


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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**COMBINED 48TH AND 49TH 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 combined 48th and 49th Activity Reports of the African Commission on Human and Peoples' Rights (the Commission or ACHPR) 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) and covers the period between **11 November 2019 and 03 December 2020**.
2. The Report highlights, among others: the statutory meetings of the Commission; the status of State Party reporting; Resolutions adopted by the Commission; the human rights complaints before the Commission and the decisions/actions taken thereon; the interventions of the Commission on human rights issues including: Letters of Urgent Appeal, Press Releases and Letters of Appreciation; the human rights situation on the continent; financial, staffing and operational matters of the Commission; and Recommendations of the Commission.

II. BACKGROUND

3. The African Commission is an independent Organ established in terms of Article 30 of the African Charter, which was adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) in 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.
4. 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.¹ The Commission's mandate, as set out in Article 45 of the African Charter, is to
 - i. To promote human and peoples' rights and in particular;
 - (a) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments.
 - (b) To 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 legislations.
 - (c) Co-operate with other African and 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.

¹ Annex I

- iii. Interpret all the provisions of the present Charter at the request of a State party, an institution of the OAU or an African Organization recognized by the OAU.
- 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 THE AU POLICY ORGANS

33rd African Union (AU) Summit, Addis Ababa, Ethiopia

5. The Commission participated in the following AU Policy Organ meetings which were held in Addis Ababa, Ethiopia:
 - i. 39th Ordinary Session of the Permanent Representatives' Committee (PRC): 21 to 22 January 2020;
 - ii. 36th Ordinary Session of the Executive Council (EX. CL): 06 to 07 February 2020;
 - iii. 33rd Ordinary Session of the Assembly of Heads of State and Government (the Assembly): 09 to 10 February 2020.
6. In line with the African Charter and established practice, the 47th Activity Report of the Commission was presented before the 39th Ordinary Session of the PRC. Following discussions at the PRC and Executive Council levels, the Activity Report was authorized for publication through Decision **EX.CL/Dec. 1080(XXXVI)**. The Report has been published on the Commission's website, together with responses submitted by Egypt, South Africa, Malawi and Zimbabwe which are attached to the activity report as annex.
7. During the 36th Ordinary Session of the Executive Council, the following four (4) new Members of the Commission were elected.
 - i. Mrs. Alexia Gertrude Amesbury of the Republic of Seychelles.
 - ii. Mr. Mudford Zachariah Mwandenga of the Republic of Zambia;
 - iii. Dr. Marie Louise Abomo of the Republic of Cameroon; and
 - iv. Mr. Ndiamé Gaye of the Republic of Senegal.

40th Ordinary Session of the Permanent Representatives' Committee and 37th Ordinary Session of the AU Executive Council, Addis Ababa, Ethiopia

8. The Commission participated in the following AU Policy Organ meetings which were held virtually, on account of the COVID-19 pandemic:

- i. 40th Ordinary Session of the PRC: 30 September to 1 October 2020;
 - ii. 37th Ordinary Session of the Executive Council: 30 September to 14 October 2020.
9. During the Executive Council meeting the Commission was granted the mandate to recruit its own critical staff with the assistance of the R10 Committee of Experts. This allows the African Commission to operate as treaty based quasi-judicial body fully exercising its status as autonomous organ of the AU in accordance with the 2008 AU Assembly Decision.

B. STATUTORY AND INSTITUTIONAL MEETINGS

➤ 27th Extra-Ordinary Session, Banjul, The Gambia, 19 February to 04 March 2020

10. Details of the activities undertaken by the Commission during its 27th Extraordinary Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.

➤ 28th Extra-Ordinary Session, 29 June to 01 July 2020

11. The Commission's 28th Extra-Ordinary Session was also held virtually, on account of the COVID-19 pandemic.

12. During the Public segment of this Session and in accordance with Article 38 of the African Charter and Rule 10 of the Commission's Rules of Procedure (2020), the four (4) newly elected Commissioners made a Solemn Declaration to discharge their duties impartially and faithfully.

13. Details of the activities undertaken during this Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.

➤ 66th Ordinary Session, 13 July to 07 August 2020

14. The 66th Ordinary Session was as well held virtually, on account of the ongoing pandemic.

15. During this Session, the Commission, *inter alia*, considered the State Periodic Report of Mauritius, and also held the following panels:

- i. Discussion on the major human rights issues arising in the context of COVID-19 and measures undertaken by the Commission in response; and
- ii. Discussion on making human rights a priority during and after COVID-19.

16. Details of the activities undertaken by the Commission during its 66th Ordinary Session are recorded in the Final Communiqué of the Session, which is available on the website of the Commission: www.achpr.org.

17. The inter-Session Reports presented by Members of the Commission and its Special Mechanisms during the 66th Ordinary Session are also available on the website of the Commission: www.achpr.org.

➤ **29th Extra-Ordinary Session, 02 to 05 October 2020**

18. The Commission's 29th Extra-Ordinary Session also took place virtually.

19. Details of the activities undertaken during this Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.

➤ **67th Ordinary Session, 13 November to 03 December 2020**

20. The 67th Ordinary Session was similarly conducted virtually on account of the ongoing pandemic.

21. During this Session, the Commission, *inter alia*, considered the State Periodic Report of Cameroon. It also convened the following panels on:

- i. Human and Peoples' Rights for Silencing the Guns in Africa;
- ii. Launch of General Comment No. 6 on Art. 7(d) of the Maputo Protocol;
- iii. Launch of the Simplified Version of the Principles on Decriminalisation of Petty Offences in Africa & Newsletter No. 14 on Police and Human Rights in Africa;
- iv. The right to health and its financing towards building health systems for universal access to health care;
- v. The Addis Ababa Roadmap on ACHPR and UN Human Rights Mechanisms Relationship;
- vi. The Protection of all Persons from Enforced Disappearances in Africa;
- vii. Extractive Industries and illicit financial flows in Africa & Launch of the Newsletter of the Working Group on Extractive Industries, Environment and Human Rights in Africa;
- viii. The issue of forced displacement and conflicts in Africa;
- ix. The Situation of Freedom of Association in Africa;
- x. The Situation of the rights of older persons and persons with disabilities in Africa in the context of the outbreak of the COVID-19 pandemic, and advocacy for the ratification of the Protocol on the Rights of Older Persons in Africa and the Protocol on the Rights of persons with Disabilities in Africa; and

- xi. The Role of National Human Rights Institutions (NHRIs) in the Work of the ACHPR.
22. Details of the activities undertaken by the Commission during its 67th Ordinary Session are recorded in the Final Communiqué of the Session, which is available on the website of the Commission: www.achpr.org.
23. The inter-Session Reports presented by Members of the Commission and Special Mechanisms during the 67th Ordinary Session are also available on the website of the Commission: www.achpr.org.
- **30th Extra-Ordinary Session, 11 to 19 December 2020**
24. The Commission's 30th Extra-Ordinary Session also took place virtually.
25. Details of the activities undertaken during this Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org.

C. OTHER ACHPR ENGAGEMENTS WITH AU ORGANS

- **Letter to African Union Chairperson on making human rights a key pillar of the response to COVID-19**
26. A letter was submitted to the AU Chairperson, H.E. President Cyril Ramaphosa on 07 May 2020, on making human rights key pillar of the continental response to COVID-19. The letter was submitted as part of the Commission's mandate for the promotion and protection of human and peoples' rights under Article 45 of the African Charter, and in pursuit of the affirmation of the central importance of human and peoples' rights for the success of the continental and national efforts to end COVID-19.
- **Letter to African Union Commission Chairperson on the state of the African human rights system**
27. The Commission, through its Chairperson, sent a letter to the Chairperson of the AU Commission, H.E. Moussa Faki Mahamat concerning the state of the African human rights system. The letter underscored the need for sustaining the forward movement of the commitment to the system of human rights protection through maintaining the participation of AU Member States in the system, including by working towards the improvement of the system rather than by withdrawing from it, as observed in recent trends of withdrawals of Article 34 (6) declaration under the Protocol to the African Charter Establishing the African Court.

