/19</i> - J (Represented by the Initiative for Strategic Litigation in Africa (ISLA) &amp; Kenya Legal and Ethical Issues Network on HIV &amp; AIDS (KELIN)) v. Namibia</li> </ul> <p><b>b. Seized and Provisional Measures Issued</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 727/19</i> - Femi Falana v. Cameroon</li> <li>- <i>Communication 735/19</i> - Residents of the Mau Forest Complex (represented by the Centre for Comparative and International Law and Institute for Human Rights and Development in Africa) v. The Republic of Kenya</li> </ul> <p><b>II. Admissibility</b></p>

	<p><b>a. Inadmissible</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 518/15</i> - Peter Ngoge v. Republic of Kenya</li> <li>- <i>Communication 521/15</i> - Peter Ngoge v. Republic of Kenya</li> <li>- <i>Communication 653/17</i> - Desmond Nunugwo v. Federal Republic of Nigeria</li> <li>- <i>Communication 670/17</i> - Fadhl Al Mawla Husni Ahmed Ismail and 19 Others (represented by Freedom and Justice Party of Egypt) v. Arab Republic of Egypt</li> </ul> <p><b>III. Merits</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 426/12</i> - Agnes Uwimana &amp; Saidati Mukakibibi v. Rwanda</li> </ul> <p><b>IV. Decision on Oral Hearing</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 716/19</i> - Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v. State of Eritrea</li> </ul> <p><b>V. Struck-Out for Lack of Diligent Prosecution</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 694/18</i> - Kone Katinan Justin v. Côte d'Ivoire</li> </ul> <p><b>VI. Withdrawn at the request of the Complainant</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 698/18</i> - Yunusa OS Ceesay on his own behalf and on behalf of Kerr Mothali Community v. The Gambia</li> </ul> <p><b>VII. Recusal</b></p> <ul style="list-style-type: none"> <li>- <i>Decision on Recusal Request 01/2017</i> Contestation by the Arab Republic of Egypt</li> </ul> <p><b>VIII. Review</b></p> <ul style="list-style-type: none"> <li>- <i>Decision on Application for Review 01/2017</i> Referral of Communications against the Arab Republic of Egypt</li> </ul> <p><b>IX. Deferred for a review</b></p> <p><b>a. Merits</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 406/11</i> - Law Society of Swaziland v. Kingdom of Swaziland</li> </ul> <p><b>b. Admissibility</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 566/15</i> - Mrs Chiggle v. Cameroon</li> </ul> <p><b>c. Seizure</b></p> <ul style="list-style-type: none"> <li>- <i>Communication 713/19</i> - Ndayisaba Ali Ahmed Buregeya (represented by IHRDA) v. Republic of Rwanda</li> </ul>
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28. The above table shows that during the period under review, the Commission was seized of ten (10) Communications, two (2) of which were granted provisional measures; decided not to be seized of one (1); declared two (2) admissible and six (6) inadmissible; decided one (1) on the Merits; struck out four (4) Communications for lack of diligent prosecution; granted one (1) request for withdrawal; deferred six (6) Communications at various stages; and provided guidance to the Secretariat on one (1) Communication for which its opinion had been sought. The Commission also took various decisions on questions that were referred to it within the framework of Communications that were being considered: one (1) relating to an oral hearing, one (1) regarding a recusal request and one (1) concerning an application for review.

## V. APPLICATIONS FOR OBSERVER AND AFFILIATE STATUS

29. The Commission did not grant Affiliate Status to any National Human Rights Institution during the period under review. Thus, the total number of institutions with Affiliate Status with the Commission is **twenty-nine (29)**.

30. The Commission granted Observer Status to the following NGOs, in accordance with the Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organizations Working in the field of Human and Peoples' Rights in Africa:

- Steward-Women;
- TRIAL International;
- Paralegal Advisory Service Institute; and
- Zimbabwe Environmental Law Association.

31. The total number of NGOs with Observer status with the Commission in accordance with the Resolution on the Criteria for Granting and Enjoying Observer Status to Non-Governmental Organizations Working in the field of Human and Peoples' Rights in Africa is **Five hundred and twenty-three (523)**.

## VI. STATE COMPLIANCE WITH THE COMMISSION'S DECISIONS, REQUESTS FOR PROVISIONAL MEASURES AND LETTERS OF URGENT APPEAL

32. The level of compliance by State Parties with the Commission's Decisions, Requests for Provisional Measures and Letters of Urgent Appeal is relatively low, as evidenced by the following information:

### Implementation of the Commission's Decisions

33. During the reporting period, the Commission wishes to report with commendation that the Government of Cameroon informed the Commission

on 29 June 2019, of the implementation of the Decision adopted in **Communication 389/10 - Mbiankeu Geneviève v. Cameroon.**

### Requests for Provisional Measures

34. During the reporting period, the Commission did not receive any responses on the two (2) Requests for Provisional Measures which it issued to State Parties as indicated in the table on Communications in paragraph 26 above.

