


AFRICAN UNION		UNION AFRICAINE
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52ND AND 53RD ACTIVITY REPORT

OF THE

AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Presented in accordance with
Article 54 of the African Charter on Human and Peoples' Rights

I. SUMMARY

1. The 52nd and 53rd Combined Activity Reports of the African Commission on Human and Peoples' Rights (the Commission or the 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 from **6 December 2021 to 9 November 2022**.
2. The activities presented in this Report undertaken by the Commission during the period under review are directed towards the realization of the priority areas set out in the Commission's 2021-2025 Strategic Plan. Accordingly, the Commission's statutory meetings were specifically devoted to strengthening its protection mandate by dealing with Communications on alleged human rights violations, thereby reinforcing the implementation of its mandate of protection of human and peoples' rights. This mandate is further strengthened by the Commission's interventions on urgent and pressing human rights issues by means of urgent letters of appeal, press releases, resolutions and congratulatory letters.
3. It also includes activities to further the promotion of human rights on the continent as required by the African Charter.
4. The activities undertaken by the Special Mechanisms of the Commission and the review of reports of States Parties to the African Charter on the implementation of the rights and freedoms in the African Charter have contributed to the enhancement of national legal and institutional infrastructure for the promotion and protection of rights at the national levels through adoption of new laws, revision of existing laws and establishment or reform of relevant institutions in States Parties. The Report additionally presents financial, staffing and operational matters of the Commission and the recommendations of the Commission on the human rights situation on the continent

II. BACKGROUND

5. The 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.
6. 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 reporting period however, the Commission is currently operating with ten (10) Commissioners.¹
7. 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;

¹ The current composition of Commissioners is listed in annex to the Report.

- 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;
- 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; 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 THE AU POLICY ORGANS

35th African Union Summit, Addis Ababa, Ethiopia

8. The Commission participated in the following AU Policy Organ meetings which were held in Addis Ababa, Ethiopia from 20 to 30 January 2022 and from 2 to 6 February 2022, as follows:
 - i. The 43th Ordinary Session of the Permanent Representatives Committee (PRC), held virtually from 20 to 30 January 2022;
 - ii. The 40th Ordinary Session of the Executive Council (EC), held from 2 to 3 February 2022 in Addis Ababa, Ethiopia; and
 - iii. The 35th Ordinary Session of the Assembly of Heads of State and Government (the Assembly), held from 5 to 6 February 2022 in Addis Ababa, Ethiopia.
9. In line with the African Charter and established practice, the combined 50th and 51th Activity Reports of the Commission were presented before the 43rd 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.1143-1167(XL). The Report has been published on the Commission's website, with responses of a number of State Parties, attached as Annex to this Report.

15th and 16th Extraordinary Sessions of the African Union

10. The Commission participated in the 15th and 16th Extraordinary Sessions of the African Union held respectively on 27 and 28 May 2022, in Malabo, Equatorial Guinea.

44th Ordinary Session of the Permanent Representatives Committee, 41st Ordinary Session of the Executive Council and the 4th Bi-annual coordination meeting between Member States.

11. The Commission also participated in the following meetings of the Policy Organs held virtually from 20 June to 8 July 2022, and in person from 14 to 15 July and on 17 July 2022 in person.

- i. 44th Ordinary Session of the Permanent Representatives Committee (COREP): held virtually from 20 June to 8 July 2022 and in person in Addis Ababa, Ethiopia.
- ii. 41st Ordinary Session of the Executive Council (CE°: 14-15 July 2022 in Lusaka, Zambia;
- iii. 4th Bi-annual coordination meeting between Member States and the AU (RCS): 17 July 2022 in Lusaka, Zambia.

12. During the 41st Ordinary Session of the EC, one (1) Member of the Commission had been elected and appointed to complete the mandate of the Honourable Commissioner Alexia Gertrude Amesbury who had resigned from her post, namely: **Mme Litha Musyimi -Ogana** (Kenya)

B. STATUTORY AND INSTITUTIONAL MEETINGS

➤ 70th Ordinary Session, 23 February to 9 March 2022

13. The 70th Ordinary Session was held virtually from 23 February to 9 March 2022, on account of the ongoing pandemic. Details of the activities undertaken by the Commission during its 70th Ordinary Session are recorded in the relevant Final Communiqué, which is available on the website of the Commission: www.achpr.org

➤ 71st Ordinary Session, 2 April to 4 May 2021

14. The 71st Ordinary Session was also held virtually from 21 April to 13 May 2022, on account of the ongoing pandemic.

15. During this Session, the Commission convened the following panels:

- i. Panel on Prevention of unconstitutional change of Government in Africa: Role of the ACHPR;
- ii. Panel Discussion on Sustainable Development and Human Rights in Africa: How to ensure accountability of States and Business Entities;
- iii. Panel Discussion on to Commemorate the 20th Anniversary of the Working Group on Indigenous Populations/Communities and Minorities in Africa (WGIP);
- iv. Panel on the Ratification of the Protocols on Older Persons and Persons with Disabilities in Africa;
- v. Panel on Conditions of Prisons and Places of Detention in Africa;
- vi. Panel on the 10th Anniversary of the Addis Ababa Road Map;
- vii. Panel on the Situation of Human Rights Defenders in Africa;
- viii. Panel on the implications of migration on statelessness in Africa;
- ix. Joint Panel on the Death Penalty and the Prevention of Torture; and

- x. Panel on the 28th Commemoration of the 1994 Genocide against the Tutsi in Rwanda.

16. Details of the activities undertaken by the Commission during its 71st 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 Special Rapporteurs during the 71st Ordinary Session are also available on the website of the Commission: www.achpr.org.

➤ **72nd Ordinary Session, 19 July to 2nd August 2022**

18. The 72nd Ordinary Session was held virtually from 19 July to 2nd August 2022. The details of the activities undertaken by the Commission during its 72nd Ordinary Session are recorded in the corresponding Final Communiqué available for consultation on the Commission's Website: www.achpr.org.

➤ **73rd Ordinary Session, 20 October to 9 November 2022**

19. The 73rd Ordinary Session was held in person from 20 October to 9 November 2022, it was the first Public Ordinary Session held in person since November 2019.

20. During this Session, the Commission organized the following Panels:

- i. Panel on the AU's Theme of the Year: Year of Nutrition: Reinforce resilience in Nutrition and Food Security on the African Continent;
- ii. Panel on the Obligations and Guidelines on the establishment of State Reports pursuant to the Maputo Protocol;
- iii. Panel on the Next Decade of the Addis Ababa Road Map;
- iv. Panel on the launching of General Observations regarding the Regulation of Private Actors working in the provision of Social Services Sector;
- v. Panel on the 10th Anniversary of the Kampala Convention;
- vi. Panel on the Freedom of Expression and Access to Information;
- vii. Panel on the Study on the situation of Human Rights Defenders in exile;
- viii. Panel on the Regional Inaugural Forum on the state of extractive industries, human rights and the environment in Africa;
- ix. Panel on Women's Detention Conditions;
- x. Panel on human rights and the excessive use of force;
- xi. Sensitization Panel on the ratification of the Protocol on the rights of Older Persons and the rights of Persons with disabilities in Africa;
- xii. Panel on African responses to Migration;
- xiii. Panel on the launching of Guidelines to the Parallel Reports of the African Commission on Human and Peoples' Rights;
- xiv. Panel on the launching of Guidelines to the protection of all persons against enforced disappearances;
- xv. Panel on the launching of the Abidjan rules on Torture and the CPTA Information Bulletin.

21. The details of the activities undertaken by the Commission during its 73rd Ordinary Session are recorded in the corresponding Final Communiqué available for consultation on the Commission's Website: www.achpr.org.
22. The Intersession Reports presented by the Members of the Commission and the Special Rapporteurs during the 73rd Ordinary Session can also be consulted on the Commission's Website.

C. OTHER CADHP ACTIVITIES AND COMMITMENTS

23. From 10 to 14 October 2022, members of the Commission and the Court met in Addis Ababa, in a joint retreat with the overall objective of enabling the two institutions to work out practical solutions for the effective realization of the complementarity provided for in the Protocol to the African Charter establishing the African Court and the Rules of Procedure of both institutions.
24. The organization of this retreat was justified by the fact that the complementary relationship of the two organs within the framework of their protection mandates has not developed satisfactorily; this adversely affects the protection of human rights on the continent.
25. The frank and fruitful exchanges between the Commissioners and the Judges, with the technical support of eminent jurists, paved the way for a careful examination of the issue of complementarity, the roles of each organ, the root causes and the challenges that prevent the full realization of the complementarity relationship between the two organs. At the end of the retreat, a joint roadmap on the relationship of complementarity between the two institutions was adopted. It focuses on cooperation between the two institutions in areas related to increased effectiveness and efficiency of procedures, improved access to procedures, out-of-court settlements, implementation of decisions, awareness-raising and cooperation, and implementation of the roadmap.
26. Within the context of the Assembly/ AU / Dec.695 of July 2018, designating 7th April of each year as the African Union Day of Commemoration of the 1994 Genocide Against the Tutsi in Rwanda and the UN General Assembly Decision 72/550 of 26 January 2018 designating 7th April as the International day of reflection on the 1994 Genocide Against the Tutsi in Rwanda, the Commission organized a panel discussion on the 28th commemoration of the 1994 Genocide against Tutsi in Rwanda, within the framework of its 71st Ordinary Session. The panel aimed at reflecting on the issues of concern as far as the prevention of genocide in Africa is concerned including the spread of hate speech, xenophobia, religious radicalism and extremism, violent nationalism, the propagation of inter-communal violence, and denialism of the 1994 genocide, which create the conditions for mass violence including genocide, ethnic cleansing, war crimes, and crimes against humanity.