➤ **Second Consultative Meeting between the ACHPR and the AU Peace and Security Council**

28. On 8 October 2020 the Chairperson made a presentation on behalf of the Commission and in his capacity as Focal Person of the Commission on Human Rights in Conflict Situations to the AU Peace and Security Council (PSC) during the second consultation between the two Organs, within the framework of the Protocol establishing the PSC and the Communique of the 866th Session of the PSC. The presentation covered a) the consequences of COVID19 pandemic for human rights and peace and security; b) Silencing the Guns in Africa; c) human rights in specific conflict situations as addressed by the Commission through its response tools; d) supporting South Sudan's transitional justice process; and e) operationalization of the modalities for close working relationship between the PSC and the African Commission. The deliberations of the session resulted in the adoption of the communique of the 953rd session of the PSC on the consultative meeting with the Commission. Details of the communique are available on the link here <https://au.int/en/pressreleases/20201008/communique-953rd-meeting-psc>.

IV. STATUS OF SUBMISSION OF PERIODIC REPORTS

29. The Commission monitors 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), through: receipt and examination of the periodic reports during the Ordinary Session; direct engagement with the State on the content of the Report; issuing general Conclusions and Recommendations on the Reports; in addition to tracking non-submission of Periodic Reports by State Parties.

30. As earlier referenced, during the 66th and 67th Ordinary Sessions respectively, the Commission considered the 9th to 10th Combined Periodic Report of the Republic of Mauritius (January 2016 -August 2019), and the Fourth to Sixth Combined Periodic Report of the Republic of Cameroon (2015-2019).

31. The Commission also received, during the reporting period, the Periodic Reports of the Republics of Malawi, Niger and Benin, which will be considered during a forthcoming Session of the Commission.

32. The status of submission of Periodic Reports to the Commission by State Parties stands as follows:

Status	State Party
Up to date: 6	Benin, Cameroon, Malawi, Mauritius, Niger and Zimbabwe.
1 Report overdue: 3	Egypt, The Gambia and Lesotho.
2 Reports overdue: 9	Angola, Botswana, Chad, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Nigeria, Rwanda and Togo.
3 Reports overdue: 10	Algeria, Burkina Faso, Djibouti, Ethiopia, Kenya, Mauritania, Namibia, Senegal, Sierra Leone and South Africa.
More than 3 Reports overdue: 20	Burundi, Cape Verde, Central African Republic, Congo, Gabon, Ghana, Guinea Republic, Liberia, Libya, Madagascar, Mali, Mozambique, Sahrawi Arab Democratic Republic, Seychelles, Sudan, Eswatini, Tanzania, Tunisia, Uganda and Zambia.
Never submitted a Report: 6	Comoros, Equatorial Guinea, Guinea Bissau, Sao Tome and Principe, Somalia and South Sudan.

33. With specific reference to Article 26 of the Maputo Protocol, the following fifteen (15) States Parties are up to date with their reporting obligations thus far, namely: Angola, Burkina Faso, Cameroon, Democratic Republic of Congo, Lesotho, Malawi, Nigeria, Namibia, Mauritania, Rwanda, Senegal, The Gambia, Togo, South Africa, and Zimbabwe.

34. While thirty-one (31) States have ratified the Kampala Convention, to date only one (1) State Party, Cameroon, has complied with Article 14(4) of the Kampala Convention, which requires them to report on the legislative and other measures taken to give effect to the Convention.

V. RESOLUTIONS ADOPTED BY THE COMMISSION

35. The Commission adopted the following **Thirty-Nine (39)** Resolutions during the Reporting period:

Session	Resolutions adopted
27th Extra-ordinary Session	<ul style="list-style-type: none"> i. Resolution on the Post-Election Crisis in the Republic of Guinea-Bissau; ii. Resolution on the Extension of the Deadline for the Submission of the Draft Study on the Situation of Africa's Sacred Natural Sites and Territories; iii. Resolution on the Need to Develop a Study on the Situation of African Human Rights Defenders in Exile;

	<ul style="list-style-type: none"> iv. Resolution on the Need to Develop Guidelines for Shadow Reporting; v. Resolution on the Need to Develop norms on the Obligations of States to Regulate Private Actors Involved in the Provision of Social Services; and vi. Resolution on the Need to Prepare a Study on the Use of Force by Law Enforcement Officials in Africa.
<p>66th Ordinary Session</p>	<ul style="list-style-type: none"> i. Resolution on the Allocation of Country Rapporteurship among Commissioners; ii. Resolution on the Socio-Political Situation and Realization of Human Rights in Mali; iii. Resolution on the Deterioration of the Human Rights Situation in Cameroon during the Covid-19 Period; iv. Resolution on The Human Rights Situation in the Republic of Zimbabwe; v. Resolution on the Human Rights Situation in the Republic of The Sudan; vi. Resolution on the Human Rights Situation in the Republic of Kenya; vii. Resolution on Conducting a Study on the Right to Health for All and its Financing in Africa; viii. Resolution on Upholding Human Rights during Situations of Emergency and in Other Exceptional Circumstances; ix. Resolution on the Drafting of Guidelines for the Protection of All Persons from Enforced Disappearances in Africa; x. Resolution on Human and Peoples’ Rights as Central Pillar of Successful Response to COVID-19 and Recovery from its Socio-Political Impacts; xi. Resolution on the Renewal of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa; xii. Resolution on the Renewal of the Mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa; xiii. Resolution on the Renewal of the Mandate of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; xiv. Resolution on the Appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa; xv. Resolution on the Renewal of the Mandate and Appointment of the Special Rapporteur on the Rights of Women in Africa; xvi. Resolution on the Renewal of the Mandate, Appointment of the Chairperson, Reconstitution and Expansion of Mandate of the Working Group on Indigenous Populations/Communities and Minorities in Africa; xvii. Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; xviii. Resolution on the Renewal of the Mandate of the Working Group on Economic, Social and Cultural Rights in Africa and Appointment of its Chairperson and Members;

	<p>xix. Resolution on the Renewal of the Mandate of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa and on the Appointment of its Chairperson and Members;</p> <p>xx. Resolution on Renewal of the Mandate and Reconstitution of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;</p> <p>xxi. Resolution on the Renewal of the Mandate, Appointment of the Chairperson, and 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;</p> <p>xxii. Resolution on the Renewal of the Mandate of the Chairperson and the Appointment of Other Member Commissioners of the Committee for the Prevention of Torture in Africa;</p> <p>xxiii. Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Working Group on Communications;</p> <p>xxiv. Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Working Group on Specific Issues Related to the Work of the Commission;</p> <p>xxv. Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Advisory Committee on Budgetary and Staff Matters;</p> <p>xxvi. Resolution on the Renewal of the Mandate and Reconstitution of the Committee on Resolutions.</p>
<p>67th Ordinary Session & 30th Extra-Ordinary Session</p>	<p>i. Resolution on the need for Silencing the Guns in Africa in accordance with human and peoples' rights;</p> <p>ii. Resolution on the Safety of Journalists and Media Practitioners in Africa;</p> <p>iii. Resolution on Prisons and Conditions of Detention in Africa;</p> <p>iv. Resolution on the prohibition of the use, production, export and trade of tools used for torture;</p> <p>v. Resolution on the protection of refugees, asylum seekers and migrants in the fight against the Covid-19 pandemic in Africa;</p> <p>vi. Resolution on the renewal of the mandate of the Support Group for the mandate of the Special Rapporteur on human rights defenders and focal point on reprisals in Africa for the promotion and monitoring of the effective implementation of the guidelines on freedom of association and assembly in Africa;</p> <p>vii. Resolution on the Situation in the Federal Democratic Republic of Ethiopia.</p>

VI. HUMAN RIGHTS COMPLAINTS/COMMUNICATIONS BEFORE THE COMMISSION

Communications

36. Within its protective mandate, the Commission is specifically charged under the African Charter with receiving and examining Communications (complaints) submitted to it, on alleged violations of human rights.

37. Of the **two hundred and forty-two (242)** Communications pending before the Commission as at the beginning of the reporting period, the following were considered during the said period:

Session	Communication
27th Extra-Ordinary Session	<p>Seizure - 8</p> <p>Seized (6)</p> <ol style="list-style-type: none"> Communication 713/19 - Ndayisaba Ali Ahmed Buregeya (represented by IHRDA) v. The Republic of Rwanda; Communication 721/19 - Martin Fayulu Madidi v. République du Démocratique du Congo; Communication 730/19 - Rassemblement Malien pour la Fraternité et le Progrès v. République du Mali ; Communication 736 /20 - Lado James Paul, Ayume Dada & others (Represented by John Gerry Emmanuel) v. The Republic of South Sudan; Communication 739/20 - La SARL METIS et Madame Etouman Adele Helene (represented by Nchankou Ndjindam) v. République du Cameroon; Communication 740/20 - Toukam Daco David c. Cameroon. <p>Seized and Provisional Measures issued (1)</p> <ol style="list-style-type: none"> Communication 738/20 - M. Achille Benoit Zogo Andela (represented by Hakim Chergui) v. République du Cameroon. <p>Non Seizure (1)</p> <ol style="list-style-type: none"> Communication 732/19 - Duross Gasperi v. South Africa. <p>Admissibility - 33</p> <p>Admissible (3)</p> <ol style="list-style-type: none"> Communication 480/14 - Senate Masupha & Others v. Lesotho; Communication 564/15 - Community Law Centre and three others v. The Federal Republic of Nigeria; Communication 607/16 - Famille de Feu Juvenal Habyarimana v. Burundi.