### Letters of Urgent Appeal

35. During the reporting period, nine (9) Letters of Urgent Appeal were sent to State Parties, regarding allegations of human rights violations. Out of the nine (9) letters sent, the Commission received three (3) responses from the State Parties concerned addressing the issues raised in the Urgent Appeals, as reflected in the table below:

State	Date	Issue warranting Letter of Urgent Appeal	State Response
1. South Africa	13 September 2019	Joint Letter of Urgent Appeal from the Commissioner Rapporteur on the human rights situation in the Republic of South Africa and the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa to His Excellency Matamela Cyril Ramaphosa, President of the Republic of South Africa, calling for investigations and reparations for those persons affected by the xenophobic attacks.	During the 65 <sup>th</sup> Ordinary Session, the State indicated that an official response will be sent to the ACHPR shortly.
2. Tanzania	10 September 2019	Joint Letter of Urgent Appeal from the Commissioner Rapporteur on the human rights situation in the Republic of Tanzania and the Special Rapporteur on Freedom of Expression and Access to Information in Africa to His Excellency Dr John Joseph Pombe Magufuli, President of the Republic of Tanzania regarding the arrest of the Tanzanian journalist, Mr. Erick Kabendera.	The State is yet to respond.

3. Cameroon	4 September 2019	Letter of Urgent Appeal to His Excellency Paul Biya, President of the Republic of Cameroon, from the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa regarding the attack against Mrs Maximilienne Ngo Mbe, Chairperson of the Network of Human Rights Defenders in Central Africa.	The State is yet to respond.
4. Algeria	5 July 2019	Letter of Urgent Appeal from the Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals in Africa to His Excellency Abdelkader Bensalah, President of the Council of the Nation of People's Democratic Republic of Algeria, on allegations of disregard for the rights of Abdullah Benaouam, Ibrahim Aouf and Salah Dabour.	<p>The Government responded that the detainees, Abdullah Benaoun and Ibrahim Aouf, were arrested on the basis of pre-existing legal provisions and in full respect of their right of defence and that, until their release, they received medical assistance regularly in accordance with the medical requirements for people on a hunger strike in a prison environment.</p> <p>The State confirmed the sentencing in absentia of Salah Dabouz on 13/07/2017 to a one-year prison term and a fine of 50,000 DA. Mr. Dabouz was placed under judicial review on 08/04/2019 by the investigating judge at the Court of Ghardaïa. The appeal of the judgement dated 13/07/2017 is</p>

			scheduled to be heard on 01/10/2019.
5. Mozambique	1 July 2019	Joint Letter of Urgent Appeal from the Commissioner Rapporteur on the Human Rights Situation in the Republic of Mozambique and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, and the Special Rapporteur on Refugees, Migrants and Internally Displaced Persons in Africa, of the African Commission on Human and People's Rights to his Excellency Mr Filipe Nyusi, President of the Republic of Mozambique, on the allegations of arbitrary detention of 16 refugees and migrants in the Republic of Mozambique.	The State is yet to respond.
6. Gabon	1 July 2019	Letter of Urgent Appeal from the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa to His Excellency Ali Bongo Ondimba, President of the Republic of Gabon, regarding the declining health of Dr. Marie Claudette Ndagui, arrested and detained at the Libreville Central Prison since 23 January 2019.	During the 65 <sup>th</sup> Ordinary Session, the State indicated that an official response will be sent to the ACHPR shortly.
7. Algeria	14 June 2019	Joint Letter of Urgent Appeal from the Chairperson of the Working Group on Indigenous Populations/Communities and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa to His Excellency Abdelkader Bensalah, President of the Council of the Nation of the People's Democratic Republic of Algeria, on the death of Dr. Kamel Edine Fekhar, an Amazigh from M'zab, human rights activist and	The State responded that Dr. Fekhar was suffering from various diseases including Hepatitis B since 2013 and had received all the necessary treatment prior to his death caused by septic shock, as revealed in the autopsy report. The State also indicated that all measures had been

		defender of the rights of indigenous populations/communities in Algeria.	taken to uphold the principles of the Charter and other relevant instruments ratified by the State with respect to detention.
8. Egypt	4 June 2019	Letter of Urgent Appeal from the Special Rapporteur on Freedom of Expression and Access to Information in Africa to His Excellency Abdel Fattah el-Sisi, President of the Arab Republic of Egypt, regarding the arrest and prolonged pre-trial detention of Mahmoud Hussein, a journalist with the Al Jazeera media network, who has allegedly not been charged since his arrest on 23 December 2016.	The State has responded.
9. Equatorial Guinea	29 May 2019	Urgent Letter of Urgent Appeal from the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals on Africa to His Excellency Teodoro Obiang Nguema Mbasogo, President of the Republic of Equatorial Guinea on the arbitrary detention of Mr Alfredo Okenve Ndoho.	The State responded and indicated that the person mentioned in the urgent appeal letter had not been arrested.

## VII. LETTERS OF APPRECIATION

36. During the reporting period, **eight (8)** Letters of Appreciation were sent to Heads of State and Government as follows:

State	Date of Letter	Positive development warranting Letter of Appreciation
1. Rwanda	4 November 2019	Letter of Appreciation to His Excellency Paul Kagame, President of the Republic of Rwanda, for the hosting of 46 migrants from Libya under the tripartite agreement between Rwanda, the African Union and UNHCR.
2. Tunisia	4 November 2019	Letter of Appreciation to His Excellency Kais Saied, President of the Republic of Tunisia, for his election