IV. STATUS OF SUBMISSION OF PERIODIC REPORTS

27. 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 monitoring non-submission of Periodic Reports by State Parties.

28. During the 71st Ordinary Session, the Commission considered the 12th to 13th Periodic Report of Republic of Kenya (2015-2020).

29. It also considered the 15th, 16th and 17th Periodic Reports of the Islamic Republic of Mauritania. The Commission also received the combined 2016-2019 Periodic Report from the Republic of Côte d'Ivoire during its 73rd Ordinary Session.

30. According to Article 62 of the African Charter, State Parties are required to submit Periodic Reports every two (2) years. The status of submission of Periodic Reports to the Commission by State Parties from the period of submission of Reports in the last reporting period to date, therefore stands as follows:

Status	State Parties	Number
Up to date	Benin, Chad, Egypt, Eswatini, The Gambia, Lesotho, Malawi, Mauritius, Namibia, Nigeria, Niger, Togo and Zimbabwe	12
Outstanding	Cameroon, Cote D'Ivoire, Kenya and Senegal	06
1 Report outstanding	Angola, Botswana, Democratic Republic of Congo and Rwanda	04
2 Reports outstanding	Burkina Faso and Eritrea	02
3 Reports outstanding	Algeria, South Africa, Djibouti, Ethiopia, Liberia, Mali, Mozambique, Sahrawi Democratic Republic, Sierra Leone and Uganda	10
More than 3 Reports outstanding	Burundi, Cabo Verde, Central African Republic, Congo, Gabon, Ghana, Guinea, Libya, Madagascar, Seychelles, Sudan, Tanzania, Tunisia and Zambia	14
No Report submitted	Comoro Islands, Equatorial Guinea, Guinea-Bissau, Sao Tome & Principe, Somalia and South Sudan.	06

31. With specific reference to Article 26 of the Maputo Protocol, the following eighteen (18) State Parties are submitted their periodic reports thus far, namely: Angola, Burkina Faso, Cameroon, Democratic Republic of Congo, Eswatini, Kenya, Lesotho, Malawi, Nigeria, Namibia, Mauritania, Rwanda, Senegal, Seychelles, The Gambia, Togo, South Africa, and Zimbabwe.²

32. While **thirty-three (33)** State Parties have ratified the Kampala Convention, to date only **one (1)** State Party, Cameroon, has complied with Article 14(4) of the Kampala

² The following twenty-four (24) countries are not up to date with their reporting obligations under the Maputo Protocol: Algeria; Benin; Cape Verde; Cote D'Ivoire; Comoros; Congo; Djibouti; Equatorial Guinea; Ethiopia; Gabon; Ghana; Guinea Bissau; Guinea; Libya; Liberia; Mali; Mozambique; Mauritius; Sao Tome & Principe; Sierra Leone; Tanzania; Tunisia; Uganda and Zambia.

Convention, which requires them to report on the legislative and other measures taken to give effect to the Convention.³

V. RESOLUTIONS ADOPTED BY THE COMMISSION

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

Session	Resolutions adopted
70th Ordinary 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; ii. Resolution on the Protection of Internally Displaced Person Camps and Sites from attacks; iii. Resolution on the Right to Food and Building Resilience in Nutrition across Africa; iv. Resolution on Unconstitutional Changes of Government in Africa; v. Resolution on the Deterioration of the Human Rights Situation in Sudan following the Coup d'états of 25 October; and vi. Resolution on the Method of Calculation of Periodic Reporting Deadlines
71st Ordinary Session	<ul style="list-style-type: none"> i. Resolution on the Renewal of the Mandate and Expansion of the Composition of the Commission of Inquiry on the Situation in the Tigray Region of the Federal Democratic Republic of Ethiopia; and ii. Resolution on the Need to Conduct a Study on Extrajudicial Killings in Africa.
72nd Ordinary Session	<ul style="list-style-type: none"> i. Resolution on the protection of Women against Digital Violence in Africa; ii. 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; iii. Resolution on the adoption of the Rules on the creation and operationalization of the Early Warning Mechanism and of Reporting to the Commission on situations of Torture and other cruel, inhuman or degrading punishment or treatment, known as the Abidjan Rules; iv. Resolution on the Renewal of the Commission's Mandate on the Investigation of the human rights situation in the Tigray Region in the Federal Democratic Republic of Ethiopia; and v. Resolution on the extension of the Mandate and Composition of the Six Special Mechanisms of the Commission.
73rd Ordinary Session	<p>Resolutions on the Renewal of the Mandates/Reconstitution of the Special Mechanisms</p> <ul style="list-style-type: none"> 1. The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa 2. The Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa 3. The Special Rapporteur on Prisons, Conditions of Detention and Police Action in Africa 4. The Special Rapporteur on the Freedom of Expression and Access to Information in Africa 5. The Special Rapporteur on the Rights of Women in Africa 6. The Working Group on Populations/Indigenous Communities in Africa 7. The Working Group on Economic, Social and Cultural Rights in Africa and the appointment of its Chairperson and its Members 8. The Working Group on Extractive Industries, the Environment and Human Rights Violations in Africa

³ The countries that have ratified are as follows: Angola; Benin; Burkina Faso; Burundi; Cameroon; Central African Republic; Chad; Cote D'Ivoire; Congo; Djibouti; Equatorial Guinea; Gabon; Gambia; Guinea Bissau; Lesotho; Liberia; Mali; Mozambique; Mauritania; Nigeria; Niger; Rwanda; Sahrawi Arab Republic; Sierra Leone; Somalia; South Sudan; Eswatini; Togo; Uganda; Zambia and Zimbabwe.

	<p>9. Committee for the protection of persons living with HIV (PVVIH) and persons at risk, vulnerable and affected by HIV</p> <p>10. Committee for the Prevention of Torture in Africa and the appointment of its Members</p> <p>11. The Consultative Committee on Staff and Budgetary Matters</p> <p>12. The Committee on Resolutions</p> <p>13. The Working Group on the Death Penalty, extrajudicial, summary or arbitrary killings and enforced disappearances in Africa</p> <p>14. The Working Group on Communications</p> <p>15. The Working Group on Specific Issues linked to the work of the Commission</p> <p>16. Resolution on the re-allocation of the Country Rapporteur position among the Commissioners</p> <p>Country Resolutions</p> <p>17. Resolution on the Human Rights situation in Chad</p> <p>18. Resolution on the Human Rights situation in the Republic of Mali</p> <p>19. Resolution on the Human Rights situation in the Republic of Sudan</p> <p>Thematic Resolutions</p> <p>20. Resolution on the renewal of the mandate of the Support Group to 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 the Freedom of Association and of Assembly in Africa</p> <p>21. Resolution on the programme of Compensations in Africa and the Human Rights of the Africans living in the Diaspora and of Persons of African Descent across the world</p> <p>22. Resolution on the Adoption of Rules for the creation and operationalization of the Early Warning Mechanism and of Reporting to the African Commission on Human and Peoples' Rights on situations of Torture and other cruel, inhuman or degrading punishment or treatment (The Abidjan Rules)</p> <p>23. Resolution on the Principles relative to effective meetings within the framework of investigations and information gathering (Mendez Principles)</p> <p>24. Resolution on the Death Penalty and the prohibition of Torture and cruel, inhuman or degrading punishment or treatment</p> <p>25. Resolution on the conduct of the Review of the Study on the Death Penalty in Africa</p> <p>26. Resolution on Military Transitions in Africa.</p>
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VI. HUMAN RIGHTS COMPLAINTS/COMMUNICATIONS BEFORE THE COMMISSION

Communications

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

35. Of the **two hundred and twenty (220)** Communications pending before the Commission, the following were considered during the reporting period:

SESSION	COMMUNICATIONS ADOPTED
70 th Ordinary Session	<p>Merits decisions adopted -3</p> <p>1. Communication 298/05 - Roy Bennett (Represented by Zimbabwe Lawyers for Human Rights) v. The Republic of Zimbabwe;</p>