	<p>Inadmissible (30)</p> <ol style="list-style-type: none"> Communication 481-484/14, 486-488/14, 490-498/14, 504/14, 513/15, 523/15, 526/15, 528/15, 530/15 - 533/15, 536/15 - 538/15, 570/15: Peter Odiwuor Ngoge v. Republic of Kenya. <p>Withdrawal - 1</p> <ol style="list-style-type: none"> Communication 463/14 – Eugène Atigan-Ameti (représenté par le Collectif des Associations contre l’Impunité au Togo) v. République Togolaise. <p>Review - 1</p> <ol style="list-style-type: none"> Communication 341/07 - Equality Now v. Ethiopia. <p>Merits decisions adopted – 3</p> <ol style="list-style-type: none"> Communication 398/11 - Institute for Human Rights and Development in Africa and Observatoire Congolais des Droits de l’Homme (OCDH) v. République du Congo; Communication 406/11 – Law Society of Swaziland v. Kingdom of Swaziland; Communication 430/12 – Gabriel Shumba and Others v. The Republic of Zimbabwe.
<p>66th Ordinary Session</p>	<p>Seizure – (6)</p> <p>Seized (4)</p> <ol style="list-style-type: none"> Communication 745/20 – Tivoneleni Edmund Lubisi (represented by Shadrack Tebeile) v. Republic of South Africa; Communication 731/19 – Dorah Namasiku Likukela v. The Republic of Zambia; Communication 741/20 – Christian Patrichi TANASA (represented by Barrister Calvin JOB) v. Republic of Gabon; Communication 744/20 – Justin Ndoundangoye (represented by Barrister Calvin Job) v. Gabon. <p>Seized and Provisional Measures issued (1)</p> <ol style="list-style-type: none"> Communication 743/20 – Hoda Abdul Moneom (represented by Dalia Lofty) v. Egypt. <p>Not Seized (1)</p> <ol style="list-style-type: none"> Communication 742/20 – African Freedom of Expression Exchange & 15 Others (Represented by FOI Attorneys) v. Algeria & 27 Others. <p>Admissibility – 6</p>

	<p>Admissible (2)</p> <ol style="list-style-type: none"> 1. Communication 581/15 - Abdalla Mahmoud Mohamed Hajazi & Others (represented by Mr. John Jones Q.C, Ms. Melinda Taylor, Ms. Sarah Bafadhel and Mr. Joshua Bishay) v. Libya; 2. Communication 655/17 - Les femmes de Lieke Lesole parties civiles dans l'affaire Basele Lututula, alias colonel Thom's et autres (représentées par Action Contre l'Impunité pour les Droits Humains) c. République Démocratique du Congo. <p>Inadmissible (2)</p> <ol style="list-style-type: none"> 1. Communication 462/13 - Jacques Jonathan Benjamin Virassamy (Represented by Dev Hurnam) v. The Republic of Mauritius; 2. Communication 628/16 - African Society Petroleum Consultants (Represented by Dr. Ekollo Moundi Alexandre) v. Cameroon. <p>Report back (1)</p> <ol style="list-style-type: none"> 1. Communication 459/13 - Devendranath Hurnam v. Mauritius. <p>Deferred (1)</p> <ol style="list-style-type: none"> 1. Communication 599/16- Ethiopian Human Rights Project (Represented by Robert F. Kennedy Human Rights and IHRDA) v. the Federal Democratic Republic of Ethiopia. <p>Merits decisions adopted - 2</p> <ol style="list-style-type: none"> 1. Communication 396/11 - El-Sharkawi v. Republic of Egypt; 2. Communication 344/07 - George Iyanyori Kajikabi and Others v. The Arab Republic of Egypt.
<p>29th Extra-Ordinary Session</p>	<p>Non-Seizure - 1</p> <ol style="list-style-type: none"> 1. Communication 737/19 - Jesus Dominion International (on behalf of Reverend Timothy Omotoso) v. South Africa <p>Guidance Provided for Continued Processing or Follow-Up on Implementation (as applicable) - 6</p> <ol style="list-style-type: none"> 1. Communication 478/14 - The Republic of Djibouti v. The State of Eritrea 2. Communication 701/18 - Januarius Jingwa Asongu and another v. Cameroon 3. Communication 722/19 - Global Concern Cameroon (GCC) v. Cameroon 4. Communication 389/10 - Mbiankeu Geneviève v. Cameroon 5. Communication 716/19 - Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v the State of Eritrea 6. Communication 735/19 - Residents of the Mau Forest Complex

	(represented by the Centre for Comparative and International Law and Institute for Human Rights and Development in Africa) v The Republic of Kenya
67th Ordinary Session	<p>Admissibility - 14</p> <p>Admissible (5)</p> <ol style="list-style-type: none"> Communication 417/12 - ADHUC v. The Republic of Congo Communication 676/17 - UNPO v. The Federal Democratic Republic of Ethiopia Communication 677/17 - Dr. Merara Gudina (represented by CAHDE) v. The Federal Democratic Republic of Ethiopia Communication 678/17 - Ernest Acha and others v. The Republic of Cameroon Communication 704/18 - Berhane Abrehe Kidane (represented by Solomon Weldekirstos and Eritrean Law Society) v. The State of Eritrea <p>Inadmissible (7 Joint Communications)</p> <ol style="list-style-type: none"> Communication 438/12 - 519/15 - 534/15, 458/13, 509/15, 514/15, 517/15, 520/15, 522/15: Peter Odiwuor Ngoge v. Republic of Kenya <p>Review - 1</p> <ol style="list-style-type: none"> Communication 609/16 - Prince Seraki Mampuru (on behalf of Bapedi Mamone Community under the leadership of Kgoši Mampuru III) v. The Republic of South Africa <p>Strike Out- 1</p> <ol style="list-style-type: none"> Communication 623/16 - Miles Investments & 2 Others v The Republic of Sierra Leone <p>Withdrawal - 1</p> <ol style="list-style-type: none"> Communication 736/20 - Lado James Paul, Ayume Dada & others (Represented by John Gerry Emmanuel) v The Republic of South Sudan <p>Guidance Provided for Continued Processing - 2</p> <ol style="list-style-type: none"> Communication 718/19: Maurice Kamto et Mouvement pour la renaissance du Cameroun c. République du Cameroun Communication 735/19: Residents of the Mau Forest Complex (Represented by the Centre for Comparative and International Law and Institute for Human Rights and Development in Africa) v. The Republic of Kenya <p>Deferred -3</p>

	<ol style="list-style-type: none"> 1. Communication 399/11 - Minority Rights Group International and UNIPROBA (On behalf of the Bahakwaninda Family) v. The Republic of Burundi 2. Communication 599/16 - Ethiopian Human Rights Project (Represented by Robert F. Kennedy Human Rights and IHRDA) v the Federal Democratic Republic of Ethiopia 3. Communication 716/19 - Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v State of Eritrea
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38. The above tables show that during the period under review, the Commission was Seized of twelve (12) Communications; decided not to be Seized of three (3); issued two (2) Provisional Measures; declared ten (10) Admissible and thirty-nine (39) Inadmissible; decided five (5) on the Merits; considered two (2) for Withdrawal and two (2) for Review; decided to Strike-Out one (1) for lack of diligent prosecution; received report-back on one (1); deferred four (4); and also provided the Secretariat with guidance on eight (8) Communications at various stages, including follow-up on implementation.

39. Following the above and as at date, there are **one hundred and ninety-five (195)** Communications pending before the Commission. A table showing the geographical and country distribution of all pending Communications is attached to this Activity Report.²

VII. APPLICATIONS FOR OBSERVER AND AFFILIATE STATUS

40. In accordance with the **Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples' Rights in Africa**, the Commission during its 66th and 67th Ordinary Sessions deferred consideration of two (2) applications, and granted Observer Status to a total of five (5) NGOs, as follows, bringing the overall number of NGOs with Observer Status, at the end of the reporting period, to **five hundred and twenty-eight (528)**:

	Name of NGO	Status of Application	of Session
1.	National Coalition for Human Rights Defenders, Uganda	Deferred	66 th OS
2.	Centre de Documentation et de Formation sur les droits de l'Homme (CDFDH)	Observer Status Granted	66 th OS
3.	Centre for Rights Education and	Observer Status	66 th OS

² Annex II.