		and for the free and transparent democratic process that led to this outcome.
3. Angola	17 October 2019	Letter of Appreciation to His Excellency Joao Lourenco, President of the Republic of Angola for the ratification, by his country, of the United Nations Convention Against Torture (UNCAT).
4. Nigeria	8 October 2019	Letter of Appreciation to His Excellency Muhammadu Buhari, President of the Federal Republic of Nigeria following the release of boys and young men who were held in a Kaduna State institution, where they were subjected to various forms of torture and other cruel, inhuman and degrading treatment or punishment.
5. Mauritania	9 August 2019	Letter of Appreciation to His Excellency Mohamed Ould Ghazouani, President of the Islamic Republic of Mauritania, for the release of Mr. Mohamed Cheikh Ould Mohamed, blogger and freelance writer who was sentenced to death in December 2014 for “blasphemy” and “insulting the Prophet Mohammed”. His sentence was commuted to two (2) years imprisonment and a fine. Despite serving his sentence, he could not be released due to concerns about his safety.
6. Cameroon	8 August 2019	Letter of Appreciation to His Excellency Paul Biya, President of the Republic of Cameroon, for the implementation by the Cameroonian Government, of the Commission’s Decision in Communication 389/10 Mbiankeu Geneviève v. Cameroon.
7. South Sudan	28 July 2019	Letter of Appreciation to His Excellency Salva Kiir Mayardit, President of the Republic of South Sudan, for the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) by South Sudan on 21 June 2019.
8. Burundi	2 July 2019	Letter of Appreciation to His Excellency Pierre Nkurunziza, President of the Republic of Burundi, for the release of human rights defenders, members of the human rights organization <i>Parole et Action pour le Réveil des Consciences et l’Evolution des Mentalités</i> (PARCEM).

## IX. PRESS RELEASES

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37. In addition to the various Press Releases issued by the Commission and its Special Mechanisms regarding meetings organized during the reporting period, the Commission also issued twenty **(20)** Press Releases relating to various human rights issues. The Press Releases are available on the website of the Commission: [www.achpr.org](http://www.achpr.org).

## **X. PROMOTION AND FACT-FINDING MISSIONS AND ADVOCACY VISITS**

38. The Commission undertook two Promotion Missions during the reporting period. These include the Promotion Mission to the Republic of Mauritius from 13 to 17 August 2019 and the first Promotion Mission to the Democratic Republic of Sao Tomé and Príncipe from 1 to 4 October 2019. An Advocacy Visit in favour of the right to decent housing was also undertaken to Eswatini from 26 to 28 August 2019 by the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa. The detailed reports of these missions and visit will be considered by the Commission at a later stage.
39. During the reporting period, requests for Promotion Missions were sent to Benin, Cabo Verde, Chad, Congo, Equatorial Guinea, Eritrea, Gabon, Mozambique, Senegal and Zimbabwe.
40. During the 65<sup>th</sup> Ordinary Session, Gabon indicated that it had received the Commission's Note Verbale requesting authorization to conduct a Promotion Mission in the first half of 2020 and that it would send a formal response shortly.
41. Chad, Benin, Kenya, Zimbabwe and Algeria authorized Promotion Missions in their countries which will be undertaken by the Commission on mutually agreed dates.
42. The Commission would also like to report that, concerning the requests made in the Communiqués of the Peace and Security Council (PSC) of the African Union (AU): PSC/PR/COMM (DCCCXLIV) adopted on 6 June 2019 on the situation in Sudan and PSC/MIN/COMM.(DCCCLVII) adopted on 5 July 2019 on the situation in Libya, the ACHPR has taken note of these Communiqués and has contacted the PSC to indicate that the ACHPR is awaiting additional information from the AU Commission on the next steps. Regarding the participation of the ACHPR in the fact-finding missions to Sudan and Libya, no response has been received to date.

### **Convening of the first annual consultative meeting with the PSC**

43. The first consultative meeting between the African Commission and the Peace and Security Council of the AU provided for under Article 19 of the PSC
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Protocol took place on 8 August 2019. During the meeting, the African Commission delivered a presentation to the PSC with detailed proposals on the modalities for the operationalization of the close working relationship between the African Commission and the PSC. The presentation is available on the Commission's website here <https://www.achpr.org/news/viewdetail?id=200> As an outcome of the consultative meeting the PSC adopted a communique applauding the promotion and protection work of the African Commission and deciding to hold the annual consultative meeting every August and the next meeting in August 2020. The details of the PSC communique is here <http://www.peaceau.org/en/article/communique-of-the-866th-meeting-of-the-psc-on-its-consultation-with-the-african-commission-on-human-and-peoples-rights-achpr-held-on-8-august-2019>

## XI. THE HUMAN RIGHTS SITUATION ON THE CONTINENT

44. This section was introduced pursuant to Executive Council Decision **EX.CL/Dec.639 (XVIII)** calling upon the Commission to brief the Policy Organs on the human rights situation on the continent. The practice of the Commission is to draw the content of this section from the interactions of the Commission with State Parties, NHRIs with Affiliate Status, and NGOs with Observer Status with the Commission during Ordinary Sessions of the Commission, supplemented by information collected as part of its monitoring of the human rights situation in the various State Parties during the intersession period.

