

AFRICAN UNION		UNION AFRICAINE
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African Commission on Human & Peoples' Rights		Commission Africaine des Droits de l'Homme & des Peuples
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**FINAL COMMUNIQUÉ OF THE 69TH ORDINARY SESSION OF THE
AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**Virtual Session
15 November – 5 December 2021**

1. The African Commission on Human and Peoples' Rights (the Commission) held its 69th Ordinary Session (the Session) from 15 November to 5 December 2021. The Session was held virtually due to the persistence of the COVID-19 pandemic.
2. The Opening Ceremony was chaired by Honourable Commissioner Solomon Ayele Dersso, Outgoing Chairperson of the Commission, with the assistance of Honourable Commissioner Remy Ngoy Lumbu, Outgoing Vice Chairperson of the Commission.
3. The Commission elected its new Bureau which shall serve for two years. The Bureau is composed of Honourable Rémy Ngoy Lumbu as Chairperson and Honourable Maya Sahli-Fadel as Vice Chairperson.
4. Honourable Commissioner Solomon Ayele Dersso, who was re-elected to the Commission for a second term, made the Solemn Declaration prior to taking office.
5. The newly elected members also made the Solemn Declaration prior to taking up their duties as Commissioners. They are:
 - i. Honourable Commissioner Janet Ramatoulie Sallah – Njie;
 - ii. Honourable Commissioner Ourveena Geereesha Topsy-Sonoo; and
 - iii. Honourable Commissioner Idrissa Sow.
6. His Excellency Ambassador Salah S. Hammad, Senior Human Rights Expert of the AUC Department of Political Affairs, delivered a statement on behalf of His Excellency Moussa Faki Mahamat, AUC Chairperson.
7. The following Members of the Commission participated in the Session:
 - i. Honourable Commissioner Rémy Ngoy Lumbu, Chairperson;
 - ii. Honourable Commissioner Maya Sahli-Fadel, Vice Chairperson;
 - iii. Honourable Commissioner Solomon Ayele Dersso;
 - iv. Honourable Commissioner Hatem Essaiem;
 - v. Honourable Commissioner Maria Teresa Manuela;
 - vi. Honourable Commissioner Mudford Zachariah Mwandenga;
 - vii. Honourable Commissioner Marie Louise Abomo;
 - viii. Honourable Commissioner Janet Ramatoulie Sallah – Njie;
 - ix. Honourable Commissioner Ourveena Geereesha Topsy-Sonoo; and
 - x. Honourable Commissioner Idrissa Sow.
8. Statements were delivered at the Opening Ceremony by Mrs Hannah Forster, Director of the African Centre for Democracy and Human Rights Studies, speaking on behalf of the NGO Forum Steering

Committee, Mr. Joseph Whittal, Vice Chairperson of the Network of African National Human Rights Institutions; H.E. Ambassador Eamon Gilmore, European Union Special Representative for Human Rights; Mr. Marcel Clément Akpovo, East Africa Representative of the UN High Commissioner for Human Rights, speaking on behalf of H.E. Michèle Bachelet; H.E. Ana Celeste Januário, Secretary of State for Human Rights and Citizenship of the Republic of Angola speaking on behalf of AU States Parties; Honourable Lady Justice Imani Daud Aboud, President of the African Court on Human and Peoples' Rights; Honourable Commissioner Solomon Ayele Dersso, Outgoing Chairperson of the African Commission on Human and Peoples' Rights; H.E. Ambassador Salah S. Hammad, Senior Human Rights Expert of the Department of Political Affairs of the African Union Commission (AUC), representing His Excellency Moussa Faki Mahamat, Chairperson of the African Union Commission (AUC); and H.E. Mamadou Saliou Sow, Secretary of State to the Minister of Justice, in charge of the promotion of human rights and good governance of the Republic of Senegal.

