


AFRICAN UNION		UNION AFRICAINE
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**50TH AND 51ST COMBINED ACTIVITY REPORTS
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. SUMMARY

1. The 50th and 51st Combined Activity Reports of the African Commission on Human and Peoples' Rights (the Commission or ACHPR), which is 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), covers the period from **4 December 2020 to 5 December 2021**.
2. The activities carried out by the Commission during the reporting period, as outlined in the Combined Report, seek to implement the priority areas set out in the Commission's 2021-2025 Strategic Plan. In this regard, the Commission's statutory meetings were specifically devoted to the improvement of the administration of justice through the processing of Communications on alleged human rights violations, thereby reinforcing the implementation of the Commission's mandate of protecting human and peoples' rights. This is further strengthened by the interventions of the Commission on urgent and pressing human rights issues through urgent appeal letters, press releases, resolutions and letters of congratulations.
3. The activities of the Special Mechanisms of the Commission and the consideration of Reports of State Parties to the African Charter on the implementation of the rights and freedoms guaranteed by the African Charter contributed to the improvement of national legal and institutional frameworks for the promotion and protection of rights at the national level through the enactment of new laws, a review of the existing laws and the creation or reform of relevant institutions in States Parties. The Report also covers budgetary, staffing and operational issues relating to the Commission and includes the latter's recommendations on the human rights situation on the Continent.

II. BACKGROUND

4. The Commission is an independent Organ, established pursuant to 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 1981. The African Charter has been ratified by all Member States of the AU, except the Kingdom of Morocco, which re-joined the Union in January 2017. The Commission became operational in 1987 and has its headquarters in Banjul, The Gambia.
5. 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. During the period covered by the Report, Honourable Commissioners **Kayitesi Zainabo Sylvie and Alexia Gertrude Amesbury** resigned from the Commission and Honourable Commissioner **Ndiamé Gaye** passed away. Three new Members were appointed and the appointment of one Member was renewed. The Commission currently operates with ten (10) Commissioners.¹

¹ The list of the current composition of the Commissioners is appended to this Report as Annex I.

6. The Commission's mandate, as set out in Article 45 of the African Charter, is to:
 - i. Promote human and peoples' rights and in particular:
 - (a) Collect documents, undertake studies and research on African problems in the area of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions dealing with human and peoples' rights and, where appropriate, give advice or make recommendations to governments;
 - (b) Formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislation;
 - (c) Cooperate with other African or international institutions concerned with the promotion and protection of human and peoples' rights;
 - ii. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter;
 - iii. Interpret all the provisions of the Charter at the request of a State party, an institution of the AU or an African organization recognized by the AU; and
 - iv. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

III. MEETINGS OF AU POLICY ORGANS, STATUTORY MEETINGS, INSTITUTIONAL AND OTHER MEETINGS DURING THE REPORTING PERIOD

A. MEETINGS OF AU POLICY ORGANS

- 34th African Union Summit, Addis Ababa, Ethiopia

7. The Commission participated in the AU Policy Organ Meetings which were held in Addis Ababa, Ethiopia from 20 to 31 January 2021 and from 3 to 7 February 2021 as follows:
 - i. 41st Ordinary Session of the Permanent Representatives' Committee (PRC): 20 to 21 January 2021;
 - ii. 38th Ordinary Session of the Executive Council: 3 to 4 February 2021; and
 - iii. 34th Ordinary Session of the Assembly of Heads of State and Government (the Assembly): 6 to 7 February 2021.
8. In accordance with the African Charter and established practice, the 48th and 49th Combined Activity Reports of the Commission were presented to the 41st Ordinary Session of the PRC. Following discussions at the PRC and Executive Council levels, the Activity Reports were authorized for publication through Decision EX.CL/Dec.1113(XXXVIII) adopted by the Executive Council at its 38th Ordinary Session held virtually in February 2021. The Report has been published on the Commission's website in addition to the responses from a number of States Parties, which are appended to the Combined Report.

- 42nd Ordinary Session of the PRC and 39th Ordinary Session of the Executive Council, Addis Ababa, Ethiopia
9. The Commission also participated in the following meetings of Policy Organs which were held virtually from 28 September to 9 October 2021, in-person from 14 to 15 October 2021 and virtually on 16 October 2021:
 - i. 42nd Ordinary Session of the Permanent Representatives' Committee (PRC): from 28 September to 1st October 2021 and from 5 to 9 October 2021;
 - ii. 39th Ordinary Session of the Executive Council (EC): 14 to 15 October 2021;
 - iii. 3rd Bi-annual coordination meeting between Member States, the African Union, Regional Economic Communities (RECs) and Regional Mechanisms: 16 October 2021.
 10. During the 39th Ordinary Session of the Executive Council, four (4) Members of the Commission were elected for a term of six (6) years, one of whom was re-elected. These are namely:
 - i. Mrs. Ourveena Geereesha Topsy Sonoo from the Republic of Mauritius;
 - ii. Dr. Solomon Ayele Dersso, from the Federal Republic of Ethiopia;
 - iii. Mrs. Janet Ramatoulie Sallah-Njie from the Republic of The Gambia; and
 - iv. Dr. Idrissa Sow from the Republic of Senegal.

B. STATUTORY AND INSTITUTIONAL MEETINGS

➤ 31st Extraordinary Session, 19 to 25 February 2021

11. The 31st Extraordinary Session was held virtually from 19 to 25 February 2021 due to the current pandemic. Details of the activities undertaken by the Commission during its 31st Extraordinary Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.

➤ 68th Ordinary Session, 14 April to 4 May 2021

12. The 68th Ordinary Session was also held virtually from 14 April to 4 May 2021 due to the Covid-19 pandemic.
13. During this Session, the Commission considered, among others, the Periodic Reports from the Republic of Malawi and the Republic of Niger and organized the following panels:
 - i. Panel on the Launch and drafting of the proposed General Comment on Article 23 of the African Charter;

- ii. Panel on the Launch of the 9th Newsletter of the Committee on the Prevention of Torture in Africa;
 - iii. Panel on the Launch of the Guidelines on the Right to Water in Africa;
 - iv. Joint Panel on Violence against Women in Vulnerable Situations;
 - v. Panel on Abuses Against Migrants: The Addis Ababa Roadmap;
 - vi. Panel on the Human and Peoples' Rights aspects of Arts, Culture and Heritage; and
 - vii. Panel on Human Rights Defenders and Reprisals in Africa.
14. The Inter-Session Reports presented by Members of the Commission and Special Rapporteurs during the 68th Ordinary Session are available on the website of the Commission: www.achpr.org.
15. Details of the activities undertaken by the Commission during its 68th Ordinary Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.
- **32nd Extraordinary Session, 12 May 2021**
16. The 32nd Extraordinary Session of the Commission was held virtually on 12 May 2021. During this Session, the Commission considered the human rights situation in the Tigray region of the Federal Democratic Republic of Ethiopia and decided to set up a Commission of Inquiry on the human rights situation in Tigray, Ethiopia. The details of this Session are recorded in the Final Communiqué which is available on the website of the Commission: www.achpr.org.
- **33rd Extraordinary Session, from 12 to 19 August 2021**
17. The 33rd Extraordinary Session of the Commission was held virtually from 12 to 19 August 2021. The details of the activities undertaken by the Commission during its 33rd Extraordinary Session are recorded in the Final Communiqué which is available on the website of the Commission: www.achpr.org.
- **34th Extraordinary Session, 24 August 2021**
18. The 34th Extraordinary Session of the Commission was held virtually on 24 August 2021. During this Session, the Commission of Inquiry presented the Commission with an up-to-date report of its findings on the situation in the Tigray region of the Federal Democratic Republic of Ethiopia. The details of the activities carried out by the Commission during this Session are recorded in the Final Communiqué which is available on the website of the Commission: www.achpr.org.
- **69th Ordinary Session, 15 November to 5 December 2021**
19. The 69th Ordinary Session of the Commission was held in Dakar, Republic of Senegal with the in-person participation of the Commission and its Secretariat

and the virtual participation of the representatives of States, International Organizations, National Human Rights Institutions and Civil Society.

20. During this Session, the Commission considered, among others, the Periodic Reports of the Republic of Benin, the Kingdom of Eswatini and the Republic of Namibia.

21. The Commission also organized the following Panels and Launches:

- i. Advocacy promoting the ratification of the Protocol on the Rights of Elderly Persons and the Protocol on the Rights of Persons with Disabilities;
- ii. Panel on the situation of human rights defenders in exile;
- iii. Evaluation of the implementation of the Global Pact on Migration by key stakeholders in Africa;
- iv. Launch of the Newsletter No. 15: Policing and Human Rights in Africa;
- v. Panel on the Study of the Working Group on Extractive Industries/ Launch of Newsletter of the Working Group;
- vi. Panel on the Presentation and discussion of the Study on Jurisprudence relative to Article 5 of the Charter and of the Report on the production, sale and use of instruments of torture in Africa; and
- vii. Panel on the Death Penalty in Africa and the commitments of States.

22. The Intersession Reports presented by Members of the Commission and its Special Rapporteurs during the 69th Ordinary Session are available on the website of the Commission: www.achpr.org.

23. Details of the activities carried out by the Commission during its 69th Ordinary Session are contained in the Final Communiqué which is also available on the website of the Commission: www.achpr.org.