### Positive developments

45. The Commission notes with appreciation the following major positive human rights developments observed during the reporting period:
- i. Ratification by Benin of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (Protocol on Older Persons in Africa) on 6 September 2019; signature by Central African Republic (CAR) and Rwanda of the Protocol on Older Persons in Africa on 4 October 2019 and 21 October 2019 respectively; and signature by Rwanda of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (Protocol on Persons with Disabilities in Africa) on 21 October 2019, following the Continental Sensitisation Seminar on the Ratification of the Protocol on the Protocol on Older Persons in Africa and the Protocol on Persons with Disabilities in Africa, held from 5 – 6 July 2019, in Kigali, Rwanda
  - ii. Peaceful elections in Mozambique, Botswana and Tunisia;
  - iii. Ratification of the Maputo Protocol by the Democratic Republic of Sao Tomé and Príncipe 27 June 2019;
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- iv. Ratification of the UN Convention against Torture and other cruel, inhuman or degrading treatment or punishment (UNCAT) by Angola on 2 October 2019;
  - v. Adoption of measures by twenty-eight (28) countries to incorporate the Kampala Convention into their domestic laws and policies.
  - vi. Setting up of mobile schools and special examination sessions for displaced children and youth for them to continue their education in Mali as well as streamlining of the process for the issuance of birth certificates for displaced children to enrol in school;
  - vii. Adoption by Niger of a national law on the protection and assistance of internally displaced persons to prevent, mitigate and eliminate conditions that may lead to internal displacement;
  - viii. Adoption by Uganda and Tanzania of open and generous policies towards refugee populations to ensure their autonomy;
  - ix. Award of the 2019 Nobel Peace Prize to the Ethiopian Prime Minister, His Excellency Abiy Ahmed, “for his efforts to achieve peace and international cooperation, in particular for his decisive initiative to resolve the border conflict with Eritrea”;
  - x. The ruling of the High Court of Kenya on the Standards and Guidelines for Reducing Morbidity and Mortality from Unsafe Abortion in Kenya and on the National Training Curriculum for the Management of Unintended, Risky and Unplanned Pregnancies;
  - xi. Organization of a Major National Dialogue in Cameroon, with a view to putting an end to the conflict in the two English-speaking regions in the West of the country;
  - xii. The decision of Cameroon to release 104 individuals, including Mr Maurice Kamto, leader of the Cameroon Renaissance Movement (MRC), arrested for contesting the results of the 2018 presidential election and the dismissal of all charges against them and, within the framework of the National Dialogue, the release and decision not to carry on with the prosecution before military courts of 333 individuals arrested and detained for offences allegedly committed in the context of the crisis in the North-West and South-West regions;
  - xiii. The decision of the Kenyan Government to issue birth certificates to stateless Shona people in order to provide them with opportunities and rights they have long been denied;
  - xiv. The actions of the Nigerian Police Force on 27 September 2019 in Kaduna State which led to the rescue of hundreds of boys and young men from a location where they were subjected to various forms of torture and other cruel, inhuman or degrading treatment or punishment;
  - xv. Signing of a political agreement on 17 July 2019 and of the Constitutional Document on 17 August 2019 in Sudan; establishment of a civilian-led Transitional Government, and appointment of the Prime Minister His Excellency Abdallah Hamdok on 5 September 2019;
  - xvi. Signing of a peace agreement on 22 October 2019 between the Transitional Government of Sudan and key rebel groups, including
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- groups in Darfur, the Nuba Mountains and the Blue Nile region; and the establishment by the Government, on 24 September 2019, of a National Commission of Inquiry to investigate the violent dispersal of the sit-in organized in front of the army headquarters in Khartoum on 3 June 2019;
- xvii. The confirmation by the Court of Appeal of Tanzania of the 2016 landmark ruling which declared that the legal age of marriage was 18 years, in accordance with the provisions of the Maputo Protocol; and
- xviii. The hosting by Rwanda in September, of 46 migrants within the framework of an agreement between the Rwandan Government, the United Nations Refugee Agency (UNHCR) and the African Union;