	<p>2. Communication 453/13 – Roseline Emma Rasolovoahangy v. The Republic of Madagascar; and Communication 573/15 - Blaise Jean Joseph Migolet (Represented by Maître Christophe Meyer) v. Gabonese Republic.</p> <p>Decisions adopted on Admissibility - 4</p> <p>Admissible: 1</p> <p>1. Communication 726/19 – Gregory Chifire v. Republic of Zambia.</p> <p>Inadmissible: 3</p> <p>1. Communication 687/18 - Family of the late Banombi Sylvain (represented by Observatoire congolais des droits de l'homme and Institute for Human Rights and Development in Africa) v. Republic of Congo; 2. Communication 692/18 - Jean Ping (represented by Me William Woll) v. Gabonese Republic; and 3. Communication 729/19 - Bob Rugurika v. Republic of Burundi</p> <p>Withdrawal:</p> <p>1. Communication 478/14: The Republic of Djibouti v. The State of Eritrea; 2. Communication 629/16: Khalid Mohamed Al Maghawry Mohamed Zakaria & Another (Represented by Dalia Lotfy) v. Egypt</p> <p>Struck off</p> <p>1. Communication 600/16 – Patrick Gabaakanye (represented by Dingake Law Partners, DITSHWANELO and REPRIEVE) v. Botswana; 2. Communication 621/16 – Fadel El-Mawala Hosny Ahemad (Represented by Justice and AMAN for Human Rights) v. Egypt; 3. Communication 684/18 – Seth Appiah-Mensah v. Ghana; and 4. Communication 695/18 – Mr. Abadir M. Ibrahim (representing Mr. Zelalem Kibret) v. Ethiopia</p>
<p>Working Group on Communications (WGC)</p>	<p>Seizure – 13 Seized (11)</p> <p>1. Communication 759/21-Egyptians Abroad for Democracy and on behalf of Individual victims v. Egypt & Ethiopia; 2. Communication 760/21-Incorporated Trustees of Global Rights v. Nigeria; 3. Communication 771/21- Feu Makosso Daniel et Feu Dembi Alphonse (représentés par Mangou Léontine) c. la République de l'Angola; 4. Communication 764/21-Eric Noudehouenou Houngue v. Benin 5. Communication 774/21-Phillip Nkosikhona Silemane v. South Africa; 6. Communication 775/21- François Ndayizeye et Fabrice Nahimana (représentés par Me Lambert Nigarura et Me Patrick Rurahenye) c. la République du Burundi; 7. Communication 776/22- Mustafa Mohammed Ahmed al-Najjar (represented by ECRF and ICJ) v. The Arab Republic of Egypt; 8. Communication 777/22-José Marius Mboyo Makpama Kavra v. RCA 9. Communication 780/22-Chapter One Foundation Limited and Young Women in action v. Zambia; and 10. Communication 779/22-Jacob Gedleyihlekisa Zuma v. South Africa.</p> <p>Seized with request for provisional measures (1)</p> <p>1. Communication 765/21-Barankitse Marguerite and 11 other exiled Human Rights Defenders v. Republic of Burundi.</p> <p>Not seized – (2)</p> <p>1. Communication 761/21-Muzikayise Percy Simelane v The Kingdom of Eswatini; and</p>

	<p>2. Communication 773/21- Alex Joshua K. Njeru and Nancy Nyawira Njagi v. Republic of Kenya.</p>
<p>71st Ordinary Session</p>	<p>Decisions adopted on Merits (2)</p> <ol style="list-style-type: none"> 1. Communication 470/14 – Ibrahim Almaz Deng & 6 Others (Represented by the Institute for Human Rights and Development in Africa) v. Republic of the Sudan. 2. Communication 588/15 - Minority Rights Group International and Environnement Ressources Naturelles et Développement (on behalf of the Batwa of Kahuzi-Biega National Park, DRC) v. Democratic Republic of Congo <p>Admissibility decisions adopted (2)</p> <p>Admissible:</p> <ol style="list-style-type: none"> 1. Communication 700/18 - IHRDA et autres c/ République Démocratique du Congo 2. Communication 733/19 - Cyrille Ndayirukiye (représenté par Maître Armel Niyongere et Maître Bernard Maingain) c. République du Burundi;
<p>Working Group on Communications (WGC)</p>	<p>Seizure: (6)</p> <ol style="list-style-type: none"> 1. Communication 769/21 – Bernard Busokoza v. Republic of Burundi; 2. Communication 783/22 – Johannes Moko (represented by Mr. Shadrack Tebeile) v. Republic of South Africa; 3. Communication 784/22 – Mashilo Sako (represented by Mr. Shadrack Tebeile) v. Republic of South Africa; 4. Communication 785/22 – Selemabothokbo Madeline Rachid (represented by Mr. Shadrack Tebeile) v. Republic of South Africa; 5. Communication 786/22 – Maselina Mathabela (represented by Mr. Shadrack Tebeile) v Republic of South Africa; and 6. Communication 787/22 – Onai Muzore & Junior Munyaka on behalf of Precious Muzore (represented by Mr. Shadrack Tebeile) v. Republic of South Africa.
<p>72nd Ordinary Session</p>	<p>Decisions adopted on Merits (5)</p> <ol style="list-style-type: none"> 1. Communication 461/13 - Eskinder Nega Fenta and ReyootAlemu (Represented by Media Legal Defence Initiative and Freedom Now) v. The Federal Democratic Republic of Ethiopia 2. Communication 419/12 – The Indigenous Peoples of the Lower Omo (Represented by Survival International Trust) v. The Federal Democratic Republic of Ethiopia 3. Communication 443/13 – Safia Ishaq Mohammed Issa (Represented by the REDRESS Trust) v. The Republic of Sudan 4. Communication 454/13 – NdeNingo v. The Republic of Cameroon 5. Communication 473/14 – The Family of the Late Jackson Ndikuriyo v. The Republic of Burundi <p>Decisions adopted on Admissibility: (6)</p> <p>Admissible:</p> <ol style="list-style-type: none"> 1. Communication 702/18 - Ahmed Abdallah Mohamed Sambi v. Comoros Islands 2. Communication 734/19 – J (Represented by the Initiative for Strategic Litigation in Africa (ISLA) & Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN)) v. Namibia 3. Communication 730/19 – The Malian Group for Fraternity and Progress v. The Republic of Mali 4. Communication 624/16 - American & British Christ International School Nigeria v. Federal Republic of Nigeria 5. Communication 725/19 – Hassane Ahmed El Barwane and 14 Others v. Comoros Islands <p>Inadmissible:</p> <ol style="list-style-type: none"> 1. Communication 650/17 - KumBezeng and 75 Others (Represented by Professor Carlson Anyangwe) v. The Republic of Cameroon

<p>Working Group on Communications (WGC)</p>	<p>Seizure (2)</p> <p>Seizure : (1)</p> <ol style="list-style-type: none"> Communication 757/21 - Carlos Manuel de São Vicente v. Republic of Angola <p>Non-Seizure (1)</p> <ol style="list-style-type: none"> Communication 689/18 - Cabinet d'Advocats KACK (Represented by Innocent Ondo Nkou) v. Cameroon
<p>73rd Ordinary Session</p>	<p>Decisions adopted on Merits (9)</p> <ol style="list-style-type: none"> Communication 511/15 - Dr. Amin MekkiMedani and Mr. Farouq Abu Eissa v. Republic of Sudan Communication 626/16 - Philip Forsang Ndikum (represented by Ndikum Law Offices) v. Republic of Cameroon Communication 377/09 - Menduzaki Patricia Monakali and others v. South Africa Communication 636/16 - IHRDA and Others v. Republic of Burundi <p>Decisions adopted on Admissibility: (8)</p> <p>Admissible</p> <ol style="list-style-type: none"> Communication 733/19 - Ndayirukiye Cyrille (represented by Bernard Maingain and Armel Nyongere) v. Republic of Burundi Communication 763/21- William Sipai and 13 Others representatives of the Keekonyokie Clan of the Maasai People of Kitet (represented by Dr. Duncan Ojwang) v. Republic of Kenya <p>Inadmissible</p> <ol style="list-style-type: none"> Communication 589/15 - Johannes Jurie Botha c. République de Maurice Communication 627/16 - Essam Ahmed Mahmoud El-Haddad (représenté par Ahmad Mohammed Al-Haddad et l'Alliance pour les droits de l'homme) c. Egypte Communication 731/19 - Dorah Namasiku Likukela c. République de Zambie <p>Struck-off</p> <ol style="list-style-type: none"> Communication 677/17 - Dr Merara Gudina (represented by CAHDE) v. Federal Democratic Republic of Ethiopia Communication 417/2021 - Association pour les droits de l'homme et l'univers carcéral (ADHUC) v. Republic of Congo Communication 706/18 - MUZITO FUMUTSHI Adolphe v. Democratic Republic of Congo Communication 735/19 - Residents of Mau Forest Complex (represented by the Centre for Comparative and International Law and the Institute for Human Rights and Development in Africa) v. Republic of Kenya Communication 727/19 - Femi Flana v. Cameroon Communication 752/21 - Council for Somali Minority Rights v. Somalia Communication 724/19 - Seida Bachir v. Sudan Communication 766/21 - Alex Nain Saab Moran v. Cabo Verde Communication 418/12 - Chief Essien Akpabio & Lady Apostole Helen Akpabio (represented by lawyer Victor Ukutt v. Republic of Nigeria)

36. The above tables show that during the period under review, the Commission admitted **eighteen (18) Communications**, declared **two (2) inadmissible**, made a ruling on **one (1)** request for precautionary measure, declared **nine (9)** admissible and **seven (7)** inadmissible, struck-off **thirteen (13)** and withdrew **two (2)** communications from its roll. The Commission also took **twelve (12)** decisions on merits.

37.A table showing the geographical and country distribution of all pending Communications is attached to this Activity Report.⁴

VII. APPLICATIONS FOR OBSERVER AND AFFILIATE STATUS

38.In accordance with **ACHPR/Res.361 (LIX) 2016: 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 71st and 73rd Ordinary Sessions, granted Observer Status to the following **six (6)** NGOs:

- i. International Federation of Women Jurists – FIDA;
- ii. Studies in Poverty and Inequality Institute – SPII; and
- iii. Cape Verdian Coalition on Child Rights – CCDC.
- iv. Collaboration on the International Policies of TIC for East and Southern Africa (CIPESA);
- v. Protection International Africa (PIA);
- vi. Rule of Law and Empowerment - Partners West Africa Nigeria (PAWN).

This brings the overall number of NGOs with Observer Status to **five hundred and forty-four (544)** at the end of the reporting period.

39.During its private session, the Commission also examined and rejected the requests for observer status of three (03) NGOs: Alternative Cote d'Ivoire; Human Rights First Rwanda and Synergía - Initiatives for Human Right, on the grounds that sexual orientation is contrary to African ethical values.