➤ **13th Meeting of the Joint Bureaux of the Commission and the African Court held on 28 September 2021 in Arusha, Tanzania.**

24. In accordance with their respective Rules of Procedure, the Commission and the African Court held the 13th Meeting of the Joint Bureaux on 28 September 2021, in Arusha, Republic of Tanzania. On this occasion, members of the two institutions adopted the Report of the 12th Meeting of the Bureaux; assessed the status of implementation of the decisions adopted at the 12th Meeting of the Bureaux and the 8th Annual Joint Meeting; and exchanged views on various joint activities, including the joint commemoration of the 40th Anniversary of the adoption of the African Charter.

➤ **9th Annual Meeting of the Commission and the African Court, held virtually and in-person in Arusha, Tanzania, on 29 September 2021.**

25. The 9th Annual Joint Meeting of the Commission and the Court was held in hybrid format on 29 September 2021. The meeting largely focused on the follow-up of the implementation of the recommendations adopted during the previous meeting for the purpose of strengthening the complementarity of the two institutions and improving their collaboration.

C. OTHER ACTIVITIES AND ACHPR ENGAGEMENTS WITH AU ORGANS

➤ **Commemoration of the 40th Anniversary Celebration of the Adoption of the African Charter on Human and Peoples' Rights**

26. The Commission launched on 28 June 2021 the celebration of the 40th anniversary of the African Charter on Human and Peoples' Rights commemorated throughout 2021 under the Theme: *"Realities of 40 years of implementation of the African Charter on Human and Peoples' Rights and the journey towards the Africa We Want"*. The commemoration was marked by a series of events organised in collaboration with various stakeholders and key actors working in the promotion and protection of human rights, including representatives of States Parties, AU Organs and Departments, International and Intergovernmental Organizations, National Human Rights Institutions (NHRIs), Civil Society Organizations (CSOs), Academics, and the Media.

➤ **Participation in the Second AGA Platform Technical and Political Meetings, 20 to 21 October 2021 in Arusha, Tanzania.**

27. The Bureau of the Commission participated in the Second African Governance Architecture (AGA) Platform Technical and Political Meetings held from 20 to 21 October 2021 in Arusha, Tanzania. The Platform meetings reviewed the implementation of the ongoing 2021 Projects; brainstormed on the 2022 AGA Platform flagship initiatives; provided updates on AGA- APSA Secretariat merger process and discussed updates of the engagement with the PRC Sub Committee on Human Rights, Democracy and Governance. The meeting also formed a new Bureau and the Commission was elected to chair the African Governance Platform in 2022 and 2023, in line with the AGA Rules of Procedure.

IV. STATUS OF SUBMISSION OF PERIODIC REPORTS

28. The Commission monitors the implementation of the African Charter and other relevant legal instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention). The

monitoring is done through: the receipt and consideration of periodic reports during the Ordinary Session; engaging directly with the State on the content of the report; formulating Concluding Observations on the Reports; as well as tracking the non-submission of periodic reports by States Parties.

29. As already indicated, the Commission considered during its 68th and 69th Ordinary Sessions, the 2nd and 3rd combined Periodic Reports of the Republic of Malawi (2015-2019), the 15th Periodic Report of the Republic of Niger (2017-2019), the 6th to 10th combined Periodic Reports of the Republic of Benin (2009-2018), the 1st to 9th combined Periodic Reports of the Kingdom of Eswatini (2000- 2021); and the 7th Periodic Report of the Republic of Namibia (2015-2019). Consideration of the combined 12th and 13th Periodic Reports of the Republic of Kenya was deferred to another Session at the latter’s request.
30. During the period covered by the Report, the Commission also received the 3rd Periodic Report of the Republic of Seychelles on the implementation of the Maputo Protocol for the 2006- 2019 period.
31. According to Article 62 of the African Charter, States Parties are required to submit a Periodic Report every two (2) years. The status of submission of Periodic Reports to the Commission by States Parties from the previous reporting period to date is given below:

Status	State Party
Two (2) States are up to date:	Eswatini and Kenya.
Nine (9) States have one (1) Report outstanding.	Benin, Cameroon, The Gambia, Malawi, Mauritius, Namibia, Niger, Seychelles and Zimbabwe.
Seven (7) States have two (2) Reports outstanding:	Angola, Egypt, Eritrea, Lesotho, Nigeria, Rwanda, Togo.
Seven (7) States have three (3) Reports outstanding:	Algeria, Botswana, Chad, Cote d’Ivoire, DRC, Mauritania, South Africa
Twenty-three (23) States have more than three (3) Reports outstanding:	Burkina, Burundi, Cabo Verde, CAR, Congo, Djibouti, Ethiopia, Gabon, Ghana, Guinea, Liberia, Libya, Madagascar, Mali, Mozambique, SADR, Senegal, Sierra Leone, Sudan, Tanzania, Tunisia, Uganda, Zambia.

Six (6) States have never submitted a Report:	Comoro Islands, Guinea Bissau, Equatorial Guinea, Sao Tomé and Príncipe, Somalia and South Sudan.
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32. To date, out of the 42 States Parties to the Maputo Protocol, the following 19 States have already submitted a Report in accordance with Article 26 of the Protocol: South Africa, Angola, Benin, Burkina Faso, Cameroon, DR Congo, Eswatini, The Gambia, Kenya, Lesotho, Malawi, Mauritania, Namibia, Nigeria, Rwanda, Senegal, Seychelles, Togo, Zimbabwe.

33. To date, 31 States Parties have ratified the Kampala Convention, namely: Angola, Benin, Burkina Faso, Burundi, Cameroon, Côte d'Ivoire, Congo, Djibouti, Eswatini, Gabon, The Gambia, Guinea Bissau, Equatorial Guinea, Lesotho, Liberia, Mali, Mauritania, Mozambique, Niger, Nigeria, Uganda, Rwanda, Sahrawi Arab Democratic Republic, Central African Republic, Sierra Leone, Somalia, South Sudan, Chad, Togo, Zambia and Zimbabwe. Among the above-mentioned thirty-one (31) States, only Cameroon has complied with Article 14(4) of the Kampala Convention on the obligation to present its Reports on the legislative and other measures taken to give effect to its provisions.

V. RESOLUTIONS ADOPTED BY THE COMMISSION

34. During the period under review, the Commission adopted the following Resolutions:

Session	Adopted Resolutions
31st Extraordinary Session	<ul style="list-style-type: none"> i. Resolution on the need to undertake a Study on Human and Peoples' Rights and Artificial Intelligence, Robotics and other New and Emerging Technologies in Africa; ii. Resolution on the Prohibition of Excessive Use of Force by the Police in African States; and iii. Resolution on the need to protect civic space and freedom of association and assembly.
68th Ordinary Session	<ul style="list-style-type: none"> i. Resolution on the Conduct of a Study on the Impact of COVID-19 on Indigenous Peoples/Communities in Africa; ii. Resolution on military instability in northern Mozambique; iii. Resolution on the human rights situation in Niger; iv. Resolution on the human rights situation in Benin; v. Resolution on the reallocation of mandates of the country rapporteurs and special mechanisms among the Commissioners; and vi. Resolution on the need for a Study on African Responses to Migration

	and the Protection of Migrants with a view to developing guidelines on the fundamental rights of migrants, refugees and asylum seekers.
32nd Extraordinary Session	i. Resolution on the investigation of the human rights situation in Tigray
33rd Extraordinary Session	<ul style="list-style-type: none"> i. Resolution on the need for better protection of women sentenced to death; ii. Resolution on the respect of the principle of non-refoulement of asylum seekers and refugees; iii. Resolution on the commemoration of the genocide against the Tutsi in Rwanda and the Prevention of Genocide and Genocide Denial and Revisionism; and iv. Resolution on Missing Migrants and Refugees in Africa and the Impact on their Families
34th Extraordinary Session	<ul style="list-style-type: none"> i. Resolution on the Renewal of the Mandate of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Democratic Republic of Ethiopia; and ii. Resolution on the Validation of the Appointment of Co-opted Members of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Democratic Republic of Ethiopia.
69th Ordinary Session	<ul style="list-style-type: none"> i. Resolution on the Recognition and Protection of the Right of Participation, Governance and Use of Natural Resources by Indigenous and Local Populations in Africa; ii. Resolution on the Deterioration of the General Human Rights Situation in Sudan following the Coup d'état of 25 October 2021; iii. Resolution on the Development of a Training Manual on the Use of Force by Law Enforcement Agents and Prison/Corrections Guards in Africa; iv. Resolution on Extractive Industries and the Protection of Land Rights of Indigenous Populations/Communities in Africa; v. Resolution on Climate Change and Forced Displacement; vi. Resolution on Violence against Women during Armed Conflicts in Africa vii. Resolution on the Formulation of Standard Operating Procedures of the Alert and Reporting Mechanism to the ACPHR on Situations of Torture and Related Acts; viii. Resolution on the Development 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 on the Situation in the Tigray Region of the Federal Democratic Republic of Ethiopia; x. Resolution on the Re-Allocation of Country Rapporteurship amongst Commissioners;

	<ul style="list-style-type: none"> 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 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 continuing violation of Human Rights Situation in the Republic of Cameroon; xxiii. Resolution on the extension of the period to prepare a Study on the Use of Force by Law Enforcement Officials in Africa.
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VI. HUMAN RIGHTS COMPLAINTS/COMMUNICATIONS TO THE COMMISSION

Communications

35. As part of its protection mandate, the Commission is specifically tasked under the African Charter to receive and consider communications (complaints) submitted to it on alleged human rights violations.