### Areas of concern

46. The Commission notes with concern some of the following human rights challenges observed during the reporting period:
- i. The low rate of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa which has only been ratified by Lesotho and Benin;
  - ii. The low level of reporting under Article 26 of the Maputo Protocol and non-reporting under Article 14 (4) of the Kampala Convention by State Parties;
  - iii. The increasing number of causes of forced internal displacement due to various factors, such as natural disasters, development projects, armed conflicts, terrorist attacks and the consequences of climate change;
  - iv. The persistence of the humanitarian crisis in refugee camps including difficulties faced by children in refugee camps in terms of access to education and health care and the increase in their needs, coupled with the lack of resources to address these;
  - v. The situation of long-term refugees and those whose refugee status has expired as a result of the implementation of cessation clauses;
  - vi. Issues affecting ethnic communities identified as indigenous populations/communities and/or minorities including persistent discrimination, exclusion and marginalization in some countries, regarding their right to access to health services, education, employment and political participation;
  - vii. Threat of loss of their identity and language due to pressures of assimilation and discriminatory laws and policies; and non-implementation of the decisions of the African Commission on the Endorois case and that of the African Court regarding the Ogiek community by the Government of Kenya;
  - viii. Issues affecting people living with HIV or those vulnerable to HIV including the percentage of those unaware of their HIV status, which remains a concern in North Africa, where in some countries, less than 30% of people living with HIV are aware of their HIV status; and the prevalence
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- of HIV-related stigma and discrimination which discourages people living with HIV and at-risk groups from coming forward to access HIV prevention, treatment and care services;
- ix. Xenophobic attacks against African nationals living in South Africa and incidents of acts of reprisals against South African interests;
  - x. Persistent issues impeding the full enjoyment of economic, social and cultural rights by citizens in most State Parties to the Charter, including lack of access to basic social services including the health and youth unemployment;
  - xi. The landslide which occurred in the city of Bafoussam and led to the death of 42 people as a result of heavy rains in Cameroon;
  - xii. The persistence of human rights violations in the North-West and South-West regions of Cameroon perpetrated by both Government forces and armed secessionist groups;
  - xiii. Massive eviction of people from the Mau forest in an effort to save the Mau ecosystem, which, according to the Kenyan authorities, is threatened by increased deforestation and illegal settlements;
  - xiv. Inter-community violence and the presence of armed groups in the Tenenkou, Youwarou, Douentza, Koro, Bankass and south of Bandiagara areas, which contribute to population displacement and impede access for humanitarian workers in Mali;
  - xv. The lack of implementation of key pre-transitional tasks of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) and the resultant non-application of Chapter 5 of the Agreement relating to the transitional justice institutions;
  - xvi. Allegations of abduction and assault of human rights defenders and opposition political leaders prior to, and police violence during the demonstrations of 16 August 2019 in Zimbabwe;
  - xvii. Reports of media and internet shutdowns implemented in the contexts of elections, civil actions and significant national events such as the administration of national examinations, for example in Malawi shortly after the close of general elections on the evening of 21 May 2019, in Egypt the website of al-Tahrir newspaper has been blocked since 09 May 2019, and in Algeria two news websites in Algeria, Tout Sur l'Algérie and Algérie, became widely inaccessible amid anti-government protests on 12 June 2019;
  - xviii. Undue restrictions on freedom of expression and media resulting from the threats, attacks and killings of journalists and other media practitioners, for example in Nigeria on 22 August 2019 when police officers arrested Agba Jalingo, publisher of online news outlet Cross River Watch, and in Ghana on 27 June 2019, Emmanuel Ajarfor Abugri, the deputy editor of the Modern Ghana website, and reporter Emmanuel Yeboah Britwum, were arrested without warrants at the website's office in Accra, shortly after they posted a story criticizing the minister; they were released on 01 July 2019;
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- xix. Undue restrictions on freedom of assembly including protests particularly the use of excessive force in the context of protests among others in Guinea, Malawi, Sudan, and Uganda; the arrest of opposition leaders and civil society activists in context of protests among others in Algeria, in relation to the elections slated for December 2019 and reported abductions in Zimbabwe;
- xx. The human rights violations and abuses that many fellow Africans endure as a result of conflicts and political crisis, among others, in Cameroon, South Sudan, Central African Republic, the Democratic Republic of Congo; in context of the recent spate of violence in Ethiopia and in armed violence involving terrorist attacks in Mali, Burkina Faso and Nigeria;
- xxi. Climate change induced destructive weather events including the heavy floods in Somalia, in early November 2019, which displaced hundreds of thousands of people and resulted in the deaths of dozens of people, as well as a humanitarian emergency;
- xxii. Risks of constitutional crisis resulting from contestations for a third term in Guinea and the unconstitutional decision for dissolving a duly constituted government in Guinea-Bissau;
- xxiii. The fragile security situation as well as the alarming humanitarian situation in light of the persistent fighting between armed factions and the continued and illegal supply of weapons in Libya; and;
- xxiv. The incidents of violence and accompanying instability witnessed in Ethiopia including the death of 86 individuals and displacement of others following the spiraling of protests held in the Oromia region of Ethiopia since 23<sup>rd</sup> October 2019.

## **XII. ADMINISTRATIVE AND FINANCIAL SITUATION**

### **Construction of the Commission's Headquarters**

- 47. Executive Council Decision EX.CL/Dec. 1045(XXXIV) on the 45<sup>th</sup> Activity Report of the Commission, requests the AU Commission to establish a Support Group for the Government of the Republic of The Gambia charged with mobilizing the necessary funds for the construction of the Commission's Headquarters.
  - 48. Executive Council Decision Doc. EX.CL/1164(XXXV) on the 46<sup>th</sup> Activity Report of the Commission calls on the Commission to expedite the establishment of the Support Group for the Republic of The Gambia on the construction of the ACHPR Headquarters in line with Executive Council Decision EX.CL/Dec.1045(XXXIV);
  - 49. The Commission has sent a letter to the AUC to inquire on progress regarding the establishment of the Support Group.
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50. On 8 November, the Bureau of the Commission was received also by H.E. Mr. Adama Barrow, President of the Republic of the Gambia during the course of its 65<sup>th</sup> Ordinary Session held from 21 October to 10 November 2019 in Banjul, The Gambia wherein President Barrow assured the Commission that the construction of the Headquarters of the Commission is a priority for his administration.

### **Staffing**

51. The staffing situation at the Commission's Secretariat did not improve during the reporting period. The Senior Administrative and Human Resources Officer (SHRO - regular) who had been recruited have still not taken up duties, and interviews that had been scheduled for the following positions have been postponed sine die for various reasons: Deputy Secretary (regular), Legal Officer (regular), Senior Public Relations Officer (regular), Finance Officer (short-term - PANAF), 2 Senior Legal Officers - Protection (short-term - PANAF), Senior Planning, Monitoring and Evaluation Officer (short-term - PANAF), and Reviser-French (short-term - PANAF).

## **XIII. IMPLEMENTATION OF DECISIONS**

### **Recommendations of the Joint Retreat between the PRC and the Commission**

52. Further to Executive Council Decision **EX.CL/1015(XXXIII)** on the 44<sup>th</sup> Activity Report which requested the ACHPR to report on the implementation of the recommendations of the ACHPR - PRC Joint Retreat in Nairobi, Kenya, the ACHPR published the Draft Revised Rules of Procedure on its website from 27 August to 27 September 2019 for public consultation, in order to allow all stakeholders to make comments and observations prior to the adoption of the revised Rules by the ACHPR.
53. Notes Verbales and the Draft Rules of Procedure were also sent to all States Parties for comments and observations. Comments and observations have been received from some State Parties and are currently being processed.
54. The second annual joint retreat between the PRC and the ACHPR was planned from 28 to 29 November 2019. In preparation for the retreat, the ACHPR initiated and shared the draft concept note for the retreat. With no funds budgeted for the convening of the retreat, it has not been possible to hold the joint retreat.