9. The Honourable Commissioner Maya Sahli-Fadel, Vice-Chair-elect, welcomed the new Commissioners as the dean of the Commission.
10. Mrs. Hannah Forster began her address by requesting a moment's silence in memory of the founding fathers of the African Human and Peoples' Rights System, including the late Commissioner Isaac Nguema, the first Chairperson of the Commission.
11. She underscored the impact of the Charter, noting that its application has contributed to the development of international human rights law through, *inter alia*, the increased involvement of State and non-State actors, the granting of affiliate status to over thirty (30) National Human Rights Institutions and the granting of observer status to over five hundred (500) Non-Governmental Organisations.
12. In his statement, Mr. Joseph Whittal, recalled that this Session provides an opportunity to reflect on the milestones reached in the last 40 years since the adoption of the African Charter on Human and Peoples' Rights. He added that while we acknowledge the progress made in advancing human rights in Africa as enshrined in the African Charter, we should also take note of the challenges that the African Commission has faced in fulfilling its mandate.
13. He recalled that the obligation of preserving human rights lies primarily with States, which must therefore support and strengthen the work of regional bodies in order to reduce interventions from international mechanisms. He urged States to invest in and accelerate local vaccine production to address the supply gap.
14. Mr. Eamon Gilmore, began by highlighting the significance of this Session which coincides with the celebration of the 40th Anniversary of the adoption of the Charter. He pointed to the strong relationship of

cooperation that exists between the African Union and the European Union in various areas after emphasizing that the two institutions share common values.

15. He then indicated that the annual Human Rights dialogue, held recently, helped to illustrate the level of commitment of both institutions to promote and protect human rights on the two continents. He confirmed their common interest in working together in particular on issues relating to the abolition of the death penalty, transitional justice, gender equality and women's empowerment, as well as the promotion of democracy and the rule of law.
16. Mr. Akpovo underscored the strong cooperation ties established between the Office of the High Commissioner for Human Rights and the Commission since the adoption of the Addis Ababa Roadmap and commended the regular consultations held between the two institutions on various issues relating to their respective mandates.
17. He concluded his statement by highlighting the additional challenges caused by climate change with an impact on human rights and invited the Commission to consider the possibility of further contributing to address the issue of global warming, in collaboration with partner institutions.
18. H.E. Mrs Ana Celeste Januário drew attention to the celebrations commemorating forty (40) years of the Charter. She reiterated the need to re-evaluate the African human rights system and consolidate communication channels between the Organs through joint activities. She also underscored the need for Member States to strengthen their collaboration with the Commission, in particular, through their accession to the legal instruments of the African human rights system.
19. She further urged African States to adopt COVID-19 response plans that are more inclusive providing free services to nationals of each State as well as foreigners, refugees, undocumented persons and, in general, to all other vulnerable groups.
20. Honourable Lady Justice Imani Aboud, President of the African Court on Human and Peoples' Rights, recalled the context of the establishment of the Commission, marked by numerous challenges relating to peace building, conflict resolution, access to justice, unconstitutional changes of government and power struggles.
21. She referred to the role and responsibility of each actor in achieving the common goal of ensuring the realization of human rights across the continent. She observed that while Member States of integration organisations remain the main stakeholders in enforcing human rights, non-governmental actors are called upon to continue to play a critical role in ensuring that the system is balanced.

22. Honourable Commissioner Solomon Ayele Dersso welcomed all participants to the 69th Ordinary Session of the Commission. He recalled the importance of the particular context in which this Session is taking place, against the backdrop of the 40th Anniversary of the Charter as well as the forthcoming 20th Anniversary of the AU. He highlighted the need to conduct an assessment of the human rights situation and noted the gap between the commitments to the continental Human Rights System and practice.
23. He noted the shrinking civic space due to the excessive use of restrictive measures adopted by African States in response to the Covid-19 pandemic, which has contributed to the deterioration of democracy on the continent.
24. H.E. Ambassador. Salah S. Hammad welcomed the newly elected Commissioners and expressed his best wishes to the outgoing Commissioners. He congratulated the Commission on being elected as Chair of the African Governance Architecture (AGA). He also commended the work accomplished by the Secretariat.
25. He stated that as we celebrate the 40th Anniversary of the African Charter on Human and Peoples' Rights, we need to recognise the challenges faced during this period of the Covid-19 pandemic. This requires us to urgently address issues relating to underdevelopment, marginalisation, exclusion of some vulnerable groups as well as the enjoyment of economic and social rights. He called on all AU Member States to cooperate with all AU Organs, in particular the Commission, and encouraged them to implement the decisions of Organs with a human rights mandate.
26. H.E. Mamadou Saliou Sow welcomed the fact that Senegal was selected to host this Session and commended the efforts made for its successful conduct. He pointed out that this Session was being held at a time when we are celebrating the fortieth anniversary of the adoption of the African Charter on Human and Peoples' Rights. In this regard, he applauded the Commission for its significant contribution to the promotion and protection of the rights enshrined in the Charter. He called for the implementation of more actions and strategies to overcome threats and violations of human rights, especially those affecting the most vulnerable, through the criminalisation of certain acts such as rape and paedophilia.
27. He reiterated Senegal's availability to collaborate with UN and African human rights monitoring mechanisms.
28. He then declared open the 69th Ordinary Session of the Commission.
29. Commissioner Maya Sahli-Fadel welcomed the three newly elected Commissioners and the Commissioner whose mandate was renewed.