36. Of the two hundred and sixteen (216) communications pending before the Commission at the beginning of the reporting period, the following were considered during the said period:

31st Extraordi nary Session	Decisions adopted on merits - 3 <ul style="list-style-type: none"> i. Communication 415/12 - Edouard Nathanaël ETONDE EKOTO v. Cameroon; ii. Communication 446/13 - Jennifer Williams and others ((represented by
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	<p>Zimbabwe Lawyers for Human Rights) v. Zimbabwe; and</p> <p>iii. Communication 475/14 - Family of the late Médard Ndayishimiye v. Burundi.</p>
<p>Working Group on Communications (WGC)</p>	<p>Admission - 9</p> <p>Admitted (6)</p> <ul style="list-style-type: none"> i. Communication 671/17 - Ahmed Abdel Hady El-Sihaimy (represented by AED and others) v. Egypt; ii. Communication 720/19 - Daniel Felipe da Silva Guerra and Rodrigo Lima Dantas (represented by Paulo Henrique Reis de Oliveira and Silmara Veiga de Souza) v. Cabo Verde; iii. Communication 746/21 - Displaced Ogoni people (represented by World Service Authority) v. Benin; iv. Communication 752/21 - Somali Minority Rights Council v. Somalia; v. Communication 753/21 - Kgagudi Kenneth Sekhukhune (represented by Shadrack Tebeile) v. South Africa; and vi. Communication 754/21 - Mr. NZOKIRA Emmanuel v. Burundi. <p>Admitted with request for provisional measures (1)</p> <ul style="list-style-type: none"> i. Communication 750/21 - Gehad El-Haddad (represented by Center for Human Rights & Humanitarian Law) v. Egypt. <p>Not admitted (2)</p> <ul style="list-style-type: none"> i. Communication 673/17 - Khalid Mohammed Abdel Raouf (represented by EDA, AMAN and Professor Mostafa Metwally) v. Egypt; and ii. Communication 755/21 - Alex Nain Saab Moran (represented by Falana and Falana’s Chambers) v. Cabo Verde. <p>Request for guidance - 4</p> <ul style="list-style-type: none"> i. Communication 376/09 - Acleo Kalinga (represented by REDRESS, OMCT and CIRT) v. Uganda; ii. Communication 577/15 - Hassan Ishag Ahmed (represented by African Centre for Justice and Peace Studies and others v. Sudan ; iii. Communication 399/11- - Minority Rights Group International and UNIPROBA (on behalf of the Bahakwaninda family) v. Burundi ; and iv. Communication 650/18- - Kum Bezeng and 75 others (represented by Professor Carlson Anyangwe) v. Cameroon.
<p>68th Ordinary Session</p>	<p>Decisions adopted on merits - 2</p> <ul style="list-style-type: none"> i. Communication 472/14 - Family of the late Audace Vianney Habonarugira v. Burundi; and

	<p>ii. Communication 577/15 – Hassan Ishag Ahmed (represented by African Centre for Justice and Peace Studies and others) v. Sudan.</p> <p>Decisions adopted on admissibility – 3</p> <p>Admissible: 2</p> <p>i. Communication 599/16- – Ethiopian Human Rights Project (represented by Robert F. Kennedy Human Rights and IHRDA) v. Ethiopia; and</p> <p>ii. Communication 716/19 – Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v. Eritrea.</p> <p>Inadmissible : 1</p> <p>i. Communication 500/14 - Gérard Salamiate v. Congo.</p>
Working Group on Communications (WGC)	<p>Admission - 5</p> <p>Admitted (4)</p> <p>i. Communication 747/21- Van- Heerden and 2 others v. South Africa</p> <p>ii. Communication 751/21- Myburgh Le Roux v. South Africa;</p> <p>iii. Communication 756/21- NZOMUKUNDA Guy Fleury v. Burundi</p> <p>iv. Communication 758/2 - Queen Ntombikayise Ambe v. South Africa</p> <p>Admitted with request for provisional measures (1)</p> <p>i. Communication 749/21 - Mr. Charles Kabwa (represented by Mr. Lambert Nigarura, Esq.) v. Republic of Burundi</p>
33rd Extraordinary Session	<p>Decision adopted on the Merit: 1</p> <p>i. Communication 444/13 – Judge Thomas S. Masuku v. Eswatini</p> <p>Decision adopted on the Admissibility</p> <p>Admissible: 1</p> <p>i. Communication 622/16 - Aline BAHOGWERHE v. Democratic Republic of Congo.</p>
Working Group on Communications (WGC)	<p>Admission – 6 Communications</p> <p><i>Admitted (1)</i></p> <p>i. Communication 724/19 – AB (represented by the International Federation for Human Rights (FIDH), the African Centre for Justice and Peace Studies (ACJPS) and the Africa Program of the International Commission of Jurists (ICJ) v. Sudan</p> <p><i>Admitted with request for Provisional Measures (4)</i></p>

	<p>i. Communication 763/21 - William Sipai and 13 other representatives of the Keekonyokie Clan of the Maasai People of Kitet (represented by Dr. Duncan Ojwang) v. Kenya</p> <p>ii. Communication 766/21 - Alex Nain Saab Moran (represented by lawyer Femi Falana SAN) v. Cabo Verde;</p> <p>iii. Communication 767/21 - Abdel Rahman Abdel Hamid Ahmad Al-Barr and 11 Others (Represented by Justice for Human Rights Organization) v. Arab Republic of Egypt; and</p> <p>iv. Communication 768/21 - Abdul Rahman Albar and 25 Others (Represented by International legal representatives for the Freedom and Justice Party of Egypt (FJP) v. Arab Republic of Egypt</p> <p><i>Not Admitted (1)</i></p> <p>i. Communication 748/21 - Prince and Princess Charles Offokaja Foundation v. Libya</p> <p><i>Request for guidance (2)</i></p> <p>i. Communication 376/09 - Acleo Kalinga (represented by REDRESS, OMCT and CIRT) v. Uganda; and</p> <p>ii. Communication 399/11- - Minority Rights Group International and UNIPROBA (on behalf of the Bahakwaninda family) v. Burundi.</p>
<p>69th Ordinary Session</p>	<p>Decision adopted on Admissibility</p> <p>Admissible: 3</p> <p>i. Communication 529/15 - 22 Parliamentarians v. Republic of Burundi;</p> <p>ii. Communication 686/18 - Association des femmes avocates défenseurs des droits humains, Institute for Human Rights and Development in Africa & Equality Now v. Democratic Republic of Congo; and</p> <p>iii. Communication 693/18 - Bunyoro Kitara Reparations Agency Ltd (BUKITAREPA) v. Republic of Uganda</p> <p>Request for guidance: 1</p> <p>i. Communication 399/11 - Minority Rights Group International and UNIPROBA (on behalf of the Bahakwaninda family) v. Burundi</p>

37. It appears from the above table that, during the period under review, the Commission admitted **eleven (11)** communications; decided not to admit **three (3)**; granted **six (6)** requests for provisional measures; declared **six (6)** Communications admissible and **one (1)** inadmissible. The Commission also took **six (6)** decisions on merits and gave guidance on **six (6)** other communications.

38. A table showing the geographical and country breakdown of all pending communications is attached to this Activity Report as Annex II.²

VII. APPLICATION FOR OBSERVER AND AFFILIATE STATUS

39. In accordance with **Resolution ACHPR/Res.361(LIX)2016 on criteria for granting and maintaining Observer status to non-governmental organizations working in the field of human and peoples' rights in Africa**, at its 68th and 69th Ordinary Sessions, the Commission granted Observer status to **ten (10)** NGOs:

- i. SOS Information juridique multisectorielle;*
- ii. Plataforma Mulheres em Ação;*
- iii. Associacao Observatorio de Politicas Publicas da Perspective de Genero;*
- iv. Akina Mama wa Afrika;*
- v. Association of the Egyptian Female Lawyers;*
- vi. Association des utilisateurs des technologies de l'information et de la communication;*
- vii. Changement social Bénin;*
- viii. Institut Panafricain pour la Citoyenneté, les Consommateurs et le Développement (CICODEV Afrique) ;*
- ix. Paradigm Initiative for Information Technology Development; and*
- x. Mouvement pour la défense de l'Humanité et l'abolition de la torture (MDHAT).*

40. This brings the total number of NGOs with Observer status to **five hundred and thirty-eight (538)** at the end of the period under review.

41. Pursuant to **ACHPR Resolution/Res.370 (LX) 2017 on the granting of Affiliate status to NHRIs and Specialized Human Rights Institutions in Africa**, the Commission granted Affiliate status to the following NHRIs and Specialized Institutions at its 69th Ordinary Sessions:

- i. National Human Rights Commission of The Gambia;*
- ii. Benin Human Rights Commission; and*
- iii. Institute of Human Rights and Peace of Cheikh Anta Diop University.*

42. This brings the total number of NHRIs with affiliate status to thirty-three (33) at the end of the period under review

VIII. IMPLEMENTATION BY STATES OF THE COMMISSION'S DECISIONS, REQUESTS FOR PROVISIONAL MEASURES, CONCLUDING OBSERVATIONS, MISSIONS' RECOMMENDATIONS AND URGENT APPEAL LETTERS.

² Annex II.

43. The status of implementation by States Parties of the Commission's Decisions, Requests for Provisional Measures and Urgent Appeal Letters remains poor as evidenced by the information below:

➤ **Implementation of Decisions on Communications**

44. During the reporting period, the Commission did not receive any information from States Parties on the implementation of its final decisions on Communications, pursuant to Rule 125 of its 2020 Rules of Procedure.

45. However, the Commission has received the Complainants' report on the implementation of the decision in *Communication 396/11 - Mohammed Abderrahim El Sharkawi (represented by Egyptian Initiative for Personal Rights (EIPR) and Open Society Justice Initiative (OSJI)) v. Arab Republic of Egypt*, pursuant to Rule 112(2) of the Commission's Rules of Procedure (2010) under which the Communication was instituted. EIPR and OSJI have informed the Commission that the Respondent State has not informed them of the measures taken to implement the Commission's decision on the Communication.