## **XIV. DATES AND VENUE OF THE 27<sup>th</sup> EXTRAORDINARY SESSION AND 66<sup>th</sup> ORDINARY SESSION OF THE COMMISSION**

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55. The 27<sup>th</sup> Extraordinary Session of the Commission will take place from 19 February to 4 March 2019, in Banjul, The Gambia; and the 66<sup>th</sup> Ordinary Session will take place from 22 April to 12 May 2020.
56. The Commission expresses its appreciation to the Government of The Gambia for hosting the 65<sup>th</sup> Ordinary Session and for the country's hospitality. It also commends State Parties that have already hosted Sessions of the Commission; and takes note of the Republic of Rwanda's offer to host the 67<sup>th</sup> Ordinary Session in 2020. During previous Sessions, Lesotho, Malawi and Eswatini also offered to host future Sessions of the Commission.

## XV. RECOMMENDATIONS

57. In light of the foregoing, the Commission recommends as follows:

### a) State Parties to

- i. Ratify, implement and domesticate the various human rights instruments of the AU; in particular, the Maputo Protocol, the Kampala Convention, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, and the OAU Convention Governing Specific Aspects of Refugee Problems in Africa, for those that have not yet done so;
  - ii. Submit their Periodic Reports in compliance with Article 62 of the African Charter, Article 26 of the Maputo Protocol, and Article 14 (4) of the Kampala Convention for which the Commission avails its support particularly to states that have never submitted their reports and those with more than three reports overdue;
  - iii. Welcome the report of Cameroon on implementation of the decision of the Commission in **Communication 389/10 - Mbiankeu Geneviève v. Cameroon** and urge other states to emulate the example of Cameroon by providing the Commission with all relevant information on the measures taken to implement its decisions on complaints on human rights violations under the Communications procedure in accordance with Rule 112 of its Rules of Procedure;
  - iv. Acknowledge and implement the Provisional Measures issued by the Commission as part of its quasi-judicial mandate under the communications procedure for adjudication of complaints submitted to it on human rights violations;
  - v. Respond timeously to Urgent Letters of Appeal sent by the Commission;
  - vi. Facilitate the Commission's promotion and protection missions in accordance with the relevant provisions of the African Charter notably Articles 45 and 46 by granting the Commission standing invitation;
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- vii. Support AU internal processes for the adoption and ratification of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa and the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security;
  - viii. Ensure the full participation of displaced persons in the planning and management of durable solutions (return or resettlement/resettlement or local reintegration);
  - ix. Seek, with the support of other States, ways and means to prevent the causes of internal displacement;
  - x. Encourage local integration so that they may be able to carry out socio-economic activities, enjoy free movement, including the right to work, education and training as in the case of Uganda, Ethiopia and Tanzania;
  - xi. Take appropriate measures for addressing issues affecting long-term refugees;
  - xii. Ensure the full participation of displaced persons in the planning and management of durable solutions (return or resettlement or local reintegration);
  - xiii. Take appropriate measures for the protection of the rights of ethnic communities including those identified as indigenous populations/communities and, implementation by the Government of Kenya, of the decisions of the Commission and the African Court in the Endorois and Ogiek cases respectively;
  - xiv. Adopt measures to ensure the full enjoyment of economic, social and cultural rights, including through the delivery of quality social services, the creation of jobs for young people and the improvement of the health system;
  - xv. Take the necessary measures to combat discrimination, stigma and other harmful social and cultural practices, including in health facilities, which pose a challenge in the fight against HIV/AIDS;
  - xvi. Allocate the necessary resources to generalize the practice of self-testing in order to facilitate access to testing for all without fear of stigma and discrimination;
  - xvii. International and regional support is mobilized through the African Union, ECOWAS and the G5 Sahel Force to strengthen the measures that are in place to ensure the safety of populations in Mali, Burkina Faso and Nigeria, and also ensure support to displaced persons from neighbouring countries, including Niger affected by the upsurge of terrorist acts in the Sahel;
  - xviii. Cameroon should cooperate with the Commission to enable the latter accompany it in the search for peaceful resolution of the conflict in the two regions by undertake visits to the country;
  - xix. Libya should support humanitarian actions, resume political dialogue, implement the ceasefire, and support the peace process in consultation with all stakeholders in the country;
  - xx. Urges States Parties to discontinue the practice of media and internet shutdowns;
  - xxi. Ensure a safe environment in which journalism may be practised, even where attacks and killings are not perpetrated by State agents, States Parties
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- have the positive obligation to take proactive measures to prevent the attacks, protect journalists and to investigate, prosecute and punish perpetrators.
- xxii. The African Union and international humanitarian actors should enhance efforts to assist people affected by the flooding in Somalia;
- xxiii. Reminds Ethiopia that it is obligated to take measures to restore peace in the country, protect civilians, in addition to conduct investigations on the human rights violations, prosecute perpetrators and provide effective remedies to victims.
- xxiv. Ensure that the National Commission of Inquiry established in Sudan conducts prompt, impartial and effective investigations into the killings of 3 June 2019 and that alleged perpetrators are prosecuted and victims receive full reparation;
- xxv. Parties to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) should take the necessary measures to implement Chapter 5 of the Agreement and may rely on the support of the Chairperson of the AU Commission and that of the African Commission;