She also wished the outgoing Commissioner, Jamesina Essie L.King, all the best..

30. A total of four hundred and twenty-two (422) delegates attended the Session, including: One hundred and one (101) representing twenty-four (24) States Parties; four (4) representing AU Organs; one (1) representing a Regional Economic Community; fifty (50) representing NHRIs; five (5) representing international and intergovernmental organisations; two hundred and thirty-one (231) representing African and international NGOs; five (5) representing other observers, one (1) of whom was from the media.
31. Representatives of the following nine (9) States Parties made statements on the human rights situation in their respective countries, namely: Algeria, Angola, Burkina Faso, Chad, Eritrea, Guinea Bissau, Malawi, Sahrawi Republic and Uganda.
32. Representatives of eighteen (18) NHRIs with Affiliate Status made statements on the human rights situation in their respective countries, namely: the National Human Rights Council of Algeria, the National Independent Human Rights Commission of Burundi, the National Human Rights Commission of Cabo Verde, the Human Rights Commission of Cameroon, the National Human Rights Commission of Côte d'Ivoire, the National Human Rights Commission of the Democratic Republic of Congo, the Human Rights Commission of Ethiopia, the National Human Rights Commission of Kenya, the Human Rights Commission of Malawi, the National Human Rights Commission of Mali, the National Human Rights Commission of Mauritius, the National Human Rights Commission of Mauritania, the National Human Rights Commission of Nigeria, the National Human Rights Commission of Rwanda, the National Human Rights Commission of the Saharawi Republic, the Human Rights Commission of South Africa, the Commission for Human Rights and Good Governance of Tanzania and the Human Rights Commission of Zambia Zambia.
33. Thirty (30) NGOs that have Observer Status with the Commission made statements on the human rights situation in Africa.
34. Eritrea and Sahrawi Republic exercised their right of reply.
35. The Commission launched the following documents:
 - i. Newsletter 15 on Police and Human Rights in Africa; and
 - ii. Background Study on the Operations of the Extractive Industries Sector in Africa and its Impacts on the Realisation of Human and Peoples' Rights under the African Charter on Human and Peoples' Rights.
36. With the aim of strengthening the promotion and protection of human rights on the continent, several panels were organised on the following themes:

- iii. Advocacy for the ratification of the Convention on the Rights of Older Persons and the Protocol on the Rights of Persons with Disabilities;
- iv. Situation of human rights defenders in exile;
- v. Assessment of the implementation of the Global Compact on Migration by key actors in Africa; and
- vi. Presentation and discussion of the Study on Jurisprudence relating to Article 5 of the Charter and the Report on the production, trade and use of tools of torture in Africa;

37. The Commission reported on the status of its relationship and cooperation with NHRIs. It also provided an update on the status of submission of activity reports by NHRIs and granted affiliate status to the National Human Rights Commission of The Gambia and the Human Rights Commission of Benin.

38. The Commission also granted affiliate status to Institut des Droits de l'Homme et de la Paix of University Cheikh Anta Diop of Dakar.

39. Thus, the total number of national institutions specializing in human rights with affiliate status with the Commission is thirty-three (33).

40. In accordance with its Resolution on the Criteria for Granting and Maintaining Observer Status to Human Rights NGOs in Africa, the Commission granted Observer Status to three (3) NGOs, namely:

- vii. Institut Panafricain pour la Citoyenneté, les Consommateurs et le Développement (CICODEV Afrique);
- viii. Paradigm Initiative for Information Technology Development; and
- ix. Mouvement pour la défense de l'Humanité et l'abolition de la torture (MDHAT).

41. This brings the total number of NGOs, which have observer status with the Commission, to five hundred and thirty-eight (538).

42. The Commission provided an update on the status of submission of Periodic Reports by States Parties.

43. In accordance with Article 62 of the African Charter, the Commission considered the Periodic Reports of the following States Parties:

- i. The Sixth to Tenth Combined Periodic Reports of the Republic of Benin under the African Charter on Human and Peoples' Rights.
- ii. The Seventh Periodic Report of the Republic of Namibia under the African Charter on Human and Peoples' Rights and the Second Report

under the Protocol of the African Charter on the Rights of Women in Africa (Maputo Protocol); and

- iii. The First to Ninth Combined Periodic Reports of the Kingdom of Eswatini under the African Charter on Human and Peoples' Rights and the Initial Report under the Protocol of the African Charter on the Rights of Women in Africa (Maputo Protocol).