	Awareness (CREAW)	Granted	
4.	The International Press Institute	Deferred	67 th OS
5.	African Biodiversity Network	Observer Status Granted	67 th OS
6.	Media Council of Tanzania	Observer Status Granted	67 th OS
7.	Maat for Peace, Development and Human Rights	Observer Status Granted	67 th OS

41. The Commission during the 67th Ordinary Session, also granted Affiliate Status to the **National Commission for Human Rights and Citizenship of Cape Verde**, in accordance with the **Resolution on the Granting of Affiliate Status to National Human Rights Institutions and specialized human rights institutions in Africa**. This brings the total number of national human rights and specialized institutions which have Affiliate Status with the Commission to **thirty (30)**.

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

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

➤ Decisions on Communications

43. During the reporting period, the Commission did not receive any information from State Parties regarding the implementation of its final decisions on Communications, in accordance with Rule 125 of its Rules of Procedure of 2020. However, in **Communication 426/12 - Agnès Uwimana-Nkusi & Saidati Mukakibibi (represented by Media Legal Defence Initiative) v. Rwanda**, the Commission received information from the Complainant, indicating that the Respondent State has failed to take any action to implement the decision.

➤ Requests for Provisional Measures

44. During the reporting period, the Commission did not receive any response on the two (2) requests for Provisional Measures issued during the reporting period, as above-referenced, that is, in **Communication 738/20 - M. Achille Benoit Zogo Andela (represented by Hakim Chergui) v. Cameroon** and **Communication 743/20 - Hoda Abdul Moneom (represented by Dalia Lofty) v. Egypt**.

➤ **Letters of Concern and Urgent Appeal**

45. During the reporting period, **twenty-nine (29)** Letters of Concern and Urgent Appeal were sent to State Parties, regarding various allegations of human rights violations.

State	Date of Letter	Issue warranting Letter of Urgent Appeal	State Party Response
Democratic Republic of Congo	27 January 2020	Joint Urgent Appeal regarding the death of seventeen (17) detainees at the Penitentiary and Reinsertion Centre of Kinshasa known as Makala Central Prison since the beginning of the year 2020, due to a lack of food supply for three (3) months.	The State is yet to respond.
Republic of Cameroon	02 March 2020	Joint Letter of Appeal regarding the arbitrary detention of Awungafac Clinton since 13 November 2017, at Mamfe prison, Mamfe, in the Southwest Region of Cameroon.	The State is yet to respond.
Arab Republic of Egypt	27 March 2020	Letter of Appeal regarding the arrest and prolonged pre-trial detention of Mr. Mohamed al-Yammani, a freelance journalist working in the Arab Republic of Egypt, reportedly in detention since 08 December 2019.	The State is yet to respond.
Federal Democratic Republic of Ethiopia	27 March 2020	Letter of Appeal regarding the abduction of at least eighteen (18) university students from Dembi Dollo University, South West of Ethiopia in December 2019.	The State is yet to respond.
Republic of Uganda	13 April 2020	Letter of Concern regarding the allegations of torture and other ill-treatment committed by law enforcement agents on the residents of Uganda, for allegedly violating the COVID-19 lockdown and curfew rules.	The State is yet to respond.
Republic of Mozambique	30 April 2020	Joint Letter of Appeal regarding the enforced disappearance of Mr. Ibraimo Abu Mbaruco, a community radio journalist at Palma Community Radio in Mozambique.	The State is yet to respond.
United Republic of Tanzania	05 May 2020	Joint Letter of Appeal concerning the promotion and protection of human rights during the COVID-19 pandemic.	The State is yet to respond.
Republic of Botswana	07 May 2020	Letter of Concern regarding the execution of Mr. Moabi Seabelo Mabiletsa and Mr. Matshidiso Tshid Boikanyo.	The State sent a response on 30 th November

			2020
Republic of South Africa	12 May 2020	Letter of Urgent Appeal regarding enforcement of lockdown measures by security forces, the protection of women and girls during the lockdown, the socio-economic hardships facing large number of South Africans and the protection of the rights of vulnerable groups including refugees, asylum seekers and migrants in the context of the lockdown measures in force.	The State is yet to respond.
Democratic Republic of Congo	14 May 2020	Letter of Urgent Appeal regarding the sentencing of eight members of the indigenous Batwa community of the village of Muyanga, in the Miti grouping, in the Kabare territory, by the military court of Bukavu.	The State is yet to respond.
Republic of Sudan	18 May 2020	Joint Letter of Concern regarding the alleged arbitrary dismissal of employees in the National Civil Service of Sudan based on perceived alliance with the former regime.	The State is yet to respond.
Republic of Sierra Leone	02 June 2020	Joint Letter of Urgent Appeal in response to a riot that took place in Male Correctional Centre in Freetown during the Coronavirus pandemic, leading to the death of five (5) inmates and two (2) prison guards.	The State is yet to respond.
Republic of Eritrea	12 June 2020	Letter of Appeal to His Excellency Mr. Esaias Afwerki, President of the Republic of Eritrea, regarding the alleged critical situation of the Afar people in Dankalia, Republic of Eritrea, relating to the COVID-19 pandemic.	The State sent a response on 6 th October 2020
Republic of Djibouti	06 July 2020	Letter of Appeal concerning the conditions of detention of Lieutenant Fouad Ali Youssouf, detained in Gabode Prison in Djibouti, allegedly accused of sedition and other related offences, with reports indicating that his current conditions of detention are cruel, inhuman and degrading, and that his health conditions are deteriorating.	The State is yet to respond.
Republic of Kenya	12 August 2020	Joint Letter of Appeal regarding evictions of vulnerable groups in the country.	The State is yet to respond.
People's Democratic Republic of	26 August 2020	Letter of Appeal to H.E. the President of the People's Democratic Republic of Algeria regarding the conviction of Mr. Khaled Drareni	The State sent a response on

Algeria		on charges of inciting an unarmed assembly and harming national unity.	24 th September 2020
Federal Republic of Nigeria	14 September 2020	Letter of Urgent Appeal to the President of Nigeria regarding the death sentence and appeal process of singer Yahaya Sharif Aminu.	The State is yet to respond.
Democratic Republic of Congo	30 September 2020	Joint Letter of Urgent Appeal on the situation in Buina Central Prison, in particular the shortage of food and poor nutrition, which lead to the death of two (2) inmates and four (4) other inmates who were in critical condition.	The State is yet to respond.
Republic of Mozambique	30 September 2020	Joint Letter of Urgent Appeal on the violations of freedom of expression in Mozambique including, an attack which was perpetrated on the offices of a newspaper house called Canal de Moçambique, on 23 August 2020, in Maputo City.	The State is yet to respond.
Republic of Chad	07 October 2020	Letter of Appeal to H.E. the President of the Republic of Chad, regarding a measure taken by the Government on 22 July 2020, to slow down internet speed in the Republic of Chad, reportedly with the intention to halt the dissemination of messages inciting hate and division. Additionally, reports received indicated that access to the messaging platform, “WhatsApp,” was blocked at that time.	The State is yet to respond.
Republic of Zimbabwe	15 October 2020	Letter of Appeal to H.E. the President of the Republic of Zimbabwe regarding the arrest and detention of Mr. Hopewell Chin’ono, an independent investigative journalist working in Zimbabwe.	The State sent a response on 20 th November 2020
Federal Democratic Republic of Ethiopia	20 October 2020	Joint Letter of Concern regarding the plight of Ethiopian domestic workers stranded in Lebanon and Saudi Arabia, which urged the Government of Ethiopia to organize Government-sponsored repatriation flights, given the domestic workers’ economic vulnerability, in order to guarantee their safe return; and take measures to ensure the domestic workers’ smooth socio-economic integration upon their return.	The State is yet to respond.
Republic of The Gambia	20 October 2020	Letter of Appeal to H.E. the President of the Republic of The Gambia in response to the	The State is yet to