**b) To the AUC:**

58. Finalise implementation of various Executive Council Decisions calling for expedited recruitment to the vacant positions in the Secretariat, including recruitment of Arabic and Portuguese Legal Officers and Translators as per **Decision EX.CL/Dec.974(XXXI)**;
59. Expedite the establishment of the Support Group for the Republic of The Gambia on the construction of the ACPHR Headquarters in line with Executive Council **Decision EX.CL/Dec. 1045(XXXIV)**;
60. Welcome the assurance that President Adama Barrow of The Gambia gave to the Commission to prioritize the delivery of the long overdue construction of the permanent headquarters of the Commission and work with The Gambia and the Commission to put in place concrete plans including the development of the architectural designs of the permanent headquarters of the Commission and for the commencement of the construction of the permanent headquarters.

**c) To the PRC**

61. To work with the ACHPR in expediting the process of reviewing the structure of the Secretariat of the ACHPR in line with EX.CL 995 (XXXII) and to better align its human resources capacity and organogram with the mandate entrusted to it and its vast workload that increased over the years to include the monitoring of other treaties, including the Maputo Protocol and adopt the new revised structure by the June/July 2020 summit.
62. To grant budgetary allocation for the convening of the joint retreat and facilitate the cooperation of member states with the Commission for undertaking
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promotion and protection missions and respond to the Commission's communications;

**d) To the Assembly of Heads of State and Government**

63. To decide to fully cover the costs of the activities of the ACHPR, to ensure that the conditions of mandate implementation are both commensurate with the work load of the ACHPR and at par with that of similar organs;
  64. Welcome the decision of the PSC of the communique of its 866<sup>th</sup> session on institutionalizing close working relationship with the Commission and support its full implementation;
  65. Authorize the delegation by the African Union Commission Chairperson of the authority for recruitment and administrative decision-making to the Commission consistent with its functional autonomy and as part of the implementation of paragraph 8 of **Assembly/AU/Dec.200 (XI)** 'to have the status of the ACHPR as an Organ of the AU regularized;
  66. Recognizing the insufficient resources allocated to the Commission which may affect its independence and effectiveness, call on the Permanent Representatives Committee (PRC) and the AU Commission to work closely with the Commission and provide it with the necessary resources it needs in accordance with EX.CL/Dec.1015(XXXIII) to effectively discharge its mandate without interference, and in a manner consistent with the nature and independent mandate of the Commission;
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ANNEX I

LIST OF CURRENT MEMBERS OF THE COMMISSION

Nr	Name	Duration	Expiry Date	Country
1.	Commissioner Soyata Maïga	6	2019	Mali
2.	Commissioner Lawrence Murugu Mute	6	2019	Kenya
3.	Commissioner Kayitesi Zainabo Sylvie	6	2021	Rwanda
4.	Commissioner Yeung Kam John Yeung Sik Yuen	6	2019	Mauritius
5.	Commissioner Lucy Asuagbor	6	2019	Cameroon
6.	Commissioner Maya Sahli-Fadel	6	2023	Algeria
7.	Commissioner Jamesina Essie L. King	6	2021	Sierra Leone
8.	Commissioner Solomon Ayele Dersso	6	2021	Ethiopia
9.	Commissioner Hatem Essaiem	6	2023	Tunisia
10.	Commissioner Maria Teresa Manuela	6	2023	Angola
11.	Commissioner Rémy Ngoy Lumbu	6	2023	Democratic Republic of Congo

## ANNEX II

### MEMBERS OF THE COMMISSION THAT ATTENDED THE 26<sup>TH</sup> EXTRAORDINARY SESSION

1. Honourable Commissioner **Soyata Maïga**, Chairperson of the Commission and Chairperson of the Working Group on Indigenous Populations/Communities and the Committee on the Rights of People Living with HIV and Those at Risk, Vulnerable to and affected by HIV;
  2. Honourable Commissioner **Lawrence Murugu Mute**, Vice-Chairperson of the Commission and Special Rapporteur on Freedom of Expression and Access to Information;
  3. Honourable Commissioner **Kayitesi Zainabo Sylvie**, Member and Chairperson of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and the Working Group on Specific Issues related to the Work of the African Commission;
  4. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen**, Member and Chairperson of the Working Group on Older Persons and People with Disability in Africa;
  5. Honourable Commissioner **Lucy Asuagbor**, Member, Special Rapporteur on the Rights of Women in Africa and Chairperson of the Working Group on Communications;
  6. Honourable Commissioner **Maya Sahli-Fadel**, Member and Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa;
  7. Honourable Commissioner **Jamesina Essie L. King**, Member and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa and the Working Group on Resolutions;
  8. Honourable Commissioner **Solomon Ayele Dersso**, Member and Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations and the Advisory Committee on Budgetary and Staff Matters;
  9. Honourable Commissioner **Hatem Essaiem**, Member and Chairperson of the Committee for the Prevention of Torture in Africa;
  10. Honourable Commissioner **Maria Teresa Manuela**, Member and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
  11. Honourable Commissioner **Rémy Ngoy Lumbu**, Member and Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa;
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## ANNEX IV