40.In accordance with Resolution **ACHPR/Res.370 (LX) 2017** on the Granting of Affiliate Status to NHRIs and Specialised Human Rights Institutions in Africa, the Commission has granted **thirty-three (33)** Affiliate Statuses to NHRIs and specialised institutions. During its 73rd Ordinary Session, the Commission granted Affiliate Status to three (3) NHRI, namely:

- i. The National Human Rights Council of the Arab Republic of Egypt;
- ii. The National Independent Human Rights Commission of Liberia;
- iii. The National Independent Human Rights Commission of Madagascar.

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

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

➤ Implementation of Decisions on Communications

42.During the reporting period, the Commission received information from two (2) State Party, regarding the implementation of its final decisions on Communications, in accordance with Rule 125 of its Rules of Procedure of 2020- i.e *Communication 290/04 – Open Society Justice Initiative (au nom de puis Njawe Noumeni) v. Cameroon*, wherein the State informed the Commission that the Government has contacted the Complainant and his lawyer to discuss and agree on the implementation of recommendations adopted by the Commission.

⁴ Annex II.

43. The Commission received information on a report on the status of implementation of the decision of the Commission in *Communication 276/03: Centre for Minority Rights Development (Kenya) and Minority Rights Group (on behalf of Endorois Welfare Council) v. Kenya*, which was compiled by partner institutions – The Centre for Minority Rights Development, Endorois Welfare Council, Minority Rights Group International and WITNESS.

44. The report indicates that while certain aspects of the Commission’s decision have been realized – with only one recommendation fully implemented and two others partially implemented, the Kenyan government has not fully complied with the recommendations. The report also demonstrates that the non-implementation of the recommendations of the Endorois Decision has negatively impacted the community’s livelihoods, consigning many of its members to severe poverty, illiteracy, poor health and a life of destitution.

➤ **Implementation of requests for Provisional Measures**

45. The Commission also received a response from the State of Ethiopia regarding the provisional measures ordered in Communication 782/22 - Legal Action Worldwide, Pan African Lawyers Union (PALU) and Debevoise & Plimpton LLP v. Federal Democratic Republic of Ethiopia, objecting to the Commission's decision to be seized of the complaint and to order provisional measures on the grounds that the said complaint had not respected the exhaustion of local remedies and that there was an ambiguity in the Commission's request which did not provide the State with sufficient evidence and facts regarding the violations, before issuing an order for provisional measures and outlined certain measures already taken by the Ethiopian government to deal with the crisis.

➤ **Implementation of concluding observations**

46. During the period under review, the Republics of Kenya, Côte d’Ivoire and the Islamic Republic of Mauritania submitted, as part of their Periodic Reports process, the status of implementation of the Concluding Observations made by the Commission in their previous Reports and the challenges encountered.

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

47. During the reporting period, **twenty-three (23)** Letters of Concern and Urgent Appeal were sent to State Parties, regarding various allegations of human rights violations.

State	Date of Letter	Issue warranting Urgent Appeal Letter	State Party Response
Republic of Liberia	24 December 2021	Joint Urgent Appeal Letter regarding allegations of a series of ritual murders in Liberia.	Response yet to be received

Republic of Cameroon	20 January 2022	Urgent Appeal Letter regarding the arbitrary detention of Ms. Corlett Letlojane, Human Rights Defender, at Douala Airport, refusal to access the country and was subject to inhuman and degrading treatment (no food and water during her detention)	Response yet to be received
United Republic of Tanzania	22 February 2022	Joint Urgent Appeal Letter regarding the impending evictions of the Maasai Indigenous people from a 1,500 km ² area in their ancestral land located in the Loliondo Division of Ngorongoro District, Arusha Region, and east of the Serengeti National Park	Response yet to be received
Republic of Mali	08 March 2022	Urgent Appeal Letter regarding allegations of the abduction of Mamadou Nialibouly, Oliver Dubois and Moussa M'Bana Dicko, journalist working in the Republic of Mali	Response yet to be received
Democratic Republic of Congo	25 April 2022	Urgent Appeal Letter to Democratic Republic of Congo, regarding the arbitrary arrest and detention of two HRD, members of the LUCHA Movement	Response yet to be received
Democratic and Peoples' Republic of Algeria	10 May 2022	Joint Urgent Appeal Letter to the Algerian Democratic and Peoples' Republic on the allegations of violations of the rights of Mr. Merzoug Touati, blogger, judged guilty, sentenced to a fine and one year in jail, who had been on hunger strike and who had been refused health care resulting in an impact on his health.	The State replied twice , on 8 June and 9 August 2022, informing that the guarantees relating to a fair trial had been observed in the case of Merzoug Touati and that the facts of which he was accused did not relate to journalistic activity, but rather to defamation, the dissemination of erroneous information and incitement to a gathering to undermine public order.
Federal Democratic Republic of Ethiopia	02 June 2022	Joint Urgent Appeal Letter to the Federal Democratic Republic of Ethiopia concerning the arrest by the Security Forces and Local Police of Journalists and Media Professionals working for <i>Nisir International Corporation</i> and <i>Ashara</i> , two Youtube Channels of	Response yet to be received

		the Amhara Region, in Northern Ethiopia.	
Republic of Mali	24 June 2022	Urgent Appeal Letter to the Republic of Mali, concerning the Jihadist attacks against the villages of Diarrassagou, Dianweli, Deguessagou and the environs, within the Bankass Circle, in the Centre of Mali, which gave rise to numerous victims.	Response yet to be received
Federal Republic of Nigeria	24 June 2022,	Urgent Appeal Letter from the Chairperson of the Working Group on the Death Penalty, extrajudicial, summary or arbitrary killings and enforced disappearances in Africa to the Federal Republic of Nigeria, in relation to the attack against the St. Francis Xavier Catholic Church, in Owo, in the East of Ondo (South-West), which gave rise to deaths and injured persons.	Response yet to be received
Republic of Niger	15 July 2022	Urgent Appeal Letter to the Republic of Niger on the detention of Rwandan citizens, beneficiaries of the Relocation Agreement signed between the Government of the Republic of Niger and the United Nations on 15 November 2021 under the Relocation programme currently under expulsion order for « diplomatic reasons ».	Response yet to be received
Republic of Senegal	29 July 2022	Urgent Appeal Letter to the Republic of Senegal, concerning the situation of Mr. Toufan Feyzi Nizamoglu, Turkish Refugee in Senegal threatened with expulsion.	Response yet to be received
Democratic and Peoples' Republic of Algeria	26 August 2022	Letter of appeal to the Democratic and Peoples' Republic of Algeria pertaining to the situation caused by bush fires in the month of August in the North East of the country.	The State responded on 3 rd October 2022 indicating the major causes of recurrent bush fires in the North East of the country and outlined the measures taken to deal with them as well as the precautions taken for taking care of and protecting the rights of the persons affected.
Republic of Mozambique,	28 August 2022	Urgent Appeal Letter to the Republic of Mozambique	Response yet to be received

		concerning the death threats against Prof. Adriano Nuvuga, Human Rights Defender, for his regular criticism of the Government and the FRELIMO Party.	
Federal Republic of Somalia	5 September 2022	Joint Urgent Appeal Letter to the Federal Republic of Somalia concerning an attack against Mr. Ahmed Omar Nur, Journalist working in Somalia, victim of an attack by two members of the security forces and who are said to have fired on him at close range causing him serious injury the mouth on 21 August 2022.	Response yet to be received
Arab Republic of Egypt	20 September 2022	Joint Letter to the Arab Republic of Egypt in response to Reports of intimidation and obstruction against the members of the OSC, militants and local groups working on issues linked to climate change and the environment.	Response yet to be received
State of Libya	22 September 2022	Urgent Appeal Letter to the State of Libya concerning the arrest of Refugees, Asylum Seekers and Somali and Ethiopian Migrants in a Farm in Tazerbou, Al-Kufra, and their transfer to the Al-Kufra detention Centre.	Response yet to be received
Republic of Mali	27 September 2022	Joint Urgent Appeal Letter to the Republic of Mali on the Reports pertaining to the launching of an air raid by the Malian Army on 7 September 2022 in Talataye which caused the death of 45 civilians; and on the case of the 49 Ivorian soldiers accused of being mercenaries then arrested and detained at the International Airport of Bamako, in Mali, on 10 July 2022.	Response yet to be received
Republic of Equatorial Guinea	12 October 2022	Letter of concern to the Republic of Equatorial Guinea regarding the alleged enforced disappearance, arbitrary detention, torture and ill-treatment of Dr Ruben Maye Nsue Mangué	Response yet to be received
Republic of Cameroon	14 October 2022	Urgent appeal letter to the Republic of Cameroon regarding the arbitrary detention, torture and ill-treatment of Dorgolessé NGUESSAN, arrested on 22 September 2020 during a demonstration organized by the MRC opposition party.	Response yet to be received

Republic of Zambia	14 October 2022	Joint Urgent Appeal Letter to the Republic of Zambia pertaining to the allegations of discrimination against the LGBTIQ populations in the Zambian Health Facilities	Response yet to be received
Kingdom of Eswatini	18 October 2022	Urgent Appeal Letter to the Kingdom of Eswatini concerning the public attacks against LGBTIQ+ persons in Mbabane, in Eswatini	Response yet to be received
Democratic Republic of Congo	18 October 2022	Urgent Appeal Letter to the Democratic Republic of Congo concerning the Threats and attempts to intimidate the Human Rights Defender Mr. Justin ZAIKO RWENGEZA in the South-Kivu Province in DRC	Response yet to be received
Federal Republic of Somalia	18 Octobre 2022	Urgent Appeal Letter to the Federal Republic of Somalia on the alleged arrest and arbitrary detention of Journalist and Human Rights Defender Mr. Abdalle Ahmed Mumin in the Federal Republic of Somalia.	Response yet to be received

IX. LETTERS OF APPRECIATION/CONGRATULATIONS

48. During the reporting period, twelve (12) 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	25 November 2021	Letter of appreciation to the President of the United Republic of Tanzania welcoming the rescission by the Government of Tanzania, of the decision that it had adopted in 2017 which banned pregnant girls and teenage mothers from attending school on account of their status of pregnancy and motherhood.
Democratic Republic of the Congo (DRC)	26 November 2021	Letter of appreciation to the President of the Democratic Republic of the Congo (DRC), regarding the DRC's initiative 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.
Republic of Kenya	28 December 2021	Congratulatory message to the President of the Republic of Kenya on the signing of the Refugee Act on 17 November 2021.
Republic of Benin	28 February 2022	Message to the President of the Republic of Benin, congratulating the State for submitting its 6 th to 10 th combined Periodic Report (2009 – 2018) at the 69 th Ordinary Session of the Commission held from 15 November to 5 December 2021, in line with the requirements of Article 62 of the African Charter on Human and Peoples' Rights (the Charter).