46. The Commission also heard from the Complainant in *Communication 389/10-Mbiankeu Geneviève v. Cameroon*, adopted by the Commission at its 56th Ordinary Session, held from 21 April to 7 May 2015. The State partially implemented the decision by awarding the Victim a portion of the amount that the Commission had requested in its decision. The last update, which included various correspondences with the relevant departments of the Respondent State, indicated that the Commission's request for a parcel of land of equal value and nature to be awarded to the Victim was still awaiting implementation.

➤ **Implementation of Requests for Provisional Measures**

47. During the period under review, the Commission did not receive any response to the requests for Provisional Measures issued during that period, as indicated in the table on Complaints/Communications examined during the reporting period.

➤ **Implementation of Concluding Observations**

48. During the period under review, the Republic of Benin, Kenya, Niger and Namibia submitted, as part of their periodic reporting process, the status of implementation of the Concluding Observations formulated by the Commission on their last reports as well as the challenges encountered. The Kingdom of Eswatini indicated that it couldn't address the Concluding Observations raised by the Commission to the initial report as the document could not be located within government departments and the search for the document is still continuing.

➤ **Implementation of Missions' Recommendations**

49. During the period under review, the Commission did not receive any report on the implementation of the recommendations made following the various missions undertaken in some States Parties.

➤ **Implementation of Letters of Concern and Urgent Appeal**

50. During the period under review, **twenty-six (26)** Letters of Concern and Urgent Appeal were sent to States Parties regarding various allegations of human rights violations

State	Date of Letter	Issue justifying the Urgent Appeal Letter	State Party Response
Republic of Zimbabwe	19 November 2020	Urgent Appeal Letter regarding judicial harassment against human rights lawyer Ms. Beatrice Mtetwa.	The State responded on 28 January 2021 to refute the allegation that Ms. Mtetwa was targeted or intimidated by the State for representing human rights defenders in Zimbabwe
People's Democratic Republic of Algeria	19 November 2020	Urgent Appeal letter regarding Mr. Abdullah Benaoum's critical condition and urgent need for medical care and heart surgery.	The State responded on 21 January 2021 stating that the prisoner is receiving the necessary medical care for his physical and mental health in prison.
	27 September 2021	Joint urgent appeal letter on the human rights situation of Amazighs in the country	The State responded on 16 November 2021. Regarding the classification of the Movement for the Autonomy of Kabylie (MAK) as a terrorist movement, the Government responded that investigations have revealed sufficient evidence of the involvement of its members in acts against the security of the State and territorial integrity, considered

			<p>by the Algerian Penal Code as Terrorist Acts.</p> <p>Regarding those arrested and detained, the Government indicated that the procedural guarantees were respected and the investigations and prosecutions were carried out in accordance with the law and in compliance with the African Charter and other ratified international human rights Conventions.</p> <p>Regarding the fires that resulted in the loss of property and human lives, the Algerian Government stated that investigations had been carried out and had led to the arrest of the perpetrators, and that the legal proceedings were still open. Initial compensation has been granted to those affected.</p>
Federal Republic of Nigeria	9 June 2021	Urgent appeal letter regarding the recent indefinite suspension of Twitter operations in Nigeria.	The State has not yet responded
Arab Republic of Egypt	2 December 2020	Joint Urgent Appeal Letter regarding the crackdown on staff of the <i>Egyptian Initiative for Personal Rights</i>	The State has not yet responded
United Republic of	15 December 2020	Urgent Appeal letter regarding the situation of	The State has not yet responded

Tanzania		Burundian refugees in Tanzania	
Republic of South Sudan	20 December 2020	Letter of Appeal regarding the death sentence of Mr. Bambu Emmanuel Lokiri, a medical student at the University of Juba on charges of murdering a sibling group of three children, Noama, Blessing, and Nura, on August 1, 2020 in the Rock City residential area of Juba.	The State has not yet responded
	23 August 2021	Urgent appeal letter regarding reports of extrajudicial killings of at least 42 people, including children and the elderly, and the continued deterioration of peace and security in the country.	The State has not yet responded.
Democratic Republic of Congo (DRC)	18 January 2021	Urgent Appeal letter regarding the arbitrary arrest of LUCHA activists.	The State has not yet responded
	21 March 2021	Joint Urgent Appeal Letter regarding allegations of the murder of forty-six (46) members of the Batwa/Bambutu community by an unidentified armed group in the village of Masini in the Ituri Province of Eastern DRC.	The State has not yet responded
	31 May 2021	Urgent appeal letter on the death sentence handed by the High Court of the Commune of Gombe, Kinshasa on thirty people accused of violent clashes that occurred on 14 May 2021 between two Muslim communities.	The State has not yet responded
	12 August 2021	Joint appeal letter on the human rights situation in the Democratic Republic of	The State has not yet responded

		Congo	
Federal Democratic Republic of Ethiopia	20 January 2021	Joint urgent appeal letter regarding the death of over eighty (80) Ethiopian civilians on 12 January 2021 in Daletti, Metekel Zone of Benishangul-Gumuz Region, Western Ethiopia, due to ethnic violence in the area.	The State has not yet responded
Republic of Sudan	16 March 2021	Joint urgent appeal letter regarding the imminent execution of Sudanese nationals, Mr. Amin Bushra and Mr. Yassin Kuku.	The State has not yet responded
Republic of Djibouti	25 May 2021	Urgent appeal letter regarding the arrest of Barkat Abdoulwahab Oudoum, in Addis Ababa, Ethiopia on 30 March 2021, upon request of the Republic of Djibouti.	The State has not yet responded
Republic of Mauritius	3 June 2021	Urgent appeal letter regarding the proposed amendments to the ICT Act, on regulating the use and curbing the abuse and misuse of social media	The State has not yet responded
Republic of Ghana	9 June 2021	Urgent appeal letter on the arrest of 21 human rights defenders, including 16 women and five men, while attending a paralegal training for the protection of the human rights of sexual minorities in Ho, Ghana.	The State has not yet responded
State of Libya	24 June 2021	Urgent appeal letter on the abduction of human rights defender and journalist Mansour Mohamed Atti Al-Maghrabi by unidentified individuals	The State has not yet responded
Republic of Chad	8 July 2021	Urgent appeal letter concerning the conviction of Mr. Baradine Berdei Targuio, to a three-year prison sentence and a	The State has not yet responded

		250,000 CFA fine.	
Republic of Burundi	26 July 2021	Urgent appeal letter on the alleged enforced disappearance of Mr. Elie Ngomirakiza, leader of Agathon Rwasa's opposition party CNL, in rural Bujumbura province.	The State replied that it rejects the procedure of direct transmission of urgent appeal letters to the President of the Republic. It also indicated that the competent services will provide the answers as soon as the request complies with the normal procedure.
Republic of Mozambique	29 July 2021	Urgent appeal letter regarding the existence of a network of sex workers composed of staff members of the Ndlavela women's prison in Maputo, who were involved in the sexual exploitation of female prisoners.	The State has not yet responded
Republic of Madagascar	9 August 2021	Urgent appeal letter regarding the food crisis caused by the drought in which approximately 340 people died and one million people are at risk of starvation in the remote south of the island.	The State replied on 21 January 2022 by informing the Commission on measures taken by the Government concerning the food crisis caused by drought in the country.
Republic of Kenya	24 August 2021	Appeal letter regarding the murder of two young men in police custody following police brutality and excessive use of force.	The State has not yet responded
Republic of Sudan	27 August 2021	Urgent appeal letter concerning Mr. Moaz Abdel Majid Ismael, who was prosecuted for war crimes and sentenced without legal assistance, to the amputation of hands and feet on opposite sides (Hirabah Hadd)	The State has not yet responded

Republic of Malawi	20 October 2021	Urgent appeal letter regarding the reversal of the Supreme Court of Appeals decision sentencing 26 people to death after the Supreme Court had declared the death penalty "unconstitutional".	The State has not yet responded.
Kingdom of Eswatini	22 October 2021	Urgent appeal letter regarding the partial shutdown of the internet during pro-democracy protests.	The State has not yet responded.

IX. LETTERS OF APPRECIATION/CONGRATULATIONS

51. During the period under review, **nine (9)** letters of appreciation were sent to Heads of State and Government:

State	Date of Letter	Issue justifying the Congratulatory Letter
Republic of Kenya	21 December 2020	Joint letter of congratulations welcoming the decision of the Government of Kenya to grant citizenship to one thousand six hundred and seventy (1670) members of the Shona community and one thousand three hundred (1300) stateless persons of Rwandan origin and requesting the Government of Kenya to extend this measure to other groups in similar situations as a necessary solution to end their discrimination and exclusion from the benefits of equal citizenship.
	25 March 2021	Letter of congratulations to His Excellency Uhuru Kenyatta, President of the Republic of Kenya, on the important decision of the High Court of Kenya to enforce the ban on female genital mutilation (FGM) in accordance with the FGM Prohibition Act of 2011.
Republic of Zambia	10 February 2021	Letter of congratulations regarding the government's decision to commute the death sentences of two hundred and forty-six (246) inmates on death row to life imprisonment in order to decongest the overcrowded Mukobeko Prison and protect inmates from exposure to COVID-19.
United Republic of Tanzania	22 March 2021	Letter of congratulations to Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania, on her assumption of office, marking a milestone in women's political participation and leadership in the country.
	3 September 2021	Letter of Appreciation of the Government of Tanzania's response to the press release issued by the Commission on 28 July 2021 on

		the arrest of Mr. Freeman Mbowe, Chairman of CHADEMA, and several party leaders at a public forum.
	25 November 2021	Letter of Appreciation regarding the change of position on a decision adopted in 2017 that banned pregnant girls and teenage mothers from attending school on account of their status of pregnancy and motherhood and which had led to the discriminatory exclusion of the girl-child from exercising the right to education and the right to non-discrimination.
Republic of Zimbabwe	29 April 2021	Letter of congratulations on the recent release of three hundred and twenty (320) prisoners from the country's largest prison as part of a plan to alleviate overcrowding and combat the spread of COVID-19 in national prisons.
Republic of The Gambia	27 August 2021	Congratulatory letter welcoming the adoption and signing of the Access to Information Act in The Gambia
Democratic Republic of Congo (DRC)	26 November 2021	Letter of appreciation regarding the initiative of the DRC to suspend the issuance and trading of mining permits and to audit the country's mining registry, as a measure of combating fraud within the country's mining sector.