### MEMBERS OF THE COMMISSION THAT ATTENDED THE 65<sup>TH</sup> ORDINARY SESSION

1. Honourable Commissioner **Solomon Ayele Derso**, Chairperson of the Commission and Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations and the Advisory Committee on Budgetary and Staff Matters;
  2. Honourable Commissioner **Rémy Ngoy Lumbu**, Vice Chairperson of the Commission and Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa;
  3. Honourable Commissioner **Soyata Maïga**, Member and Chairperson of the Working Group on Indigenous Populations/Communities and the Committee on the Rights of People Living with HIV and Those at Risk, Vulnerable to and affected by HIV;
  4. Honourable Commissioner **Kayitesi Zainabo Sylvie**, Member and Chairperson of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and the Working Group on Specific Issues related to the Work of the African Commission;
  5. Honourable Commissioner **Lawrence Murugu Mute**, Member and Special Rapporteur on Freedom of Expression and Access to Information in Africa;
  6. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen**, Member and Chairperson of the Working Group on Older Persons and People with Disabilities in Africa;
  7. Honourable Commissioner **Lucy Asuagbor**, Member, Special Rapporteur on the Rights of Women in Africa and Chairperson of the Working Group on Communications;
  8. Honourable Commissioner **Maya Sahli-Fadel**, Member and Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons;
  9. Honourable Commissioner **Jamesina Essie L. King**, Member and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa and the Working Group on Resolutions;
  10. Honourable Commissioner **Hatem Essaïem**, Member and Chairperson of the Committee for the Prevention of Torture in Africa;
  11. Honourable Commissioner **Maria Teresa Manuela**, Member and Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
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**DRAFT DECISION ON THE FORTY-SEVENTH ACTIVITY REPORT OF THE  
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS  
Doc.EX.CL/1205(XXXVI)**

**The Executive Council,**

1. **TAKES NOTE** of the Forty-Seventh (47<sup>TH</sup>) Activity Report of the African Commission on Human and Peoples' Rights (the ACHPR);
  2. **EXPRESSES** its appreciation for the efforts deployed by the ACHPR during the reporting period to promote and protect human rights on the continent;
  3. **WELCOMES** the report of Cameroon on implementation of the decision of the ACHPR in **Communication 389/10 - Mbiankeu Geneviève v. Cameroon**, and **CALLS ON** other State Parties to provide the ACHPR with all relevant information on the measures taken to comply with the ACHPR's requests for Provisional Measures and the implementation of its decisions on complaints on human rights violations under the Communications procedure in accordance with Rule 112 of its Rules of Procedure;
  4. **FURTHER CALLS ON** member states to cooperate with the ACHPR by granting it a standing authorization for undertaking promotion and protection missions and by responding timeously to the ACHPR's communications;
  5. **CALLS ON** the Policy Organs and in particular the PRC to work with the ACHPR in expediting the process of reviewing the structure of the Secretariat of the ACHPR in line with EX.CL 995 (XXXII) to better align the ACHPR's human resources capacity and organogram with its mandate, including its workload which has increased over the years to include the monitoring of other treaties, and to adopt the new revised structure by the June/July 2020 summit;
  6. **REQUESTS** full implementation of paragraph 8 of **Assembly/AU/Dec.200 (XI)** 'to have the status of the ACHPR as an Organ of the AU regularized' including through the delegation by the AUC Chairperson of the authority for recruitment and administrative decision-making to the ACHPR consistent with its functional autonomy;
  7. **CALLS ON** the AUC Chairperson to put in place urgent measures for the full implementation within the next six (6) months of various Executive Council Decisions calling for expedited recruitment to the vacant positions in the Secretariat, including the recruitment of Arabic and Portuguese Legal Officers and Translators as per **Decision EX.CL/Dec.974(XXXI)**;
  8. **WELCOMES** the assurance that President Adama Barrow of The Gambia gave to the ACHPR to prioritize the delivery of the long overdue construction of the permanent headquarters of the ACHPR and **CALLS ON** the AUC to activate the support group envisaged in EX.CL/Dec.1045(XXXIV) and to work with The Gambia and the ACHPR for putting in place concrete plans including the development of the architectural designs of the permanent headquarters of the
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ACHPR and for the commencement of the construction of the permanent headquarters;

9. **COMMENDS** The Gambia and Zimbabwe for being up to date in their submission of periodic reports to the ACHPR and **URGES** other State Parties to submit their Periodic Reports in compliance with Article 62 of the African Charter on Human and Peoples' Rights (African Charter), Article 26 of the Maputo Protocol, and Article 14 (4) of the Kampala Convention;
  10. **URGES** the Kingdom of Morocco to authorize and facilitate the mission to the territory referred to by the African Union as the Sahrawi Arab Democratic Republic and the United Nations as Western Sahara as mandated by previous relevant African Union decisions and **REITERATES ITS CALL** in **Decision EX.CL/Dec.995(XXXII)** of January 2018, for the Kingdom of Morocco to accede to the African Charter;
  11. **EXPRESSES ITS APPRECIATION** to the Republic of Gambia for hosting the 65<sup>th</sup> Ordinary Session of the ACHPR held in Banjul, The Gambia, from 21 October to 10 November 2019, and the excellent facilities accorded to all participants during the Session;
  12. **CALLS ON** Member States, particularly those that have not yet done so, to consider hosting one of the Sessions of the ACHPR;
  13. **DECIDES** to adopt the 47<sup>th</sup> Activity Report and **AUTHORISES** its publication; and in that regard **REQUESTS** State Parties, if they so wish, to submit, within fourteen (14) days of the date of closure of the Executive Council Session at which this Decision is adopted, their written observations on the Activity Report, to be annexed thereto upon its publication.
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2020-02-07

# Activity Report of the African Commission on Human and Peoples' Rights (ACHPR)

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