		rejection of the draft Constitution by the National Assembly on 22 September 2020.	respond.
Federal Republic of Nigeria	27 October 2020	Letter of Appeal to H.E. the President of the Federal Republic of Nigeria, regarding an attack which was perpetrated on a number media houses in Lagos, Nigeria, on 21 October 2020, by unidentified individuals who set the premises of Television Continental and other media houses on fire, resulting in the loss of media equipment and damage to vehicles.	The State is yet to respond.
Republic of Burundi	2 November 2020	Joint Letter of Urgent Appeal to the Arrest and Detention of Honourable Fabien Banciryanino, an independent Member of Parliament, who was arrested on 2 October 2020, in Burundi.	The State is yet to respond.
Republic of Mozambique	2 November 2020	Joint Letter of Urgent Appeal on the reports of an extrajudicial execution of an unidentified woman in September 2020, by Mozambican forces, on the R698 road in a site near the town of Awasse in the province of Cabo Delgado, during the large scale operation launched by the state to dislodge the insurgents from Awasse and Diaca	The State is yet to respond.
Central African Republic	2 November 2020	Joint Letter of Urgent Appeal to H.E President of the Central African Republic, regarding the activities of four gold mining companies around the town of Bozoum, and the reported pollution, environmental degradation and range of human rights violations resulting from their operations.	The State is yet to respond.
Republic of Sierra Leone	03 November 2020	Joint Letter of Appeal to H.E. the President of the Republic of Sierra Leone, in response to reports received on the suspension from practice of a lawyer, Mr. Augustine Sorie-Sengbe Marrah, in addition to issuance of a warrant on 28 October 2020 for his arrest by the Supreme Court of Sierra Leone, following Mr. Marrah's criticism of the Judiciary in a post on a lawyers' forum.	The State is yet to respond.
Federal Republic of Nigeria	30 November 2020	Joint Letter of Appeal to H.E. the President of the Federal Republic of Nigeria, regarding reprisals by State and Non-State actors against organizers and perceived supporters of the #ENDSARS protest.	The State is yet to respond.

46. In addition to the above, the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa issued **forty-eight (48)** Letters of Appeal during the reporting period, with specific focus of the rights of human rights defenders.³

47. In total, **Seventy-Seven (77)** Letters of Concern/Appeal were sent to State Parties during the reporting period.

IX. LETTERS OF APPRECIATION

48. During the reporting period, **six (6)** letters of appreciation were sent to Heads of State and Government as follows:

State	Date of Letter	Issue warranting Letter of Appreciation
United Republic of Tanzania	02 December 2019	Joint Letter of Appreciation to Tanzania on the decision to declare child marriage unconstitutional.
Federal Republic of Somalia	08 January 2020	Letter of Congratulations following ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.
Republic of Sudan	08 May 2020	Joint letter of appreciation on the adoption of a law criminalising Female Genital Mutilation.
Republic of Chad	20 May 2020	Letter of Appreciation regarding the steps taken by the National Assembly of Chad to abolish the Death Penalty for all crimes of terrorism in Chad.
Republic of Congo	01 July 2020	Letter of Appreciation regarding the law adopted by the Senate authorising the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty.
Republic of Sierra Leone	28 September 2020	Letter of Appreciation welcoming the recent decision of the Parliament of the Republic of Sierra Leone to repeal Part 5 of the 1965 Public Order Act which criminalized defamation, false news and seditious calumny.

X. STATEMENTS AND PRESS RELEASES

49. During the reporting period, the Commission issued **sixty-nine (69)** Press Releases relating to various human rights issues. The Press Releases are available on the website of the Commission: www.achpr.org.

XI. PROMOTION AND FACT-FINDING MISSIONS

³ Annex III

50. The Commission did not undertake any Promotion Missions or Fact-finding Missions during the reporting period, largely on account of the global COVID-19 pandemic.
51. While authorization had been received to undertake a Mission to the Republic of Gabon, scheduled to take place from 06 to 09 April 2020, the mission was postponed on account of the COVID-19 pandemic.
52. Furthermore, the Republic of Zimbabwe authorized a Promotion Mission which was to be held September 2019; however the Mission was postponed subject to agreement of new dates. Whereas the Commission proposed the Mission be held in June 2020, the Mission also had to be postponed on account of the ongoing pandemic.

Fact-finding Missions to Sudan and Libya

53. Concerning the requests made in the Peace and Security Council (PSC) communiqués of the African Union, that is **PSC/PR/COMM (DCCCXLIV)** adopted on 06 June 2019 on the situation in Sudan and **PSC/MIN/COMM.(DCCCLVII)** adopted on 05 July 2019 on the situation in Libya, whereas the Commission is awaiting additional information from the African Union Commission on the next steps on the fact-finding missions to Sudan and Libya, the missions could not have been conducted during the reporting period on account of the COVID-19 pandemic.

Mission to the territory of the Sahrawi Arab Democratic Republic or Western Sahara under the control of the Kingdom of Morocco

54. The Executive Council, in its Decision **EX.CL/995(XXXII)** on the 43rd Activity Report of the Commission, called on Morocco to initiate a dialogue towards the facilitation of the Commission's Mission to the territory of the Sahrawi Arab Democratic Republic, or Western Sahara, under the control of Morocco. In February 2018, a follow-up letter was sent to Morocco by the Chairperson of the Commission. Whereas the Commission is still awaiting a response from Morocco on the matter, the mission could not have been conducted during the reporting period on account of the COVID-19 pandemic.

XII. THE HUMAN RIGHTS SITUATION ON THE CONTINENT

55. This section was introduced in the Activity Report pursuant to Executive Council Decision **EX.CL/Dec.639 (XVIII)** calling upon the Commission to brief the Policy Organs on the human rights situation on the continent. The practice of the Commission is to draw the content of this section from the interactions of the Commission with State Parties, NHRIs with Affiliate Status and NGOs with Observer Status with the Commission during Ordinary Sessions of the Commission,

supplemented by information collected as part of its monitoring of the human rights situation in the various State Parties during the intersession period.

a) Positive developments

56. The Commission notes with appreciation the following major positive human rights developments observed during the reporting period:
- i. Ratification of the Kampala Convention by Somalia on 26 November 2019 and Mozambique on 02 December 2019;
 - ii. Ratification of the African Union Convention on Preventing and Combating Corruption by Tunisia on 19 November 2019;
 - iii. Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty by Angola on 02 October 2019;
 - iv. Approval by the Sovereign Council and Council of Ministers of the Republic of the Sudan, of the Ratification of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED);
 - v. Signature of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa by Angola on 17 June 2020, Cameroon on 05 February 2020, and Mali on 01 June 2020;
 - vi. Enactment of a law in Chad abolishing the death penalty for terrorist acts on 28 April 2020;
 - vii. Adoption of a law in Sudan criminalizing female genital mutilation (FGM) on 29 April 2020;
 - viii. Decriminalization of same-sex sexual relations in Gabon following a vote by the Gabon Senate on 29 June 2020, which was then assented to the President;
 - ix. Adoption of the bill for the protection of indigenous populations by the National Assembly of the DRC in June 2020, in addition to the decree promulgated on 30 June 2020 by H.E. President Felix Tshiekedi granting pardons and commutations to individuals sentenced to death;
 - x. Adoption of a law by the Senate of the Republic of Congo authorising the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty on 18 June 2020;
 - xi. Adoption of a law criminalizing torture in Niger;
 - xii. The repeal of Part 5 of the Public Order Act of 1965, which criminalized defamation, false news and seditious libel, by the Parliament of Sierra Leone on 23 July 2020;
 - xiii. The successful conduction of elections, in addition to the peaceful transition of power in Malawi;
 - xiv. The positive steps taken by Sierra Leone since December 2019, following the ECOWAS Court of Justice's decision in **WAVES v. the Republic of Sierra Leone**,

which held that the policy ban prohibiting pregnant girls from attending school was discriminatory and violated the right to education, freedom from discrimination and equality before the law;

- xv. Adoption of a law on human trafficking and smuggling on 07 July 2020, in addition to the establishment of the National Observatory for the Rights of Women and Girls by the Islamic Republic of Mauritania on 31 July 2020;
- xvi. Repeal of the death penalty for certain crimes, including apostasy and homosexuality in Sudan, with the death penalty also being abolished for children and people over the age of 70 years, in this country;
- xvii. The Bill on general principles relating to the rights of indigenous Pygmies in the Democratic Republic of Congo (DRC), which is being studied in Parliament by the tripartite Human Rights, Administrative, Judicial and Socio-cultural Policy Commission;
- xviii. Stalemate in the major fighting in Libya and the kick-off of the peace process in the country with the signing of the ceasefire agreement by the conflict parties last month and the convening of the political negotiations for peace;
- xix. The progress being made in the transition in Sudan, most notably the signing of peace agreements for ending the conflicts in Darfur and South Kordofan and Blue Nile; and
- xx. The democratic transfer of power in Seychelles from the ruling party that led the country for long to the opposition party after a free and fair election.