44. Members of the Commission presented their intersession reports highlighting the activities undertaken in their capacity as Commissioners, Commissioner Rapporteurs and mandate holders of Special Mechanisms:

45. Presentation of these Reports generated reactions, contributions and questions from State Delegates and Civil Society Organisations.

46. During its private Session, the Commission considered and adopted the following documents, after amendment:

- i. Concluding Observations on the Periodic Report of the Republic of Niger;
- ii. Concluding Observations on the Periodic Report of the Republic of Zimbabwe;
- iii. Draft General Comment on regulating private actors involved in the provision of social services; and
- iv. Report on the Promotion Mission to the Republic of Guinea Bissau.

47. The Commission considered the following reports:

- i. Report on Follow-up Actions from the 68th Ordinary Session and 33rd Extraordinary Session;
- ii. Report of the Chairperson of the ACBSM on Budgetary and Staff Matters;
- iii. Report of the Working Group on Communications;
- iv. Report on the Audit of Communications;
- v. Report of the Secretary to the Commission; and
- vi. Report of the Working Group on Specific Issues.

48. The Commission considered four (4) Communications as follows:

- i. Three (3) Communications on Admissibility, which were declared admissible; and
- ii. One (1) Communication, on which the Commission provided guidance for its consideration.

49. The Commission adopted the following Resolutions:

- i. Resolution on the Recognition and Protection of the Right of Ownership, Governance and Use of Natural Resources by Indigenous Populations in Africa;
- ii. Resolution on the Deterioration of the General Human Rights Situation in Sudan following the Coup d'Etat of 25 October 2021;
- iii. Resolution on the need to develop a training manual on the use of force by law enforcement officials and prison/correctional guards in Africa;
- iv. Resolution on Extractive Industries and the Land Rights of Indigenous Populations/Communities in Africa;
- v. Resolution on climate change and the effects on forced displacement;
- vi. Resolution on violence against women in armed conflict situations in Africa;
- vii. Resolution on the Drafting of Standard Operating Procedures of the Alert and Reporting Mechanism to the ACPHR on Situations of Torture and Related Acts;
- viii. Resolution on the drafting of a General Comment on the prohibition of Female Genital Mutilation in Africa;
- ix. Resolution on the Renewal of the Mandate of the Commission of Inquiry into the situation in the Tigray Region in the Federal Democratic Republic of Ethiopia;
- x. Resolution on the redistribution of country rapporteurship amongst Commissioners;
- xi. Resolution on the Reconstitution of the Committee on Resolutions;
- xii. Resolution on the Reconstitution of the Working Group on Indigenous Populations/Communities and Minorities in Africa;
- xiii. Resolution on the Reconstitution of the Advisory Committee on Budgetary and Staff Matters;
- xiv. Resolution on the Reconstitution of the Working Group on Specific Issues related to the work of the Commission;
- xv. Resolution on the Reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa;
- xvi. Resolution on the Reconstitution of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV;
- xvii. Resolution on the Reconstitution of the Working Group on Communications;
- xviii. Resolution on the Mandate and Appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa;
- xix. Resolution on the Appointment of the Special Rapporteur on the Rights of Women in Africa;
- xx. Resolution on the Reconstitution of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;

- xxi. Resolution on the Reconstitution of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;
- xxii. Resolution on the situation of persisting human rights violations in the Republic of Cameroon; and
- xxiii. Resolution on the extension of the period for the preparation of a Study on the Use of Force by Law Enforcement Officials in Africa.

50. The Commission considered and adopted its 51st Activity Report.

51. The Commission decided to hold its 70th Ordinary Session virtually from 23 February to 9 March 2022. Details of the next Ordinary Session will be made available on the Commission's website in due course.

52. The Commission expresses its sincere gratitude to States Parties, international organisations, NHRIs, NGOs and all stakeholders who participated in this virtual Ordinary Session.

53. The Committee also expresses its deep gratitude to the Government of the Republic of Senegal for the facilities provided for the organisation of the Session.

54. The Closing Ceremony of the 69th Ordinary Session took place virtually on 5 December 2021.

Done in Dakar, on 5 December 2021