Republic of Senegal	19 April 2022	Message of congratulations to the President of the Republic of Senegal for the enactment by the National Assembly of the Draft Law on the Status of Refugees and Stateless Persons on 5 April 2022.
Federal Democratic Republic of Ethiopia	23 avril 2022	Letter of appreciation to the Ethiopian Prime Minister for having carried out the repatriation of more than 7000 Ethiopian citizens living under difficult conditions in Saudi Arabia.
Central African Republic	31 May 2022	Letter of congratulations from the Country Rapporteur to the President of the Central African Republic following the promulgation of a law by the National Assembly abolishing the Death Penalty.
Sahrawi Arab Democratic Republic	2 June 2022	Letter of congratulations for the ratification of the Maputo Protocol.
Republic of Cameroon	8 September 2022	Letter of congratulations for complying with its obligations to submit periodic reports on the implementation of the three (03) human rights instruments, namely the African Charter, the Maputo Protocol and the Kampala Convention.
Republic of Côte d'Ivoire	26 September 2022	Joint Letter of congratulations for improving health care for Women.
Republic of Senegal	26 September 2022	Joint Letter of congratulations for the progress registered in gender equality in Senegal.
Republic of Equatorial Guinea	11 October 2022	Letter of congratulations following the abolition of the Death Penalty in the new Criminal Code of 19 September 2022.

X. STATEMENTS AND PRESS RELEASES

49. During the reporting period, the Commission issued **twenty-two (22)** Press Releases relating to various human rights issues. These Press Releases are available on the website of the Commission: www.achpr.org.⁵

XI. PROMOTION AND FACT-FINDING MISSIONS

50. The Commission undertook a promotion mission to the Republic of Togo from 3 to 6 October 2022, but no Fact-finding Missions during the reporting period.

Fact-finding Mission to the Tigray Region of the Federal Democratic Republic of Ethiopia

51. During the reporting period, the Commission adopted three (3) Resolutions 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 (Commission of Inquiry), to enable the Commission of Inquiry to finalise its work and draft its investigation report for submission to the AU Policy Organs.

XII. THE HUMAN RIGHTS SITUATION ON THE CONTINENT

52. This section is 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

⁵ Annex IV

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

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

Elections

- i. Holding of peaceful presidential and parliamentary elections in the following countries: **Algeria, Angola, Djibouti, The Gambia, Equatorial Guinea, Kenya, Lesotho, Congo, Sao Tome and Principe, Senegal and Somalia.**

Death Penalty

- i. Adoption by the National Assembly of a law of 27 June 2022 abolishing the death penalty in the **Central African Republic;**
- ii. Abolition of the Death Penalty in the new Criminal Code of 19 September 2022 in **Equatorial Guinea;**

Legislative:

- i. Adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security by the African Union
- ii. Adoption of a bill that recognizes the customary rights of its indigenous populations, in particular the Batwa (also called Pygmies) community, by the Parliament of the **Democratic Republic of Congo**
- iii. Initiative by the Democratic Republic of Congo to suspend the issuance and trading of mining permits and to audit the national mining registry, as a measure to combat fraud in the country's mining sector
- iv. Ratification by Cameroon of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa on 28 December 2021
- v. Adoption of the bill on the status of refugees and stateless persons on 5 April 2022, by the National Assembly of Senegal;
- vi. The Government of Southern Sudan launches public consultations for the establishment of a Truth, Reconciliation and Healing Commission, as envisaged in Chapter 5 of the Revitalized Agreement on the Resolution of the Conflict in Southern Sudan (RARCSS) (Southern Sudan);
- vii. Ongoing review of South African laws relating to the use of force by security personnel (**South Africa**);
- viii. Passage of the Peace and Unity Bill, the Lands (Amendment) Bill, the Survey (Amendment) Bill, the Town and Country Planning (Amendment) Bill, the Registered Lands (Amendment) Bill, the Land Acquisition and Compensation (Amendment) Bill, and the Customary Lands (Amendment) Bill (**Malawi**);

- ix. The National Assembly passed a law on 15 June 2022 establishing the rights and duties of human rights defenders in **Niger**;
- x. Adoption of the amendment to the Angolan Constitution to allow for the registration and voting of Angolans abroad (**Angola**),
- xi. Enactment of the Climate Change Act (2021) and passage of the National Human Rights Commission Bill (Postponed and Enacted) (2022), in **Nigeria**;
- xii. Enactment of the Children's Courts Act and the Sex Offenders Registry Act in Mauritius to strengthen efforts and commitment to the improvement and respect of human rights, including children's rights, in the juvenile justice system (**Mauritius**);
- xiii. The adoption of Tunisia's new constitution by referendum in July 2022 (**Tunisia**);
- xiv. Installation of several constitutional bodies, namely the national observatory of civil society (December 2021), the first Constitutional Court (December 2021) which replaced the former Constitutional Council, the Superior Council of Youth (June 2022), the High Authority of Transparency, Prevention and Fight against Corruption (July 2022), and the authority of personal data protection (2022) (**Algeria**).

Justice

- i. ECOWAS Court decision in Adama Vandjé v. Sierra Leone E CW/CCJ/APP/52/21, the ECOWAS Court awarded damages in the amount of US\$10,000 to the applicant who had been raped by a paramount chief of her community (**ECOWAS**);
- ii. The Tanzanian government's reversal of its 2017 decision banning pregnant girls and teenage mothers from attending school because of their pregnancy and maternity status (**Tanzania**);
- iii. Progressive decision on 29 March 2022, by the High Court of Botswana awarding damages in GMJ v. Attorney General against the state for negligence in the provision of reproductive health services (**Botswana**);
- iv. Finalization and submission to the President of The Gambia of the Report of the Truth, Reconciliation and Reparations Commission (TRRC) on the conclusion of a three-year public inquiry into the killing of an estimated 240-250 people, torture, and other abuses perpetrated during former President Yahya Jammeh's 22 years in power, and recommendation that those responsible be prosecuted (**Gambia**);
- v. Decision of the Administrative Court of Tunis dated August 9, 2022, which ruled in favor of 47 magistrates dismissed in June 2022 by a decision of the President of the Republic (**Tunisia**).

Prison

- i. Increased compliance with human rights standards in Uganda's prisons;
- ii. Measures taken regarding juvenile justice, including training of police officers to handle juvenile justice cases in **Mauritius**;
- iii. Existence and operationalization of an Integrated Management System for Prisons (SIGEP) in **Benin**.

Freedom of Association and Expression

- i. Restoration of civic space by lifting the ban on the social platform twitter in **Nigeria**;
- ii. Reinstatement of four banned newspapers in February 2022 in Tanzania and initiative to amend the Media Services Act 2016, online content regulations, and radio and television regulations to improve the state of freedom of expression in the country;(Tanzania);

- iii. Legalization of the Initiative for the Resurgence of the Anti-Slavery Struggle (IRA), Mauritania's leading anti-slavery NGO, in early January 2022 by Mauritanian authorities after years of banishment by successive regimes (**Mauritania**).

Women's Rights

- i. Ratification of the Maputo Protocol by the Sahrawi Arab Democratic Republic;
- ii. Adoption by Parliament of the Harmonization of Rights of Customary Widows with the Legal Capacity of Married Persons Act, 2022 in **Lesotho**;
- iii. Advancement of gender parity after legislative elections in **Senegal**;
- iv. Adoption of a law on political parity that provides for a minimum of 40% of seats in elected bodies to be reserved for women in **Sao Tome and Principe**
- v. Launch of the "What African Women Want" campaign to rally for more action on women's empowerment during the 2022 International Women's Day commemorations;
- vi. Signing of three (3) progressive laws on violence against women - the Criminal Law (Sexual Offences and Related Matters) Amendment Act, the Criminal Law and Related Matters Amendment Act and the Domestic Violence Amendment Act by **South Africa**;
- vii. Promulgation of a new law on the elimination of all forms of violence against women, prohibiting discrimination in the economy and promoting better access to employment in **Gabon**;
- viii. Appointment of a woman as a new member of Cabinet by the President of Malawi, in accordance with the Gender Equality Act under which 43% of ministers and deputy ministers are women (**Malawi**);

Refugees, migrants and internally displaced persons

- i. Promulgation of an amendment to the Aliens and Nationality Law, removing discriminatory provisions against women that prevented children from acquiring the nationality of their mothers in **Liberia**;
- ii. Repatriation of over 7,000 Ethiopian nationals living in difficult conditions in Saudi Arabia by the Federal Republic of **Ethiopia**;
- iii. The United Nations Human Rights Committee has given **Mauritius** a "two A" grade for the implementation of its recommendations on the treatment of asylum seekers, refugees and stateless persons residing on its territory;
- iv. Established a policy of refugee inclusion through the provision of life-saving assistance to thousands of people evacuated from Libya and the establishment of an emergency transit and reception mechanism for migrants awaiting return to their countries of origin (**Niger**);
- v. Decision by the Borno State government to relocate IDPs to safer areas following the government's decision to close camps housing more than 200,000 people displaced by the conflict with the armed group Boko Haram and invite them to return to safer areas (**Nigeria**).