X. COMMUNIQUÉS /LETTERS OF CONDOLENCE

52. During the period under review, on 11 March 2021, the Chairperson of the Commission issued a statement on the untimely death of the Honourable Commissioner Ndiamé Gaye, who was a member of the Commission and Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; He was a member of the Committee for the Prevention of Torture in Africa and the Working Group on Economic, Social and Cultural Rights; he was also the African Commission's Country Rapporteur on the promotion of human rights in Guinea, Uganda, the Sahrawi Arab Democratic Republic, the Central African Republic and Sierra Leone.
53. During the period under review, on 22 March 2021, the Chairperson of the Commission and the Country Rapporteur on the situation of human rights in Tanzania sent a letter to Her Excellency Mrs. Samia Suluhu Hassan, President of the United Republic of Tanzania, expressing condolences to her and to the Government and people of Tanzania on the death of the late President John Pombe Joseph Magufuli, former President of the United Republic of Tanzania.

XI. PRESS STATEMENTS AND PRESS RELEASES

54. During the reporting period, the Commission issued fifty- five (55) Press Releases on various human rights issues. The press releases are available on the Commission's website: www.achpr.org.³

XII. PROMOTION AND FACT-FINDING MISSIONS

55. The Commission did not undertake any advocacy or fact-finding missions during the period under review, primarily due to the global COVID-19 pandemic.

Fact-finding mission to the Tigray region of the Federal Democratic Republic of Ethiopia

56. During the reporting period, the Commission was called upon by H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission (AUC), following a meeting of the Peace and Security Council held on 9 March 2021, during which the Prime Minister of the Federal Democratic Republic of Ethiopia, H.E. Dr. Abiy Ahmed, expressed his willingness to mandate the Commission to investigate the ongoing crisis in the Tigray Region of the Federal Democratic Republic of Ethiopia.

57. The Commission welcomed this commendable initiative to investigate the ongoing crisis in the Tigray region and, in this regard, requested the government's authorization to undertake a fact-finding mission to the Federal Democratic Republic of Ethiopia. Despite the authorization granted by the Ethiopian authorities to carry out the field mission, the ACHPR was unable to reach an agreement with the authorities on the terms and conditions for conducting the mission, which included, among other things, the conduct of a joint mission under the supervision of the Public Prosecutor, the participation of the State in the composition of the ACHPR Delegation, which reserved the right to remove persons it deemed unsuitable, and the validation of the report by the Ethiopian authorities prior to its publication. These terms and conditions have direct consequences on the independence and neutrality of the Commission, in addition to undermining the credibility of its work.

58. In view of the deteriorating human rights situation, the Commission decided to establish a Commission of Inquiry into the human rights situation in Tigray, Ethiopia pursuant to Resolution 482 (EXT.OS/XXXII) 2021 on the Fact-Finding Mission to the Tigray Region of the Federal Democratic Republic of Ethiopia in accordance with Article 45(2) read in conjunction with Article 46 of the African Charter on Human and Peoples' Rights (the African Charter). In carrying out its mission, it organized various meetings with different actors including the Ethiopian authorities. In addition, it held oral hearings to receive the testimonies of witnesses and victims and also received reports on the human rights situation in the Tigray region. A report on the findings and recommendations will be presented in this regard.

³ Annex III.

XIII. THE HUMAN RIGHTS SITUATION ON THE CONTINENT

59. This section was introduced in the Activity Report pursuant to Executive Council Decision **EX.CI/Dec.639 (XVIII)** adopted at its 18th Ordinary Session held in January 2011 in Addis Ababa, Ethiopia; 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.

A. Positive developments

60. The Commission notes with appreciation the following major positive human rights developments observed during the reporting period:

- i. Ratification of the Convention on the Protection of All Persons from Enforced Disappearance by the Government of Sudan;
- ii. The adoption of a new Media Law in Ethiopia on 2 February 2021, to enhance freedom of expression and access to information, as well as decriminalizing defamation;
- iii. The adoption of the National Action Plan on Rape and Defilement and the National Action Plan on Persons with Albinism specifically geared at addressing the concern in the rising numbers of cases of rape and defilement, and enhancing the protective framework for persons living with albinism in Malawi;
- iv. The adoption of the Miscellaneous Amendments Act No. 2 of 2021 by the Parliament of Tanzania, officially making Kiswahili the legal language of the Court and of writing legislation in the country. This has been followed up with the establishment of guidelines to translate all laws from English to Kiswahili and to make them available to the public;
- v. The adoption of a new Constitution by the People's Democratic Republic of Algeria, strengthening all human rights guarantees, including, express enshrinement of respect for the right to life;
- vi. The adoption of a national law protecting the rights of indigenous Pygmy peoples and local communities on 7 April 2021 by the National Assembly of the DRC;
- vii. The judgment of the Constitutional Court of Uganda of 19 August 2021, ordering the State to compensate Batwa indigenous communities for unlawful evictions suffered as a result of the creation of forest reserves and protected areas on their ancestral lands;

- viii. Adoption of a Strategy and National Human Rights Plan as a measure for the protection and promotion of human rights in Angola, as well as the entry into force of the Criminal Procedure Code which penalises FGM and abolishes discrimination;
- ix. The amendment of the Criminal Procedure Act 1991 of Sudan, providing for the explicit prohibition of torture of an accused person and protection from torture;
- x. The joint initiative of the Presidents of Burundi and the Democratic Republic of Congo to collaborate on security matters as regards the activities of armed groups along their borders;
- xi. The reaccreditation of the Independent National Human Rights Commission of Burundi to 'A' status in June 2021, in accordance with the UN Principles relating to the Status of National Institutions (Paris Principles);
- xii. The commitment made by Chad on 23 February 2021 to ratify the Second Optional Protocol to the ICCPR at the UN Human Rights Council's bi-annual panel on the death penalty;
- xiii. Assumption of office of the first female President of Tanzania, which marks a significant milestone in women's political participation and leadership in the country, and sets another sterling example in the East African region and the wider continent of the recognition of the equal rights of women, including girls and elderly women;
- xiv. The peaceful and democratic transition of power in Niger;
- xv. Successful elections and peaceful transfer of power in Cabo Verde and Sao Tome and Principe;
- xvi. The establishment of a Government of National Unity in Libya, and the ongoing process for the convening of national elections by December 2021;
- xvii. The decision by the High Court of Kenya to uphold the ban on FGM;
- xviii. The production of a draft document entitled the "*National Development Plan for Indigenous Peoples*" which aims at fighting poverty and social inequalities among Indigenous Peoples in Cameroon;
- xix. The grant of citizenship to one thousand, six hundred and seventy (1,670) members of the Shona community and one thousand, three hundred (1,300) stateless people of Rwandan origin by the Government of Kenya;
- xx. The signing of the Refugee Act by the President of Kenya allowing refugees to work;
- xxi. The publication of a new Penal Code in Angola explicitly criminalising torture and ill-treatment;
- xxii. The trial and conviction of three (3) militiamen in the DRC for committing multiple war crimes including mass rape, murder, sexual slavery, pillage and recruitment of child soldiers. These

- crimes took place between the years of 2010 and 2014 in the Walikale and Masisi territories in North Kivu, Eastern DRC;
- xxiii. The release of three hundred and twenty (320) prisoners by Zimbabwe;
 - xxiv. The decision taken by some State Parties to commute death sentences to life imprisonment, including Tanzania (256), Niger (19) and Zambia (246);
 - xxv. The enactment of the law abolishing the death penalty in the Republic of Sierra Leone on 8 October 2021;
 - xxvi. The commitment made by the President of the Central African Republic, at his inauguration on 30 March 2021, to pursue his efforts to abolish the death penalty;
 - xxvii. Continued support for a moratorium on the continent expressed in the December 16, 2020 vote on UNGA Resolution A/RES/75/183 for a moratorium on the use of the death penalty; and
 - xxviii. The new extradition agreement prohibiting the death penalty signed between France and Algeria in December 2018 and effective as of 11 March 2021.

Human Rights Situation in the context of the COVID-19 pandemic

- i. The rapid development of safe and effective COVID-19 vaccines and the roll out of vaccination currently ongoing across the continent;
- ii. The release of prisoners who have served most of their sentence, as well as pre-trial detainees by authorities in multiple countries, namely Angola, Cameroon, the DRC, South Africa; South Sudan and Zimbabwe, in order to decongest prisons and curb the potential spread of the virus; and
- iii. The presidential pardon granted to five thousand (5000) prisoners in Burundi in a move to decongest prisons.