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

- xxi. Adoption of the Law on the Fight Against Discrimination and Hate Speech by Algeria in April 2020;
- xxii. Adoption of a social protection policy by the Cabinet of Rwanda on 14 June 2020;
- xxiii. Actions taken by States Parties to decongest prisons and other places of detentions at high risk of contagion, to reduce the risk of the spread of COVID-19;
- xxiv. Positive steps taken by many State Parties, to uphold people's rights in the context of the COVID-19 pandemic, including: additional investments to ensure access to quality health-care and other public health measures, in line with the right to health; the provision of economic and food assistance to vulnerable groups; free and enhanced water supply; financial assistance, temporary reduction on electricity bills, provision of shelter for the homeless, and other *ad hoc* measures to expand life-saving social protections.

b) Areas of concern

57. The Commission notes with concern the following human rights challenges observed during the reporting period:
- i. The low rate of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (the Protocol on the Rights

- of Older Persons) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (the Protocol on the Rights of Persons with Disabilities), which is impeding their entry into force;
- ii. 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;
 - iii. Passage of the bill on Written Laws (Miscellaneous Amendments Act (No. 3) of 2020 which *inter alia* seeks to abolish public interest litigation by requiring Tanzanian nationals, other persons and civil society organizations to prove how an action complained of "has affected that person personally";
 - iv. Failure to domesticate the Violence Against Persons Act in twenty-two (22) states in Nigeria, resulting in the lack of specific laws ensuring protection against SGBV in these states;
 - v. The continuing threat of terrorism, and its escalation in Nigeria, Burkina Faso, Niger and Chad, with particular reference to the persistent multiple and grievous attacks being perpetrated by the Terrorist Group Boko Haram against innocent civilians (including humanitarian aid workers) as well as soldiers, in the Lake Chad region, including brutal killings, abductions, suicide bombings, and attacks on army equipment and logistics, amongst others;
 - vi. Reports of acts of terrorism, violent extremism and threats of annexation of the Northern Province by Islamist militants in Mozambique;
 - vii. The situations of unrest on the continent, including in Mali and Ethiopia, which have resulted in loss of lives and destruction of property;
 - viii. The worsening security and human rights situation in Libya, including reports of an intensification of indiscriminate attacks on civilian areas of the Libyan capital Tripoli, during which several civilians were injured or killed and homes and other infrastructure damaged;
 - ix. The persistence of the application of the death penalty, with fifty-seven (57) recorded executions in 2019 in a number of countries in Africa;
 - x. The systematic pattern of judicial harassment, intimidation and arbitrary arrest and detention of human rights defenders in several countries in Africa;
 - xi. The death sentence pronounced by the Bamako Anti-Terrorist Assize Court in Mali on 28 October 2020 against three jihadists prosecuted for the deadly attacks perpetrated in 2015 in Bamako at the Radisson Blu and at the Terrasse;
 - xii. The locust infestation which is threatening crops and livelihoods in Eastern Africa;
 - xiii. The deteriorating situation of African migrants and the loss of many lives in recent months in the Mediterranean Sea, in addition to the expulsion and forced return of asylum seekers and migrants;
 - xiv. The situation of African migrants in Middle Eastern countries, who suffer from multiple human rights violations (collective expulsions, detention in deplorable conditions, inhuman treatment during arrests, acts of xenophobia, infringements of the right to life, etc.), with particular reference to the concerning fate of Ethiopian women domestic workers, sent back and abandoned on the streets by their Lebanese employers in the midst of a health crisis since June 2020;

- xv. The scale and frequency of natural disasters affecting our continent (floods caused by increasingly frequent and violent torrential rains, drought wave, landslides, devastating cyclones, etc.) as a result of climate change and its consequences, which have led to more forced displacement of populations and temporary resettlement;
- xvi. The unconstitutional change of Government in Mali;
- xvii. The context of violence, inter-communal tensions and repression of fundamental rights that has surrounded several recent elections on the African continent, which has involved disruption of activities of the opposition parties as well as the muzzling of CSOs, journalists and other human rights defenders, and consequently interferences with, amongst others, the freedom of expression and right to information as well as the right to political participation. Many elections held in the year 2020 were chaotic, leading to loss of lives and destruction of property during confrontations with security agents, including the post-electoral chaos in Ivory Coast and Guinea Conakry, and reported intimidation and attacks in Tanzania;
- xviii. Protests in Nigeria resulting from police brutality and reports of excessive use of lethal force including the use of live ammunition by the Nigerian military and the Nigerian Police, against peaceful protesters (#ENDSARS protest) and the resultant loss of lives and injuries, noting in particular the Lekki Toll Gate shootings of 20 October 2020;
- xix. The consequent chaos that resulted from the hijack of the otherwise hitherto peaceful #ENDSARS protests in Nigeria by criminal actors and opportunist elements, including looting and destruction of public and private properties, attacks on, police personnel and properties, media houses and government properties;
- xx. The socio-political crisis in Ethiopia, which has witnessed major incidents of violence targeting civilians and a military confrontation in the Tigray region, and which disturbingly has started to lead to major acts of violence against civilians, ethnic based profiling, arrest of journalists, a humanitarian crisis with thousands of people forced to flee into neighbouring Sudan, a spike in hate speeches and an epidemic of fake news and misinformation;
- xxi. The long-standing civil unrest in Cameroon and fighting between government, Anglophone fighters and Boko Haram which has continued to occasion grievous violations of the rights of innocent civilians, as well as other prolonged and protracted armed conflicts in the Sahel region, Central African Republic and parts of the Democratic Republic of the Congo, among others;
- xxii. Reported persisting lockdown and arrest of human rights defenders, especially journalists in Algeria, Egypt and Tunisia;
- xxiii. Recurring issues of the plight of the African youth population who are the energy required to drive the socio-economic growth of the continent, but whose rights are being grossly violated, especially their right to socio-economic development, and which situation has resulted, amongst others, in their restiveness, which regrettably is often met by further violations of rights with the use of excessive

- force on them during peaceful protests, as well as their illegal and dangerous migrations, which have led to loss of lives including in the Mediterranean sea ;
- xxiv. Continuing human rights challenges being faced by African children, including, amongst others: the persistent issue of malaria, pneumonia, diarrhoea and other preventable diseases affecting them; impediments to their access to education and health services including high cost and long distances ; and their undue exposure to sexual exploitation, worst forms of child labour, child trafficking, and abuse and mistreatment during migration; and
- xxv. Threat to the independence of the judiciary, characterized by the use of the judiciary to prosecute political opponents, civil society activists including journalists, as well as related violations of Freedom of Expression and Freedom of Assembly of these groups, including as reported in Malawi, Tanzania and Zimbabwe.

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

58. While commending the measures put in place by the States Parties to contain the spread of the coronavirus and mitigate the effects of these measures, the Commission regrets the emergence of human rights violations during this period, including:

- xxvi. The negative impact of the COVID-19 pandemic on social and economic rights, such as the right to education, the right to the best attainable state of health, and the right to adequate food, shelter and other basic needs, most notably water and sanitation, which is disproportionately affecting the most vulnerable groups in society, including the poor, women and girls, and persons with disabilities, among others;
- xxvii. The loss of livelihoods as a result of mitigation measures, such as lockdown and curfew orders, which have had a particularly devastating effects on the informal sector;
- xxviii. The possibility of the region's first recession in 25 years, with economic growth projected to decline from 2.4% in 2019 to between -2.1 to -5.1%, with the resultant negative effects such as hunger and poverty, among others;
- xxix. The temporary discontinuation of the provision of public services, with the potential for millions to lack access to basic services;
- xxx. The excessive use of force by law enforcement officers while enforcing the mitigation measures such as lockdown and curfew orders, with reported cases of police brutality resulting in killings, torture, in addition to arbitrary arrests and forced quarantine imposed on people violating the measures;
- xxxi. Anti-terrorism laws have been used to crackdown on protesters and the closure of courts in the context of the COVID-19 pandemic have made access to justice difficult, with adverse effect on prisons;
- xxxii. The pandemic has further widened the gap between the have and have-nots and revealed inequalities and injustices in many communities;