Peace and security

- i. Announcement of a humanitarian cease-fire by the Ethiopian government on 25 March 2022 and subsequent declaration by the Tigray authorities committing to its implementation (**Federal Democratic Republic of Ethiopia**);
- ii. Establishment of an inter-ministerial working group on 29 November 2021, to "oversee reparations and accountability measures in response to human rights violations committed in the context of the conflict in northern Ethiopia," including

violations and abuses committed in the Afar and Amhara regions; and the establishment of a National Dialogue Commission on 29 December 2021, for consensus-building, conflict resolution, and reconciliation in the **Federal Democratic Republic of Ethiopia**;

- iii. Establishment and operation of the Peace and Unity Commission and a national structure for conflict prevention, management and resolution in **Malawi**;
- iv. Positive developments in the dialogue among Libyans and a decrease in the number of displaced persons in Libya between the end of 2021 and 5 March 2022.

Education

- i. Signing of agreements between the Government and fifteen (15) universities, for the teaching of human rights in universities in **Angola**;

Health

- i. A 43% reduction in new HIV infections on the continent with a decrease of almost half of AIDS-related deaths; a notable increase in testing with 87% of PLWHA knowing their status, and 77% of identified patients on treatment, 68% of whom have a low viral load;
- ii. Creation of hemodialysis centers and field hospitals for the treatment of COVID-19 and inauguration of the Center specialized in the treatment of endemics and pandemics in **Angola**;
- iii. Improvement of the health sector, including the construction of health centers in each district to ensure accessibility to health facilities in **Tanzania**.

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

- ii. Improved status of the Covid-19 pandemic on the continent, resulting in the easing and/or lifting of Covid restrictions;
- iii. Significant increase in the supplies of Covid-19 vaccines to Africa;
- iv. Setting up isolation centres by the **Uganda** Prisons Service where new inmates would be quarantined for 14 days before joining other inmates in prisons; and
- v. Adoption of Video conferencing by the Courts in **Uganda**, to ensure continued access to justice for prisoners in spite of COVID-19 restrictions.

b) Areas of Concern

54. However, the Commission remains concerned about the following adverse human rights issues observed during the reporting period:

Unconstitutional changes of government

- i. Largest number of military coups in Africa in over a decade in less than a year between April 2021 and February 2022.

Participation in the public affairs of his country

- i. Low level of women's representation in parliaments and decision-making bodies in most African countries;
- ii. Dissolution of the Tunisian Parliament by the President on 30 March 2022 and dissolution of the Superior Council of the Magistracy (CSM) and its replacement by another provisional CSM established by decree-law (**Tunisia**).

Right to life

- i. Murder of at least ten (10) persons in December 2021, in connection with alleged ritual practices and political motivations; in **Liberia**;
- ii. Killing of at least 62 internally displaced persons and 38 injured during an attack on 1 February 2022 by the armed group Cooperative for the Development of Congo (CODECO) in the eastern **Democratic Republic of Congo**;
- iii. 13 people were killed and more than 80 injured in Abeche, Chad, by security forces on 24-25 January 2022;(Chad);
- iv. Ongoing attacks on civilians by militant groups in the Central African Republic, including the ongoing UN investigation of 30 civilian deaths orchestrated in the town of Bria in January 2022; (**Central African Republic**).

Death Penalty

- i. Persistence of the death penalty in some countries; only 16 African countries that have ratified the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty;

Legislative

- i. Non-ratification of numerous international and regional treaty instruments;
- ii. Low level of implementation of the Maputo Protocol and non-submission or late submission of periodic reports under the Maputo Protocol and the Kampala Convention;
- iii. Lack of legislation to regulate online violence against women in many African countries;
- iv. Lack of harmonization and implementation of regional and international human rights instruments at the national level in many states;
- v. Emergency legislation passed after the Tigray People's Liberation Front (TPLF) took control of the Amhara region, giving authorities the power to arrest and detain any individual for up to six months without a warrant, based on reasonable suspicion of cooperation with terrorist groups; in the **Federal Democratic Republic of Ethiopia**.

Prisons and Use of Force

- i. Persistence of police brutality excessive use of force and the resulting culture of impunity within the police force in many countries, particularly in **Kenya**
- ii. Illegal practices by law enforcement and security officials, including arbitrary arrests, excessive use of force, torture, cruel and inhumane treatment, and the state of detention facilities in **Nigeria**;
- iii. The challenge of prison overcrowding and the lack of disaggregated data on prison overcrowding in most states and the dilapidated state of prisons, most of which are over half a century old
- iv. Lack of budget for the construction of prisons and that they are self-sustaining

Freedom of association and expression

- i. Restriction of civic space, criminalization of bloggers, and restrictions on Internet access in some countries continue to impede the independence and freedom of journalists and interest groups;

- ii. Arbitrary detention of human rights activists by state and non-state actors in several countries;
- iii. The failure of many countries to adopt protective legislation for human rights defenders.

Women's Rights

- i. The decision that effectively forces women to remain in inappropriate and potentially abusive relationships by penalizing them for rejecting a marriage proposal in **Chad**;
- ii. The intensification of violence against women in the private sphere resulting in 37 cases of femicide recorded since the beginning of 2022 in **Algeria**;
- iii. Persistence of violence against women and girls in the private and public sphere, including rape and other forms of sexual violence in many countries,
- iv. Rape and other sexual violence against women during conflicts in Africa and the impunity enjoyed by the perpetrators which contributes to the repetition of these crimes;
- v. Persistence of harmful traditional practices such as forced and early marriages, humiliation, harassment, female genital mutilation, inhuman and degrading treatment of women and girls in several countries.

Refugees, migrants and internally displaced persons

- i. Deterioration of the state of migration in Africa, leading to the disappearance of thousands of young people at sea and also during their migratory journey in sub-Saharan Africa; their detention in camps in Africa and Europe, where they are victims of several traffics including that of organs, slavery practices and human trafficking;
- ii. Use of excessive and disproportionate force by Moroccan police against hundreds of migrants who tried to enter the Spanish enclave of Melilla, resulting in the death of more than twenty migrants in **Morocco**;
- iii. Persistent xenophobic attacks and an increase in extrajudicial killings of undocumented foreigners since the beginning of 2022 by vigilante groups such as Operation Dudula, a group that popularizes anti-immigration campaigns in **South Africa**;
- iv. Forced displacement in the Kivu region due to the actions of armed groups. Displaced populations who find themselves without humanitarian assistance and in insecurity, with the DRC having the highest rate of displaced people in the world, including between 2,500 and 3,000 who have taken refuge in Uganda (**Democratic Republic of Congo**);
- v. Approximately 4.51 million internally displaced persons (IDPs) in Ethiopia as of February 2022 and continued use of excessive force resulting in injury, loss of life and property, due to the crisis in the Tigray region of **Ethiopia**;
- vi. Large population displacements due to insecurity created by inter-communal violence, clashes, and attacks by armed groups against civilians in Mali and **Burkina Faso**.
- vii. Deterioration of the socio-economic situation of refugees in many camps with the reduction of aid and food assistance and for urban refugees the absence of enjoyment of socio-economic rights as provided for by international conventions
- viii. There are more than 30,000 displaced children in the province of Cabo Delgado in **Mozambique**.

Rights of Indigenous Peoples/Communities and Minorities in Africa

- i. Forced evictions from their lands of the indigenous Maasai community in the Ngorongoro District following the implementation of a government decision to establish a nature conservation park in the area (**Tanzania**);
- ii. Slow response to calls to effectively investigate acts of rape, murder, and destruction of property committed by authorities in the Kahuzi-Biega National Park (KBNP) against the Batwa indigenous community in the eastern **Democratic Republic of Congo**.

Social and Economic Rights

- i. The food crisis, which resulted in numerous cases of malnutrition
- ii. Soaring food and fuel prices in Africa, which cause great vulnerability among the population and jeopardize the effective enjoyment of their economic and social rights;
- iii. The increase in gender-based discrimination in employment, the low level of wages that do not allow families to live decently and the absence of social protection and social security systems in most African countries;
- iv. The absence of social housing programmes in many countries.

Health

- i. Vulnerability of the continent's women and girls to the HIV epidemic, particularly their ability to access health services; as well as the gap in testing of HIV-exposed infants and children, with over two-fifths of children living with HIV undiagnosed;
- ii. Insufficient financial resources allocated to the health sector, lack of adequate health infrastructure and inaccessibility of health facilities in some regions of **Benin**;
- iii. The resurgence of the cholera pandemic in **Cameroon**;
- iv. The Ebola epidemic in Uganda and the **Democratic Republic of Congo**.

Extractive Industries

- i. Lack of a legislative and regulatory framework for the protection of human rights in the extractive industries sector, leading to an increase in human rights abuses, including forced child labor and the plundering of the continent's resources by multinational companies.