B. Areas of Concern

- i. The non-submission of Periodic Reports to the Commission in violation of Article 62 of the African Charter, with six (6) States Parties which have not submitted a single Report;
- ii. Non-submission of periodic reports by States Parties under the Maputo Protocol and the Kampala Convention;
- iii. The long-standing civil unrest in Cameroon between the government, Anglophone fighters and Boko Haram which has continued to cause grave violations of the rights of innocent civilians, particularly attacks on school buildings, multiple kidnappings, and the forced displacement of populations;
- iv. The incessant attacks and violent abductions of students in Nigeria, including the reported abduction of thirty-nine (39) students of the Federal College of Forestry Mechanisation in Kaduna State, and 200 students of the Salihu Tanko Islamic School, Niger State on 30 May 2021;

- v. The excessive use of force by security forces during demonstrations in some countries, including: Nigeria, Uganda, Eswatini, Niger, Benin, Chad, Senegal, Guinea, Togo, Cote d'Ivoire, Tunisia and South Africa;
- vi. The death of two young individuals while they were under police custody in the Republic of Kenya;
- vii. Systemic arrests and detentions, increased surveillance of human rights defenders' social networks, judicial harassment and acts of intimidation and threats targeted at journalists and human rights defenders on the continent;
- viii. The shrinking of civic space and attacks against human rights defenders including the killing of human rights defenders in the extractive and agricultural industries;
- ix. Persisting reports of attacks against journalists and other media practitioners including murder, extra-judicial killing, torture and other forms of ill-treatment, arbitrary arrest and detention, kidnapping, intimidation and unlawful surveillance undertaken by State and non-State actors;
- x. The use of anti-money laundering and anti-terrorism laws to crack down on human rights organizations, particularly those involved in election-related activities and those working against corruption, such as: freezing the bank accounts of #EndSARS activists in Nigeria and two (2) local NGOs in Uganda conducting election observation activities;
- xi. The absence of national legislation on the right of access to information, resulting in the absence of legal and procedural mechanisms for enforcing this right;
- xii. The existence of criminal defamation and insult laws, which constitute a serious interference with freedom of expression and can impede the work of journalists and other media practitioners;
- xiii. The shutdown of internet services and social media platforms especially during elections and protests; effectively interfering with the ability of journalists and human rights defenders to report on human rights violations;
- xiv. Reports of violence against people living with albinism in Malawi, Mozambique and Zambia;
- xv. Reports of the resurgence of military offensive between the Federal Democratic Government of Ethiopia and the Tigray People's Liberation Front (TPLF) in the Tigray Region of Ethiopia, particularly reports of airstrikes (four in a week) carried out in Mekelle in October 2021;
- xvi. The documentation of extra-judicial killings on the continent, such as the discovery of a mass grave site in Burkina Faso where one hundred and eighty (180) bodies were found near the northern town of Djibo; the identification of the remains of seventy-one (71) missing civilians in common graves by the Niger National Human Rights Commission; the execution of civilians suspected to be members of the Tigray Peoples' Liberation Front in Ethiopia; and reports of extrajudicial killings by the Human Rights and Protection Division of the United Nations

Multidimensional Integrated Stabilization Mission in Mali (MINUSMA);

- xvii. The continuing occurrences of civil conflict, tribal/ethnic tensions and armed conflicts, threatening the daily conditions of women, particularly in South Sudan, Sudan and Ethiopia, where major incidents of violence expose communities to more harm, allowing for systematic violence, including enabling and normalizing patterns of sexual violence against women and girls;
- xviii. Reports of sexual violence against women in the conflict-hit Tigray region of Ethiopia as a weapon of war;
- xix. Reports that at least 948 civilians have been killed, injured and abducted by armed groups or disappeared while in custody of the defence and security forces in Mali between January and June 2021;
- xx. Significantly high incidences of recurring sexual and gender-based violence, forced and child marriages, and sexual exploitation in exchange for food, water, feminine hygiene products, and lifesaving medicines in internally displaced persons' camps in Borno, Adamawa, Yobe, and Abuja, in Nigeria;
- xxi. Significant disparities in access to maternal health care services, including the absence of skilled birth attendants and essential medicines, for conflict-affected populations;
- xxii. Discrimination and gender inequality increasing the vulnerability of women and girls to the HIV epidemic, mainly in their ability to access health services and opportunities;
- xxiii. The attack on the Batwa/Bambuti Community by an unidentified armed group in the village of Masini, Ituri province, Eastern DRC, which led to the death of forty-six (46) members of the community;
- xxiv. Violence between members of indigenous populations/communities and security forces of the DRC in Kabamba on 30 November 2020, where some young indigenes from the village of Lemera in Kalehe organized a peaceful march;
- xxv. Reports that in July 2021 two (2) members of the indigenous Batwa community and six (6) militia were killed in an army operation aimed at dislodging the Batwa from the Kahuzi-Biega National Park, in east DRC;
- xxvi. The threat of displacement of the Dinde Community in Hwange, Zimbabwe from their land, and other violations of their rights due to mining activities;
- xxvii. The widespread insecurity in northern Mozambique, serious human rights violations and targeted armed attacks by non-State armed groups resulting in the forced displacement of thousands people;
- xxviii. The advancement of two national policies with direct consequences for indigenous land-use rights in the DRC. Reports indicate that the policies do not protect the rights of indigenous peoples, including their economic, social and cultural rights and their rights related to the environment;

- xxix. Reported cases of violent attacks in Idohu, DRC by the Allied Democratic Forces (ADF) rebels, which led to the death of thirteen (13) individuals, despite the state of siege decreed by the Congolese Parliament since 6 May 2021;
- xxx. Reported cases of violent attacks on the inhabitants of the villages of Tchoma-Bangou, Zaroumadareye, Darey-Daye, Tillaberi region, and the Tuareg villages of Intazayene, Bakorat and Wistane in Niger, attacks reportedly carried out by armed men on motorbikes;
- xxxi. Smuggling of gold leading to illicit financial flows in Zimbabwe;
- xxxii. Lack of adequate and accessible public services such as health care, water and sanitation, food and nutrition, housing, education and social security;
- xxxiii. The high rate of unemployment and lack of opportunities, especially among young people;
- xxxiv. The use of children in forced labour in the Republic of Ghana. Reports indicate that thousands of boys are forced to work on the Volta Lake as slaves to fishermen on the lake. Many of them are sold by their parents for as little as two hundred and fifty dollars (\$250). The International Justice Mission puts the number of children working in the fishing industry in Ghana at 50,000, with most of these children working on the Volta Lake;
- xxxv. The persistence of the application of the death penalty, a recent incident being the execution of two (2) individuals in Gaborone, Botswana and eleven (11) individuals in "Borg al-Arab" prison in Egypt;
- xxxvi. The imposition of death sentences, recent incidents being the death sentences of thirty people pronounced on 15 May 2021 by the High Court of the Commune of Gombe in Kinshasa, DRC and the death sentences by firing squad of four people imposed by the Military Court of Buea, Cameroon;
- xxxvii. The situation of twenty-six (26) individuals on death row in Malawi who were informed following a judgment of the Supreme Court of Appeal on 28 April 2021, that they were no longer subjected to the death penalty and who now have to bear the psychological effect of a new decision of the Supreme Court of Appeal in August 2021, reinstating the death penalty ;
- xxxviii. The persistence of the practice of descent-based slavery in Mali and the 'vestiges 'or 'legacies' of slavery in Mauritania, which subjects people to discriminatory treatment that violates their dignity, particularly in the form of physical abuse, psychological torture, vexatious and humiliating measures, violations of freedom of movement, freedom of marriage, property rights, the right to health, and the right to education;
- xxxix. The arbitrary arrest, detention and discrimination against LGBTIQI persons who are excluded from all policies including universal healthcare in some countries;

- xl. The material, political and civil discrimination and exclusion experienced by the Haratine Community and black people in Mauritania on account of their origin and caste;
- xli. Persistence of Conflicts on the continent, particularly in the Tigray region of Ethiopia, Cameroon, South Sudan, Sudan, Somalia, DRC, Niger, Burkina Faso and Nigeria, resulting in increased incidents of enforced disappearances and large-scale displacements of people;
- xlii. The refusal by Tanzania to provide protection to refugees and the closure of its borders in violation of the principle of non-refoulement; and
- xliii. The inadequate realization of economic, social and cultural rights, resulting in poor quality education and health care systems, unemployment, low investments and the prevailing conditions of poverty and under-development on the continent; and
- xliv. The situation of drought in Madagascar which places a million people at risk of starvation in the remote south of the Island;

Human Rights Situation in the context of the COVID-19 pandemic

61. While commending the measures put in place by State Parties to contain the spread of the coronavirus and mitigate the effects of the pandemic, the Commission regrets the emergence of human rights violations during this period, including:
- i. Limited access of vaccines to low-income countries and communities, with some countries only receiving about 4.5% of vaccine for their population size; and the refusal to temporarily waive the COVID-19 patents, thereby limiting access to vaccines;
 - ii. Human rights abuses reported in the context of continuing states of emergency, disaster and calamity declared in many State Parties in relation to the COVID-19 pandemic, including: challenges to the rule of law; the use of extraordinary legislative powers to impose limitations and restrictions, and the circumvention of Constitutional protections; lack of proper monitoring for extensions of states of emergency and disaster; the use of the military to enforce COVID-19 emergency measures; discriminatory enforcement of measures against particular persons and groups; socio-economic rights violations; restricted access to places of detention; restriction of access to justice; gender-based violence; and undue restrictions of the right to freedom of association and assembly, and electoral participation;
 - iii. The excessive use of force by law enforcement officers in the implementation of COVID-19 response measures, such as lockdown and curfew orders, and the sustained use of detention as a means to penalise infringement of COVID-19 regulations, with reported cases of police brutality resulting in killings,

- torture, arbitrary arrests and forced quarantine imposed on people violating the measures;
- iv. The continued restrictions on freedom of expression and of the press, and the often-lengthy detention of civil society activists, as well as the unjustified prosecution of journalists under the guise of enforcing COVID-19 regulations;
- v. The inadequate supply of COVID-19 protective equipment and access to basic sanitation and potable water facilities within prisons;
- vi. The negative impact of the COVID-19 pandemic on social and economic rights, health care, water and sanitation, food and nutrition, housing, education and social security;
- vii. The disruptive impact of COVID-19 on HIV services including, testing, treatment initiation and referrals for care services;
- viii. The increased rate of girls being raped in many African countries due to the imposition of lockdown measures;
- ix. The increased rate of girls not attending school due to child marriages and pregnancies exacerbated by COVID-19; and
- x. The heightened number of women murdered in South Africa during the pandemic, especially in 2020.