- xxxiii. Corruption persists in Africa and is a major issue especially in the days of the pandemic, as mismanagement and lack of accountability by public officials for funds made available for the pandemic have proven elusive in many African countries;
- xxxiv. The alarming rises in cases of sexual and gender based violence during the pandemic, for example the declaration by all thirty-six (36) of Nigeria's Governors of a state of emergency over rape and other gender-based violence against women and children in the country, as well as increased stigmatization, discrimination and hate speech associated with COVID-19;
- xxxv. The COVID-19 pandemic has negatively impacted the normal way of protecting the rights of women and girls and the provision of services including access to health services and information on sexual and reproductive health rights;
- xxxvi. Being among the most vulnerable members of society, children face the potential to be significantly affected during the pandemic, including specifically children with disabilities, children from economically disadvantaged families, children living in rural areas, and children seeking asylum or refugee status. The socio-economic impact of the pandemic has affected children in various ways as they do not have access to food, and basic health services;
- xxxvii. Lack of access to education for millions of students especially those living in rural areas, who do not have access to online schooling, and as well, home stay measures have further exposed them to sexual abuse and exploitation, as well as violence, mostly by family members;
- xxxviii. School closures and extended school holidays due to the pandemic have occasioned a rise in cases of FGM and child marriage in practicing communities across the continent;
- xxxix. The exclusion of refugees, internally displaced persons (IDPs), asylum seekers and migrants from the protection measures employed by the State Parties during the COVID-19 pandemic, and the lack of facilities to ensure measures such as social distancing and isolation in refugee camps;
 - xl. The disruption of humanitarian supplies to refugees, migrants and IDPs;
 - xli. The reduction in the issuance of official documentation to refugees and asylum seekers, which hinders their access to social services;
 - xl.ii. The closure of borders between certain countries which has prevented access to asylum seekers and refugees fleeing persecution;
 - xl.iii. The loss of employment opportunities affecting the youth, who constitute a sizeable portion of the population on the continent and who also face a future with limited social and economic prospects as a result of the pandemic;
 - xl.ii.ii. Overcrowding and lack of sanitary conditions in prisons which have the potential to result in the spread of the coronavirus, in addition to the failure of States to curb prison admission rates, including the overuse of remand for petty offences;
 - xl.ii.iii. Reported cases of arbitrary and unlawfully arrest of journalists and human rights defenders during the pandemic;

- xlvi. The rise of human rights violations committed against health workers, such as arbitrary arrest and detention, with health workers emerging as a category of human rights defenders requiring protection by the States;
- xlvii. Restrictions of freedom of expression and access to information under the guise of the COVID-19 pandemic, with reported cases on suspension of media licenses, shut down of internet services restricting the right to access information and the use of disinformation and hate speech laws to restrict freedom of expression;
- xlviii. Situations of conflict on the continent, such as in the northern part of Mozambique, which has led to displacement, loss of life, and compounded the COVID-19 situation;
- xliv. Violations of the rights of indigenous communities, including reported cases of death threats, forced evictions and burning of homes;
 - 1. Lack of information or awareness about COVID-19 to indigenous communities, due to several difficulties including lack of radio, television, newspapers and/or community relays;
 - li. Restrictions on movement which have hindered access to essential health services, such as programs addressing maternal and infant mortality and HIV/AIDs, and essential sexual and reproductive healthcare;
 - lii. The potential for an increase in superstition motivated killing of persons with albinism in the Eastern and Southern African region;
 - liii. The effects of the COVID-19 pandemic are hitting the continent very hard, including sudden, sharp falls in remittances, foreign direct investment, commodity prices and tourism;
 - liv. Dangerous and negative trends in the context of responses to the COVID-19 pandemic, including the rise of anti-human rights and anti-democratic forces taking advantage of the COVID-19 health crisis to further assert authority or tighten hold on traumatized citizenry; restrictions on and violations on freedom of expression, association, movement and assembly also take prominence during these times of Covid-19; and law enforcement officials implementing Covid-19 regulations have been reported to use disproportionate force on citizens, in many documented cases, including the use of live ammunitions; and
 - lv. Digital inequality, particularly in the context of the COVID-19 pandemic, poses a major challenge, with additional implications for other guaranteed human rights, and therefore needs to be enhanced.

XIII. ADMINISTRATIVE AND FINANCIAL SITUATION

a) Construction of the Commission's Headquarters

59. Whereas the Commission and the host Government intended to hold a Foundation stone laying ceremony on the proposed site for the headquarters on the margins of the 66th Ordinary Session, this ceremony had to be postponed from March 2020 due to the COVID-19 epidemic.

60. Furthermore, as a follow-up to the Executive Council's Decisions EX.CL/Dec.1045(XXXIV) and EX.CL/Dec. 1080(XXXVI), respectively on the 47th Activity Report of the Commission, which called for prioritization, concrete plans and activation of relevant resource mobilization by the Gambian Government, with facilitation by the AUC, towards the construction of the Commission's Headquarters, the Secretariat of the Commission, during the reporting period, re-commenced engagement with the Government of the Host country to discuss modalities for the mobilization of resources for the commencement of the project.
61. The Ministry of Justice of The Gambia confirmed its openness to explore joint resource mobilization with partners for the construction of the headquarters, and it is expected that relevant concrete collaborations by the Gambian Government and the AUC, will be duly initiated, in line with the referenced Executive Council Decisions and applicable AU processes and procedures, for resource mobilization for the establishment of the permanent headquarters.

b) Staffing

62. The Commission welcomes the appointment of Ms. Lindiwe Khumalo as the Acting Executive Secretary to the Commission. Ms. Khumalo, who is the substantive Deputy Secretary to the Commission, assumed responsibilities in May 2020. Additionally, in March 2020 a vacancy announcement was issued for the position of Executive Secretary at the Commission.
63. However, the critical need for the recruitment of Arabic and Portuguese Legal Officers and Translators has not been met to date. Additionally, the Secretariat continues to face wider staff shortages as is well documented. In this regard, the Commission welcomes the recent grant during the 37th Ordinary Session of the Executive Council, of the mandate to the Commission to recruit its own critical staff, on par with other functionally autonomous Organs of the AU, and looks forward to this milestone decision as a way forward out of its long-standing human resource challenge.

XIV. IMPLEMENTATION OF DECISIONS

Recommendations of the Joint Retreat between the PRC and the Commission

64. Further to Executive Council Decision EX.CL/1015(XXXIII) which requested the ACHPR to report on the implementation of the recommendations of the ACHPR-PRC Joint Retreat held in June 2018, the Commission wishes to report that the revised Rules of Procedure (2020) were adopted during the 27th Extra-Ordinary Session pursuant to Article 42(2) of the African Charter, and came into force on 02 June 2020 in terms of Rule 145 thereof.

65. The Rules were published, and can be accessed, on the Commission's website: www.achpr.org.

Decisions of the Executive Council

66. Further to Executive Council Decision **EX.CL. Dec. 1080 (XXXVI)** which requested the Commission to report on the implementation of paragraph 8 of **Assembly/AU/Dec.200 (XI)** stipulating, "to have the status of the ACHPR as an Organ of the AU regularized," the Commission has commenced preliminary research on the legal, financial, human resource and technical modalities for the Commission to regularize its status as an Organ.

XV. DATES OF THE 68th ORDINARY SESSION OF THE COMMISSION

67. The 31st Extra-Ordinary Session and the 68th Ordinary Session of the Commission will take place respectively from 19 to 26 February 2021, and from 14 April to 04 May 2021.