Peace and Security

- i. Protracted armed conflicts and civil unrest in Africa, including political, economic, and social instabilities in the **Central African Republic, Cameroon, Democratic Republic of Congo, Ethiopia, Libya, Mozambique, Sudan, South Sudan, Somalia, and the Sahel region**;
- ii. Jihadist attack on the Mondor military base in the Mopti region, near the border with Burkina Faso, killing 27, wounding 33, and leaving 7 missing; (**Mali**)
- iii. Continued attacks and killings by armed military groups in the Soum, Namentenga, and Oudalan provinces of **Burkina Faso**;
- iv. Incidents of violence against children, such as sexual violence and child trafficking, particularly in Zanzibar and mainland Tanzania; (**Tanzania**);

- v. Intensification of insurgent, terrorist, and group attacks, exacerbated by the recurrence of kidnapping, armed banditry, and other separatist mass atrocities in **Nigeria**;
- vi. Insecurity situation in the North West and South West regions of **Cameroon**.

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

55. 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. Economic impact of Covid-19 Pandemic which continues to wreak havoc on the continent;
- ii. Devastating effects of the COVID-19 pandemic and the precariousness of peace and stability on the globe, continue to stifle progress on human rights particularly the enjoyment of socio-economic right;
- iii. Confirmed cases of Covid-19 from 55 African Countries reached 11.5 million with 83% of all Africans yet to receive a single dose of Covid-19 vaccines;
- iv. Although supplies of COVID-19 vaccine to Africa have increased significantly, the continent is struggling to expand their deployment, with only 11% of the population fully vaccinated;
- v. COVID vaccine inequities are also adding more unnecessary risk to the lives of PLHIV;
- vi. Governance related issues in Congo, increasingly challenged due to socio economic difficulties faced by the majority of the population in the context of Covid-19 Pandemic;
- vii. Impact of COVID-19 on sexual and reproductive health services in selected countries on the continent; barriers to accessing and utilizing sexual rights and health services in addition to the perspectives of people with disabilities;
- viii. The low level of access to justice and its impact during the Covid-19 pandemic on the continent;
- ix. The continuing instability of the situation, compounded by Covid-19-related restrictions, particularly disease, high unemployment, arbitrary detentions, extrajudicial killings, and restrictions on civic space, has posed serious threats to peace and security, leading to escalating violence in some countries; and
- x. The negative consequences of rising prices due to the Covid-19 pandemic, causing a disastrous impact on the vulnerable populations.

RECOMMENDATIONS

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

a) To State Parties:

- i. State Parties that have not yet done so to sign, ratify, implement and domesticate the various human rights instruments of the AU, in particular, the African Charter on Human and Peoples' Rights, 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 African Charter on Democracy, Elections and Governance; Protocol to the Treaty Establishing the African Economic Community on the Free Movement of Persons, the Right of Residence and the Right of Establishment, the Additional Protocol to the African Charter on Human and Peoples Rights on the Rights of Citizens to Social Protection and Social Security; the African Youth Charter and the OAU Convention Governing Specific Aspects of Refugee Problems in Africa;
- ii. States that have not yet done so to accede to the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of the African Court on Human and Peoples' Rights and to make a declaration under Article 34(6) of the Protocol, allowing individuals and NGOs access to the Court; Accelerate steps to ratify, integrate and implement relevant regional and international instruments, particularly the UN Convention for the Protection of All Persons from Enforced Disappearance and the Guidelines for the Protection of All Persons from Enforced Disappearance in Africa;
 - iii. Implement measures applicable to the protection of persons from extrajudicial, summary or arbitrary killings and enforced disappearances including measures to prevent, investigate and raise awareness on the rights concerned;
 - iv. Urge State Parties that have not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and the International Convention for the Protection of All Persons from Enforced Disappearance; to accelerate the process of ratification and to harmonize their national laws accordingly;
 - v. States that have not yet done so to ratify the OPCAT and establish National Preventive Mechanisms to monitor places of detention;
 - vi. Lift reservations to the African Charter on Human and Peoples' rights and the Maputo Protocol for State Parties that have entered such reservations to enable its citizens to fully enjoy the rights provided in these two human rights instruments;
 - vii. Submit Periodic State Reports in accordance with article 62 of the African Charter, article 26 of the Maputo Protocol and article 14(4) of the Kampala Convention; in line with the *Guidelines for State Reporting*;
 - viii. Authorize promotion missions by the Commission in line with Article 45 of the African Charter;
 - ix. Implement the recommendations and decisions of the Commission in particular in promotion and protection Mission Reports; Concluding Observations, Urgent Appeals, Resolutions and Communications; and inform the Commission of measures taken to implement those recommendations and decisions;
 - x. Undertake thorough constitutional reforms to curb unconstitutional change of government and promote and protect human rights, in order to restore constitutional order;
 - xi. Collaboration between various stakeholders to enhance early warning mechanisms to potential conflict and urge States to ensure that the democratic machinery continues to represent a crucial factor, in addressing this phenomenon through early response accordingly;
 - xii. 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 norms, at all times including periods of a public health crisis;

- xiii. Reform healthcare systems and provide access to health care including adequate and effective healthcare facilities and services for all;
- xiv. 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;
- xv. The need to institute public housing policies for vulnerable populations and those affected by displacement or natural disasters;
- xvi. Take action on the improvement of the overall humanitarian situation in Africa
- xvii. Call on the Government of South Sudan to implement the resolutions of the Transitional Justice Conference on South Sudan, held in December 2021, and led by the United Nations in close coordination with the African Commission, the African Union, UN Commission for Human Rights in South Sudan and the UN Mission in South Sudan as stipulated in the resolutions;
- xviii. Take urgent and deliberate measures to arrest the situation of migration crisis in Africa and evaluate the steps being taken by various stakeholders to implement the Global Compact for Safe, Orderly and Regular Migration (GCM) adopted in 2018 and the African framework on migration;
- xix. adopt specific legislative measures to recognize and protect the status of human rights defenders, and provide a working environment conducive for civil society, as per Res. 376 (LX) 2017 adopted by the Commission during its 60th Ordinary Session Niamey, Niger;
- xx. Increase the budgetary allocation for the improvement of access to justice, particularly through the work of community paralegals to give effect to Aspiration 3 of the AU Agenda 2063 on good governance, democracy, human rights, justice and the rule of law;
- xxi. Take or continue to take into consideration, as applicable, the ways of life of indigenous peoples and communities, together with all of their attendant human rights, in all decisions taken in relation to business and economic development, and accordingly, to ensure the rigorous involvement of their duly recognized and designated representatives in all decision making and actions concerning them, with a view to obtaining their free, prior and informed consents;
- xxii. Establish mechanisms to receive complaints of torture and other ill-treatment and 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 Peoples' Rights: The Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5);
- xxiii. States should review their national legislation to protect individuals from enforced disappearances, summary and arbitrary killings by prohibiting incommunicado detention, prolonged solitary confinement, and criminalize the use of secret or unauthorized detention facilities;
- xxiv. Ensure that security personnel do not use excessive force against civilians and that they respond to protests in accordance with the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
- xxv. Finance and invest in HIV response measures as well as universal health coverage and prioritise human rights-based comprehensive and integrated HIV responses;
- xxvi. Ensure that health facilities are easily accessible to members of indigenous and minority communities;

- xxvii. Enact and implement robust laws on cyber-security and specific laws on online VAW and involve internet intermediaries to include safety measures for women and communicate these clearly to their users, coupled with clear penalties for offenders and train law enforcement officers on how to identify and prosecute cases;
- xxviii. Adopt legislation on the protection of personal data and ratify the African Union Convention on Cyber Security and Personal Data Protection;
- xxix. Adopt national legislation on the right of access to information in line with regional and international standards and as elaborated in the Commission's Model Law on Access to Information in Africa;
- xxx. Allocate funding 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;
- xxxi. Establish or designate Independent National Bodies mandated to undertake regular visits to Prisons and grant requests for prison visits from Civil Society Organizations and other stakeholders;
- xxxii. Work towards initiating legislative review that would allow for the decriminalisation of petty offenses, which typically amount to the incrimination of poverty, including that of soft drug use;
- xxxiii. Comply fully with the African Commission's Principles and Guidelines on Human and Peoples' Rights in the Fight against Terrorism in Africa and guarantee the right of all victims of enforced disappearance to justice, truth, and reparation;
- xxxiv. Encourage States Parties to the Maputo Protocol to take the necessary steps to ensure that the Family Code is fully compliant with it; and
- xxxv. Take urgent and decisive action to eradicate statelessness on the continent.
- xxxvi. The Chadian Government to consider reversing the decision which effectively compels women to remain in unsuitable and potentially abusive relationships by penalizing them for rejecting a marriage proposal.
- xxxvii. The Algerian government to increase social protection programmes for women victims of domestic violence so that they can leave abusive relationships before they suffer irreparable harm, including death.
- xxxviii. States must take all necessary measures to put an end to violence against women in both the private and public spheres, which is increasingly leading to femicide, by setting up shelters, emergency hotlines and awareness-raising programmes aimed at highlighting this phenomenon, but also by reinforcing sanctions against the perpetrators through effective application of the law;
- xxxix. Tanzania to take active measures to guarantee and restore the rights of the Masai Community, and to implement appropriate measures to guarantee the non-recurrence of such acts against all the other indigenous Groups.
- xl. Take urgent and energetic measures to eradicate statelessness on the continent, through the implementation of national plans to combat statelessness, the fulfillment of all commitments made on this issue and the adoption of the draft Protocol to the African Charter on the Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa;
- xli. Increase budgets for refugee care at the African regional level by creating a fund to share the burden with countries receiving large numbers of refugees, particularly those living in camps;
- xlii. Consider local integration as a solution to the issue of long-term refugees;