C. RECOMMENDATIONS

62. In light of the foregoing, the Commission recommends the following:

a) To State Parties:

- i. Ratify, implement and domesticate the various human rights instruments of the AU; in particular, the Maputo Protocol; the Kampala Convention; the Charter for African Cultural Renaissance; 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 State Parties that have not yet done so;
- ii. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty and harmonize national laws accordingly;
- iii. Support the adoption of the Draft Protocols to the African Charter on the Rights of Citizens to Social Protection and Social Security and; the Draft Protocol to the African Charter on the Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa;

- iv. Withdraw reservations to the Maputo Protocol for State Parties that have entered such reservations to enable its citizens to fully enjoy the rights provided in the Maputo Protocol;
- v. Submit periodic State Reports according to the Commission's Guidelines on State Reporting, including the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries, Human Rights and the Environment;
- vi. Submit periodic State Reports to the Commission pursuant to Article 26 of the Maputo Protocol in line with the *Guidelines for State Reporting under the Maputo Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. This will give the Commission the opportunity to monitor the level of implementation of the rights provided therein through a constructive bilateral engagement with the State Party and make recommendations with a view to ensuring a more impactful protection of these rights;
- vii. Implement the recommendations and decisions of the Commission in particular in Concluding Observations, Urgent Appeals, Resolutions and Communications;
- viii. Increase interaction with the Commission, including through authorizing promotion missions in line with Article 45 of the African Charter;
- ix. Expedite the adoption of access to information legislation, in accordance with regional and international standards elaborated in the Model Law on Access to Information in Africa, and establish mechanisms in place to ensure their effective implementation;
- x. Ensure the safety of journalists and other media practitioners, and create a conducive environment for them to practice their profession, especially during election periods;
- xi. Refrain from any action that undermines the right to unhindered access to, or communication with regional and international human rights bodies and from any acts of intimidation and reprisals against persons working with human rights bodies;
- xii. Refrain from blocking, interrupting or restricting access to telecommunication services such as the internet, social media platforms, and messaging services, especially during the electoral period, as noted in the revised Declaration on Freedom of Expression and Access to Information in Africa, and Resolution 362 (LIX) 2016 on the Right to Freedom of Information and Expression on the Internet in Africa;
- xiii. Refrain from blocking or restricting access to the Internet or social media platforms, especially during election periods and/or the electoral process;
- xiv. Take all necessary measures to ensure that human rights defenders carry out their activities free of any threat to their physical and moral integrity;

- xv. Establish appropriate mechanisms for the redress of grievances suffered by human rights defenders in the course of their work;
- xvi. Sensitize all duty bearers with the principles enumerated in the Declaration of Principles of Freedom of Expression and Access to Information in Africa;
- xvii. Sensitize and build the capacity of the various actors, including human rights defenders on the laws and regulations governing the promotion and protection of human rights;
- xviii. Urgently repeal criminal defamation laws or insult laws which impede freedom of speech, as stipulated in the African Charter, the Declaration of Principles of Freedom of Expression and Access to Information in Africa and Resolution 169 (XLVIII) 10 on Repealing Criminal Defamation Laws in Africa;
- xix. Ensure that measures taken by States to combat terrorism are consistent with the African Commission's Resolution 88 on the Protection of Human Rights and the Rule of Law while Countering Terrorism in Africa;
- xx. Cooperate with other States Parties, civil societies and international and regional organizations, to prevent and combat terrorism and counterterrorism-related human rights violations, and restore peace and security;
- xxi. Take legislative and other measures for the full realization of economic, social and cultural rights in accordance with the African Charter, the Principles and Guidelines on Economic Social and Cultural Rights, the Guidelines on the Right to Water in Africa and other regional and international human rights standards, at all times including periods of public health crises;
- xxii. Create employment opportunities in particular for the youth;
- xxiii. Ensure access to housing and shelter by all, including the most disadvantaged and vulnerable in society;
- xxiv. Ensure access to education for all, at every level of the education system;
- xxv. Reform healthcare systems and provide access to health care including adequate and effective healthcare facilities and services for all;
- xxvi. Take measures and put in place access to water, sanitation and other basic health care necessities, as conditions for safeguarding health and life of the public;
- xxvii. Ensure that all national development plans, including monitoring and evaluation mechanisms of such plans, are human rights-driven and take into account their obligations under the African Charter, Agenda 2063 and the Sustainable Development Goals;
- xxviii. Adopt policies that effectively promote and protect the rights of indigenous human rights defenders. Such policies should be drafted with full and effective participation of indigenous peoples and communities as rights holders;

- xxix. Adopt laws that address various issues that affect the rights of indigenous population and communities, and also adopt strategies to enforce and implement them;
- xxx. Guarantee the environmental resources and land rights of indigenous peoples (including their right to free, prior and informed consent) and provide redress for any dispossessions of ancestral lands which have taken place prior to the enactment of the indigenous peoples' law;
- xxxi. Ensure effective investigation and prosecution of persons responsible for committing extrajudicial killings thereby providing justice for the families of the victims;
- xxxii. Step up national efforts and measures to bridge the gender equality gap, including ensuring the equal representation of women in public life and in leadership and decision-making positions;
- xxxiii. Promote the employment of women in the police and in prison services;
- xxxiv. Disseminate and implement the African Union Strategy for Gender Equality and Women's Empowerment - GEWE, under African Union Agenda 2063;
- xxxv. Ensure that national Gender mainstreaming efforts are comprehensive and inclusive of all categories of women especially those in the rural communities, elderly women, women in distress and women with disabilities;
- xxxvi. Adopt human rights-based approaches to HIV responses to ensure that no one is left behind, particularly children, adolescent girls and women, key populations that are most at risk of HIV infections and people living in remote areas;
- xxxvii. Scale-up investments, policies and actions on education, and holistic multi-sectoral interventions for adolescent girls and young women to prevent HIV and gain economic and social benefits;
- xxxviii. Take the necessary measures to increase financial allocation to the health sector in general and for HIV services in particular, as agreed in the Abuja Declaration 2001;
- xxxix. Intensify responses to COVID-19, including vaccinations, to give adequate priority to existing HIV responses;
 - xl. Address existing cultural and heritage-related barriers that are impeding women and girls from accessing reproductive healthcare services including safe abortion care services, especially during this period of the on-going COVID-19 pandemic;
 - xli. Work in partnership with Civil Society Organizations to scale up the implementation of the African Commission's Campaign for the Decriminalization of Abortion in Africa that calls for the repeal of laws on abortion that conflict with Article 14 of the Maputo Protocol and violate the human rights of women and girls;
 - xlii. Criminalize torture and other ill-treatment in accordance with the Robben Island Guidelines and UNCAT;

- xl.iii. Take steps to improve conditions of detention in accordance with the Guidelines on the Condition of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines);
- xl.iv. Put in place measures that ensure access to justice and monitoring of rights protections in places of detention;
- xl.v. Adopt effective measures and legal frameworks to prevent, combat and stop extrajudicial, summary or arbitrary killings and enforced disappearances on a permanent basis;
- xl.vi. Review national laws to protect individuals from enforced disappearance, torture and other ill-treatment by prohibiting incommunicado detention; prolonged solitary confinement, and criminalising the use of secret or unauthorised detention centres in accordance with the Robben Island Guidelines and Optional Protocol to the Convention Against Torture (OPCAT);
- xl.vii. Avoid resorting to general laws such as anti-terrorist legislation, laws on the state of emergency and other laws relating to the security of the State to engage in arrests, searches and arbitrary detentions contrary to international and regional norms;
- xl.viii. Respect and protect the rights of persons or groups exposed to a high risk of acts of torture and other ill-treatment, in particular, persons with albinism, persons with disabilities, lesbians, gays, bisexuals, trans-sexuals and inter-sexuals (LGBTI), migrants, refugees and internally displaced persons, and ensure that the perpetrators of these acts are held responsible;
- xl.ix. Redouble efforts to protect and assist refugees, asylum seekers, internally displaced persons and migrants in order to restore their dignity;
 - l. Respect the principle of the 1951 Convention Relating to the Status of Refugees and the OAU Convention Governing Specific Aspects of Refugee Problems in Africa, which advocates the principle of non-refoulement to protect refugees;
 - li. Implement the objectives enshrined in the Global Compact on Refugees, and adopt measures to prevent the forced displacement of people, regardless of the origin of the displacement;
 - lii. Initiate prompt, thorough, independent, and impartial investigations into all allegations of torture and other ill-treatment and ensure that perpetrators are held accountable;
 - liii. Ensure that victims of torture and other ill-treatment have the right to all forms of redress including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition in accordance with General Comment No. 4 on the African Charter on Human and People Rights;
 - liv. Put an end to the practice of child labour, especially in the fishing and mining industries;
 - lv. Effectively investigate all cases of child trafficking, exploitation and labour and bring all perpetrators to justice;
 - lvi. Provide rehabilitation and access to education for all children who have been trafficked and subjected to child labour;