XVI. RECOMMENDATIONS

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

a) To State Parties:

- i. Promote the broadest possible respect for the civic and democratic space, and be accommodative to divergent opinions for inclusive and consultative approaches to matters of national importance, including in particular, giving audience to the voices of the youth population, women, minority groups and members of opposition political parties;
- ii. Refrain from the use of excessive use of force against citizens, but rather use their resources to secure the safety and well-being of citizens, including by ensuring adequate human rights training for the police and other State security forces in line with applicable regional and international human rights standards, including with reference to public health and other emergency contexts, as well as by institutionalizing efficient mechanisms to follow up on human rights compliance by relevant State security forces;
- iii. In partnership with other actors like the NHRIs, trigger and sustain institutional reforms, including the transforming police forces into services, within the frameworks of the regional and international guidelines;
- iv. Establish and strengthen NHRIs, including through guaranteeing their independence in line with the Paris Principles and adequate resourcing;
- v. Towards silencing the guns, include women and the youth population in peace processes for countries in conflict and in reconstruction processes for post-conflict societies and involve them in building durable solutions;

- vi. Ratify, implement and domesticate the various human rights instruments of the AU, including specifically the Protocol on the Rights of Older Person) and Protocol on the Rights of Persons with Disabilities, to ensure entry into force of these seminal instruments;
- vii. Support the AU internal processes for the adoption of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa and the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security;
- viii. Accelerate the final adoption of the draft Protocol on the Right to Nationality in Africa and the Eradication of Statelessness, which is currently before the African Union bodies;
- ix. Include information on the legislative and other measures taken to give effect to the Kampala Convention in the Periodic Reports submitted to the Commission, where they have ratified the Kampala Convention;
- x. Urgently address the persistent cases of terrorist attacks, taking into account the root causes of such violence, as elaborated in the Commission's Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa;
- xi. Ensure that all defendants liable to incur capital punishment can benefit from a judicial procedure that meets international and regional standards in terms of respect for the rights of the defense and fair trial, and introduce a moratorium on the application of the death penalty with a view to legally abolishing it, suspend the execution of death row inmates and commute the death penalty sentences to life imprisonment, in countries which still enforce the death penalty;
- xii. Speed up the process of ratification and harmonization of national laws accordingly with the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at abolishing the death penalty, as well as the International Convention for the Protection of All Persons from Enforced Disappearance;
- xiii. Maintain support for transitions around the continent, including by enhancing the capacities of existing mechanisms in the AU, ensuring transitional justice and reform agendas are considered as essential elements and included in the stimulus packages and recovery roadmaps being developed for States in transitions and advocated for by the AU among donors and the international community, and utilizing former Heads of State and other good offices to advance the peaceful resolution of conflicts and implementation of transitional justice goals;
- xiv. Repeal and reform fake news, hate speech and misinformation laws that impose disproportionate restrictions on individual freedoms of expression and access to information;
- xv. Adopt measures to ensure the protection of refugees and internally displaced persons, women, children and other vulnerable groups, including through the domestication and implementation of the various application of regional and international human rights instruments;
- xvi. Adopt urgent and elaborate measures for addressing corruption and other forms of illicit financial flows and for ensuring accountability and probity in governance, which is a prerequisite, among others, for improving and strengthening States'

abilities to provide quality health infrastructure and services, and in general to meet the development needs of their citizenry including by implementing the necessary environmental, human rights and fiscal legislative, regulatory, institutional measures for the governance of the extractive industries as set out in the State Reporting Guidelines and Principles on Articles 21 and 24;

- xvii. Take effective measures to prevent and redress climate change impacts, including through adoption of sustainable, human rights-based development models, and to mitigate climate change, and as well ensure that appropriate adaptation measures are taken to protect and fulfil the rights of all persons, particularly those most endangered and vulnerable to climate change effects, including migrants, IDPs, older persons, and people who live in areas that are vulnerable to coastal storms, drought, and sea level rise, amongst others;
- xviii. Take prompt and effective steps to protect African migrants from their States, who suffer from multiple human rights violations as a result of internationally wrongful acts attributable to foreign States;
- xix. Respond consistently to Letters of Urgent Appeal and Provisional Measures Requests sent by the Commission; and
- xx. Report on the implementation of the recommendations of the Commission in its final decision on Communications, in line with its applicable Rules of Procedure.

b) To the Kingdom of Morocco:

- xxi. Ratify the African Charter, and consider the Commission's request for authorization to undertake the mission mandated by Decision EX.CL/Dec.995 (XXXII).

c) To the AUC:

- xxii. Take all necessary measures to facilitate the prompt and effective implementation of the mandate granted to the Commission, during the 37th Ordinary Session of the Executive Council, to recruit its own staff on par with other autonomous Organs of the AU, towards addressing the long-standing human resource shortage faced by the Commission;
- xxiii. Take prompt and effective measures to implement EX.CL/Dec. 1080(XXXVI), regarding facilitation of resource mobilization for the construction of the Commission's Headquarters.

d) To the AU PSC:

- xxiv. Ensure the full and effective implementation of the Communiqués of its 866th and 953rd meetings, which underscore the importance of mainstreaming human rights in all phases of the conflict cycle from prevention to post-conflict situations in Africa, as well as continuous and effective collaborations between the Commission and the PSC.

Recommendations related to the COVID-19 pandemic:

a) To State Parties:

- xxv. Employ a human rights based approach in the execution and enforcement of regulations and measures established to address the COVID-19 pandemic;
- xxvi. Maintain law and order, and as applicable, review states of emergencies and prevent excessive use of force, in accordance with regional and international human rights frameworks, with particular reference to Resolution 449 of the ACHPR on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts – ACHPR/Res. 449 (LXVI);
- xxvii. Ensure that Covid-19 containment measures, including those declared under states of emergency or disaster, are subject to regular review and parliamentary oversight to confirm that they are and remain time-bound, lawful, necessary, proportionate and non-discriminatory, and are accompanied by contextually tailored policy measures for mitigating the adverse impacts, particularly on the most vulnerable section of society;
- xxviii. Ensure accountability in the management of Covid-19 funds;
- xxix. Take steps to ensure the full realization of the economic, social and cultural rights enshrined in the African Charter;
- xxx. Ensure that the target set in the Abuja Declaration, of allocating at least 15% of the annual budget to the health sector, is consistently met;
- xxxi. Urgently address the critical need for social services, such as access to water and sanitation, enhancing access for the most vulnerable members of the population including the poor, persons with disabilities, indigenous communities, among others;
- xxxii. Strengthen access to justice and take steps to investigate and prosecute perpetrators of human rights violations committed in the context of the pandemic, and as well, ensure redress to the victims of human rights violations;
- xxxiii. Address peace and security challenges, which have been aggravated during the COVID-19 pandemic, with restrictions on the movement of migrants and on the civic space, as well as an increase in domestic and other cases of violence against women;
- xxxiv. Urgently adopt appropriate and effective measures that are gender-sensitive and gender-responsive in order to ensure the protection of women's and girls' rights;
- xxxv. Adhere to and comply with the World Health Organization's Interim Guidelines on the Preparation, Prevention and Control of COVID-19 for prisons and other places of detention, and ensure enhanced screening and testing in prisons;
- xxxvi. Decriminalize petty offences, and ensure the release of persons arrested for petty offences in order to decongest the prisons and curb the potential spread of the virus;
- xxxvii. Enhance measures to ensure protection of the rights of children, in accordance with the Guiding Note on Children's Rights during COVID-19, issued by the African Committee of Experts on the Rights and Welfare of the Child;

- xxxviii. Ensure access to sexual and reproductive health services is not impeded during the COVID-19 pandemic;
- xxxix. Enhance measures to guarantee the safety and security of journalists and human rights defenders;
- xl. Ensure continued provision of humanitarian aid to asylum seekers, refugees and migrants, in addition to access to national health and social protection systems and continued basic registration and documentation for asylum seekers and refugees;
- xli. Coordinate the efforts of relevant agencies at national level in support of health action, and address the impact of COVID-19 response measures on HIV-related healthcare services;
- xlii. Take appropriate measures to safeguard the lives of indigenous peoples and communities during the COVID-19 pandemic, ensure the safety and security of indigenous peoples/ communities, and hold perpetrators accountable for any threats, harassment, violence or excessive force inflicted on them;
- xliii. Address the negative trends in the response to the COVID-19 pandemic, which both undermine people's rights and harm any possible recovery from the crisis, and ensure that the COVID-19 responses and recovery measures contribute to longer-term recovery. There is therefore the need to look beyond the COVID-19 emergency phase and implement a recovery phase that is focused on: reducing inequalities and discrimination and transforming their national economies towards social equity; effective and efficient delivery of basic social services to the people and in particular health, education, and sanitation; the pursuit of sustainable development; securing social protection and social safety nets for the most vulnerable in society as envisaged in the African Union's Agenda 2063, including by empowering people who have been disproportionately affected, such as those living in poverty, women, people with disabilities, and displaced people; and establishing full and meaningful participation in governance, for more effective, inclusive response;
- xliv. Build inclusive alliances and platforms, and engage all national and international stakeholders, including non-State actors, in the planning and implementation of the socio-economic recovery plans from the Covid-19 crisis, and prioritize inclusive financial and technical contributions for sustainable national and invariably wider African development; and
- xlv. Within the framework of their Union – the AU, devise and adopt a more effective and sustainable global strategy to help Africa resist such health pandemics.

b) The Assembly of Heads of State and Government

- xlvi. Lead the call for the waiver of relevant trade rules governing intellectual property rights, so that COVID19 prevention and treatment medical products and vaccine in particular, can be produced on the continent generically and more easily accessed by all people during this pandemic, with due attention to issues of safety.