- xliii. Calls upon host States to grant refugees the exercise of economic and social rights, including the right to work;
- xliv. Take urgent measures to assist countries facing large-scale internal displacement;
- xlv. Ensure the protection of migrants in transit and host countries by adopting national laws and strategies on migration.
- xlvi. Revise mining or investment codes to include provisions for the protection of human rights.
- xlvii. Request States to take initiatives on climate change and its impact on human rights.

b) To the PRC

- i. Work closely and monitor implementation of coordination and collaboration mechanisms between the Commission, the African Court and the African Committee of Experts on Rights and Welfare of the Child with a view of supporting better mandate delivery by these Organs and enhance institutional coherence of the union, in line with Decision **EX.CL/Dec. 1154(XL)**; and
- ii. In line with Executive Council Decision EX.CL/Dec.1108 (XXXVIII) set the process in motion for the negotiations of an AU Convention on Ending Violence against Women and Girls for adoption by AU Policy Organs.

c) To the AU

- i. Implore the African Union to take the lead in all processes for the resolution of latent and current conflicts in order to avoid possible serious and massive human rights violations;
- ii. Take steps to facilitate and finalize the process of adopting the draft Protocol to the African Charter on Human and Peoples' Rights on the specific aspects of the right to nationality and the eradication of statelessness in Africa;
- iii. Finalize the process for the adoption of the draft Protocol on specific aspects of nationality and the eradication of statelessness in Africa;
- iv. Take steps to revitalize the process of adopting the draft Protocol to the African Charter on the Death Penalty in Africa
- v. Implement the African Common Position (ACP) on Humanitarian Effectiveness adopted in January 2016, during the Summit of Heads of State and Government and, in particular, the establishment of the African Humanitarian Agency;
- vi. Be part of the global and regional governance of migration, notably through the implementation of the Migration Policy Framework for Africa and its Action Plan.
- vii. Implement the strategic framework on climate change, keeping in mind a human rights approach;
- viii. As part of the realization of the right to health, accelerate the establishment of the African Drug Agency to reduce dependence on Western countries.
- ix. Strengthen support to States in electoral processes in order to consolidate democratic systems and prevent unconstitutional changes of power.

Recommendations related to the COVID-19 pandemic:

a) To State Parties:

- i. Reset programmes, improve coordination and speed up vaccination drives, to ensure vaccines are administered as quickly as possible upon arrival to avoid expired vaccines;
- ii. Take the lead in ensuring that Covid 19 tests and vaccines are available and accessible to all and that health facilities have the resources to provide adequate care;
- iii. Necessarily pursue other forms of essential health care, including sexual and reproductive health care, and ensure that they remain physically and financially accessible throughout the pandemic;
- iv. Necessarily balance action between lifting COVID-19 restrictions and protecting people from the pandemic;
- v. Establish mechanisms to prevent further collapse of economies, which are already in a precarious state due to COVID-19;
- vi. Implement Resolution 449 of the Commission on Human and Peoples' Rights as a central pillar of a successful response to COVID-19 and recovery from its socio-political impacts;
- vii. Refrain from falsely referring to the Covid-19 pandemic as a justification for undue restrictions and other acts amounting to abuse;
- viii. Build resilience to future pandemics and other global health and development challenges;
- ix. Adhere to and comply with the World Health Organization's Interim Guidelines for the Preparedness, Prevention and Control of Covid-19 in Prisons and Other Places of Detention;
- x. Provide formal and informal businesses with financial support to cope with the economic impacts of the Covid 19 pandemic.

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; and
- ii. Enhance sensitization for wider vaccinations as well as synergizing efforts in the acquisition of Covid-19 vaccines in order to ensure universal and equitable access to vaccines.

XIII. ADMINISTRATIVE AND FINANCIAL SITUATION OF THE COMMISSION

a) Staffing

57. While In order to strengthen the technical and human capacity of the Commission, the Secretariat is currently in the process of integrating five (5) appointed regular staff, including two (2) Senior Legal Officers (P3), one (1) Legal Officer (P2), one (1) Communications Database Officer (P1) and one (1) Secretary (GSA4). Three (3) Interpreter/Translator positions (P4) (English/French, Portuguese and Arabic) have been recommended to the AUC Chair for appointment.

58. The Secretariat has completed the recruitment processes for six (6) fixed-term staff and has integrated them since August 2022, namely one (1) Senior Project Planning, Monitoring and Evaluation Officer (P3), two (2) Legal Experts (P3), two (2) Legal Researchers (P2), and one (1) Finance Officer.

XIV. IMPLEMENTATION OF THE EXECUTIVE COUNCIL DECISIONS

a) Joint PRC/Commission Retreat

59. Further to Executive Council Decision **EX.CL/Dec.1045 (XXXIV)** which requested the ACHPR “to institutionalize an annually Joint Retreat of the PRC and the ACHPR”, the Commission reports that a retreat with the PRC Sub-Committee on Structures to present the ACHPR Business Case was scheduled for March 2022, however due to the tight schedule of the Commission during that period, the retreat is rescheduled to take place in the upcoming inter-session period.

b) Construction of the Commission’s Headquarters

60. In line with Executive Council Decision: **Ex.Dec.1045 (XXXIV)**, and **EX.CL/Dec. 1080 (XXXVI)** calling on the AUC to “work jointly with the ACHPR and the Gambian Government to establish a Special Fund for resource mobilization as well as take other concrete actions required including laying down of the foundation stone, for the construction of the ACHPR’s permanent headquarters”, the Commission reports that on 20 October 2022, the Title Deed for the land on which the future Headquarters of the Commission is to be built was delivered to the Deputy Chairperson of the African Union Commission Dr. Monique Nzanzabaganwa, during a ceremony of the laying of the foundation stone which took place the same day. The Commission also reports that during the Intersession period, following several meetings with the Representatives of the Host Government, the Secretariat was given an autonomous building in Fajara to serve as an Annex Office pending the construction of the Headquarters buildings. However, following the evaluation by the team from Addis Ababa mandated to that effect, it was decided to move the Secretariat to Kairaba Avenue in a building which still needs renovation before the Secretariat can be transferred there.

c) Establishment of an Appointment, Promotion and Recruitment Board at the Organ Level (APROB)

61. In accordance with Decision EX.CL/DEC. 1097(XXXVII) of October 2020, and the AU Recruitment Procedures, the Commission reports that the Chairperson of the AUC has approved the request for the establishment of an Appointment, Promotion and Recruitment Board at the Organ Level (APROB), as of December 2021.

d) Issues related to the governance of the Commission

62. During the intersession period, pursuant, to the Executive Council Decision **Ex.CL/Dec.1126(XXXIX)** “On Matters Specific to Other AU Organs, which directs that the ACHPR make a written submission to the Sub-Committee on Structural Reforms on the challenges faced on the Governance and Structure of the Organ and recommendations that could assist to resolve such challenges, by May 2022”, the Secretariat submitted a draft written submission to the Office of the Legal Counsel and the Bureau of the Commission for input, before it is finalized and submitted to the Policy Organs for decision.

e) Review of the Structure of the Commission

63. In line with Executive Council Decision **EX.CL.Dec.995 (XXX11)** relating to “the review of the structure of the ACHPR to better align its composition and organogram with the mandate entrusted to it and the expansion in its work over the years”, the Commission reports that the current ACHPR structure was last updated and approved in 2009. In order to ensure ACHPR has sufficient human resources to support the Commission in

delivering its mandate, ACHPR uses the current opportunity offered by the expanded AUC reform to propose a stable structure that would meet the human resource needs of both today and the next 15 years. The proposed structure has been reviewed by the AUC Finance Department, the AUC Human Resources Management Department, and the Office of the Legal Counsel for their input. The Commission intends to present the proposed new structure at the next PRC Subcommittee meeting in the first quarter of 2023. Approval of the proposed structure will allow the ACHPR to align its secretariat in accordance with its mandate.

f) Mission to Territory designed as the Sahrawi Arab Democratic Republic (Africa Union) or Western Sahara (United Nations)

64. Pursuant to Executive Council, in its Decision EX.CL/995(XXXII) on the 43rd Activity Report of the Commission, which *called on Morocco to engage in dialogue towards facilitating the conduct of the fact-finding mission to the territory referred to by the African Union as the Sahrawi Arab Democratic Republic and the United Nations as Western Sahara*, the Commission reports that there has been no developments to date despite a few correspondences between the Commission and Morocco, including the latest Note Verbale ACHPR/STC/KOMOR/173/22 of 2 March 2022.

65. The Commission further reports that the AU General Assembly Decision **Assembly/AU/Dec.693 (XXXI)** established an African mechanism comprising the AU Troika, to extend effective support to the UN led efforts by encouraging the parties to demonstrate flexibility, mobilizing as large as possible for the United Nations led efforts and reflecting in close consultation with the UN, on the substance of the desired compromise. The decision further indicates that the issue of Western Sahara will only be raised within the framework of the Troika of Heads of State.

XV. Challenges

66. The Commission continues to face multiple challenges in the implementation of its mandate, both in terms of staffing and funding of the Commission's activities, which are increasingly in demand.

XVI. Requests

67. While welcoming Executive Council Decision EX.CL/DEC.1097(XXXVII), the Commission requests the PRC to provide sufficient funds to the ACHPR to facilitate the filling of its remaining vacancies, with the assistance of the AU R10 Committee of Experts.

68. It also requests an additional budget for the improved implementation of its mandate, particularly for the organization of regular public face-to-face sessions, which are crucial to the work of the Commission to ensure the effective respect and protection of human rights on the continent

XVII. DATES OF THE 74TH AND 75TH ORDINARY SESSIONS OF THE COMMISSION

69. The 74th Ordinary Session will take place from 21 February to 7 March 2023 and the 75th Ordinary Session from 3rd to 23rd May 2023.