- lvii. Ensure that all defendants facing the death penalty have access to judicial proceedings that meet international and regional standards of due process and fair trial;
- lviii. Suspend the execution of those on death row and observe a moratorium on the use of the death penalty for governments that still maintain the death penalty;
- lix. Strengthen, at the national level, the legal framework for the protection of the right to life and dignity by supporting the adoption of the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty at all levels of the AU's internal procedures;
- lx. Adopt a clear legislative framework to regulate the use of force by law enforcement officers and other actors, in accordance with international standards, including the principles of necessity and proportionality;
- lxi. Establish or designate an Independent Civilian Police Supervisory Institute where civilians can freely access and report/complain about cases of abuse and violence committed by police officers;
- lxii. Work towards initiating a legislative review that would allow for the decriminalization of petty offences, which typically amount to the incrimination of poverty, including that of soft drug use;
- lxiii. Develop appropriate induction and in-service training programmes in the field of human rights for police officers and integrate training on law enforcement action during states of emergency, calamity and other disasters;
- lxiv. Adopt laws and programmes for risk management and other disasters so that they comply with international human rights standards;
- lxv. Make use of the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa and the Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines), to guarantee that the use of force by Public Security Forces is consistent with the principles of legality, necessity, proportionality and accountability and do not endanger human life;
- lxvi. Create or designate independent national bodies mandated to carry out regular visits to prisons and to grant requests for visits to prisons by Civil Society Organizations and other interested parties; and
- lxvii. Allocate funds to prisons and other places of detention, renovate and build new prisons in line with the Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) to improve the standard/conditions of detention, taking into account the post-pandemic period.

b) To the PRC

- i. Continue engagement with the AU Organs and Institutions with human rights and governance mandates with a view to enhancing coordination and collaboration, especially in enhancing the synergy between the African Governance Architecture and the African Peace and Security Architecture (APSA) in line with Decision EX.CL/Dec. 1279(XXXVIII).

c) To the AUC

- i. Recognise the essential role of human rights defenders in the effective implementation of democratic principles, the rule of law, good governance and sustainable development in Africa and encourage Member States and the organs of the AU to conduct awareness-raising campaigns on the fundamental role played by human rights defenders;
- ii. Create space for dialogue between States and human rights key actors on challenges, good practices and progress in the promotion and the protection of human rights on the Continent;
- iii. Encourage and support full collaboration between national, regional and international human rights mechanisms;
- iv. Implement the African Common Position (ACP) on Humanitarian Effectiveness adopted in January 2016 at the Summit of the Heads of State and Government, including the establishment of the African Humanitarian Agency;
- v. Take steps to facilitate and finalise the process of adopting the draft Protocols to the African Charter on the abolition of the Death Penalty, on the Rights of Citizens to Social Protection and Social Security and on the Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa; and
- vi. Engage in the perspective of a global and regional governance of migration, particularly through the implementation of the Migration Policy framework for Africa and its Action Plan.

Recommendations related to the COVID-19 pandemic:

a) To State Parties:

- i. Take all measures to guarantee respect and protect the right to freedom of expression and access to information through ensuring access to internet and social media services, particularly during the COVID-19 pandemic;
- ii. Facilitate access to Covid-19 vaccines for all migrants (including economic migrants, asylum seekers in transit), in accordance with the guidance note adopted by the UN, African and inter-American mechanisms;

- iii. Continued provision of essential health care, including sexual and reproductive health care, throughout the pandemic;
- iv. Ensure that all vulnerable persons have access to health programmes and are included in the national response plans to the COVID-19 pandemic;
- v. Ensure that testing and any treatment, such as vaccines, developed for COVID-19 are affordable and accessible to everyone, while also ensuring that hospitals and healthcare providers have adequate resources to provide care;
- vi. Prioritize the protection of women and children in the design, planning, development and implementation of national response measures to the novel COVID-19, as well as employ gender-equality sensitive approaches to provide adequate protection of the rights of women and girls as provided in the African Charter, the Maputo Protocol and other relevant human rights instruments;
- vii. Provide social safety nets for vulnerable groups as a way of mitigating the loss of livelihoods and ensuring access to basic necessities such as food, water and proper sanitation;
- viii. Refrain from erroneously relying upon the COVID-19 pandemic to justify restrictions and other acts which amount to ill-treatment;
- ix. Enact age-appropriate comprehensive sexual education for in-school and out-of-school adolescents to curb the high rate of unintended teenage pregnancies and maternal mortalities which have been exacerbated by the COVID-19 pandemic;
- x. Adhere to and comply with the World Health Organization's Interim Guidelines on Preparedness, Prevention and Control of COVID-19 in prisons and other places of detention;
- xi. Create enabling conditions and ensure equitable distribution of the vaccine to reach priority target populations;
- xii. Incorporate a gender perspective into all strategies deployed in the distribution of vaccines to ensure access to all without discrimination;
- xiii. Improve health services and health systems, as well as improve immunization programmes for better services;
- xiv. Ensure that COVID-19 vaccine strategies are an integral part of States' budgets, without interfering in other routine immunization budgets;
- xv. Waive COVID-19 vaccine patents that seek to limit restrictions to access; and
- xvi. Ensure compliance with ACHPR Resolution 449 on human rights as a central pillar of successful responses to Covid-19 and recovery from its socio-economic impacts including with respect to compliance with the principles of legality, necessity, reasonableness, proportionality and precaution.

b) To the AUC

- i. Ensure equitable access and distribution of approved COVID-19 vaccines to all staff of the AU Organs and Institutions, including regional offices.

XIV. ADMINISTRATIVE AND FINANCIAL SITUATION OF THE COMMISSION

a) Staffing

63. Shortage of staff at the Secretariat is one of the factors impeding the production capacity of the Commission and the Secretariat in core areas of its work. The Commission welcomes Executive Council Decision **EX.CL/DEC.1097(XXXVII)**, adopted at its 37th Ordinary Session held virtually in October 2020; which authorizes the ACHPR to recruit its own core staff with the assistance of the AU Committee of Recruitment Experts (R10), in accordance with AU recruitment procedures.
64. In this regard, vacancy announcements to fill eight (8) positions have been published, and the closing date for applications for the most recent announcements was on 20 December 2021. These positions include: 3 Interpreters/Translators (P4), 2 Senior Legal Officers (P3), 1 Legal Officer (P2), 1 Communications Database Officer (P1) and 1 Secretary (GSA4). Their recruitment process is underway.
65. For the effective implementation of the Executive Council's decision (EX.CL/DEC. 1097(XXXVII)), a request for the establishment of the Commission's own Appointment, Promotion and Recruitment Board (APROB) was addressed to the Chairperson of the AUC. If approved, it will not only remedy the extreme delays observed in recruitments based on the current organizational chart, but will also bring the ACHPR in line with other Organs.

XV. IMPLEMENTATION OF DECISIONS

Recommendations of the Joint Retreat between the PRC and the Commission

66. Further to Decision EX.CL/Dec.1045(XXXIV) adopted by the Executive Council at its 34th Ordinary Session held in February 2019, in Addis Ababa, Ethiopia; which requested the ACHPR to report on the implementation of the recommendations of the ACHPR - PRC Joint Retreat held in June 2018, the Commission would like to highlight the further strengthening of ties between the Commission and States Parties. The Commission welcomes the convening of a Joint follow-up retreat with the PRC.
67. The Commission would also like to report that the revised Rules of Procedure (2020), adopted at the 27th Extraordinary Session in accordance with Article 42(2) of the African Charter, and which came into force on 2 June 2020 under the terms of Rule 145, have since become operational.

Decisions of the Executive Council

a) Construction of the Commission's Headquarters

68. In accordance with Executive Council Decision **Ex.Dec.1045 (XXXIV)** adopted at its 34th Ordinary Session held in February 2019, in Addis Ababa, Ethiopia; the Secretariat of the Commission approached the Government of the Republic of The Gambia to discuss the modalities for mobilizing the necessary funds for the construction of the Commission's Headquarters.
69. The Commission welcomes the assessment visit conducted on 5 March 2021 by the Minister of Foreign Affairs and the Minister of Justice of the Republic of The Gambia to the premises housing the Secretariat of the Commission and their commitment to follow up on the mobilization of resources for the construction of a permanent Headquarters for the Commission. To this regard, the Commission urges the Government of The Gambia to expedite the procedures for the construction of the Commission's Headquarters in accordance with the decisions of the Executive Council.

b) Status of the Commission

70. Executive Council Decision **EX.CL. Dec. 1080 (XXXVI)** adopted at its 36th Ordinary Session held in February 2020, in Addis Ababa, Ethiopia, requested the Commission to report on the implementation of paragraph 8 of Assembly Decision **Assembly/AU/Dec.200 (XI)** stating as follows: "*to take the necessary steps to have the status of the ACHPR as an Organ of the AU regularized*". The implementation of this Decision will be discussed during the upcoming meeting with the AU Institutional Reform Unit on the reform of the Commission, which is expected to take place before December 2021, and a report will be presented to the AU Assembly in February 2022.

XVI. DATES OF THE 70th and 71st ORDINARY SESSIONS OF THE COMMISSION

71. The 70th Ordinary Session of the Commission will be held virtually from 23 February to 9 March 2021. Details of the 71st Ordinary Session will be made available on the Commission's website in due course.