



ACHPR
African Commission on
Human and Peoples' Rights

Human Rights our
Collective Responsibility

**79TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS**

INTER-SESSION ACTIVITY REPORT

OF

COMMISSIONER SOLOMON AYELE DERSSO

AS

A MEMBER OF THE AFRICAN COMMISSION;

**THE CHAIRPERSON OF THE WORKING GROUP ON EXTRACTIVE
INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS IN
AFRICA;**

CHAIRPERSON OF THE COMMITTEE ON RESOLUTIONS;

COUNTRY RAPPORTEUR;

THE FOCAL POINT FOR TRANSITIONAL JUSTICE IN AFRICA and

**THE FOCAL POINT FOR HUMAN RIGHTS IN CONFLICT SITUATIONS IN
AFRICA;**

**THE FOCAL POINT FOR THE STUDY ON HUMAN AND PEOPLES' RIGHTS
AND ARTIFICIAL INTELLIGENCE (AI), ROBOTICS AND OTHER NEW AND
EMERGING TECHNOLOGIES IN AFRICA**

09 Novembre 2023 – 14 May 2024

Introduction

1. This Report is presented in accordance with Rules 25(3) and 64 of the Rules of Procedure of the African Commission on Human and People's Rights (the Commission) (2020), and in accordance with its **Resolutions: ACHPR/Res 148 (XLVI) 09; ACHPR/Res 236 (LIII) 13; ACHPR/Res 271(LV) 14; ACHPR/Res. 447 (LXVI) 20; ACHPR/Res.467 (LXVII) 20; and ACHPR/Res. 473 (EXT.OS/ XXXI) 21.**

2. The Report, which is presented in seven parts, covers activities carried on, between November 2023 and May 2024 and comprises the following:

- i. Activities undertaken as a Member of the Commission;
- ii. Activities undertaken as Chairperson of the Working Group on Extractive Industries, Environment and Human Rights;
- iii. Activities Undertaken as the Focal Point on Human Rights in Conflict Situations;
- iv. Activities Undertaken as a Member of the Working Group on Economic, Social and Cultural Rights;
- v. Activities as Focal Point for the Study on Resolution ACHPR/Res. 473 (EXT.OS/ XXXI) 2021 on the Need to Undertake a Study on Human and People' Rights and Artificial Intelligence (AI), Robotics and Other New and Emerging Technologies in Africa;
- vi. Activities Undertaken as the Chairperson of the Resolutions Committee;
- vii. Activities undertaken as Country Rapporteur
- viii. Thematic focus of WGEI: 'Extractive Industries, tax justice and financing of development and climate action in Africa'
- ix. Conclusion and Recommendations

I ACTIVITIES UNDERTAKEN AS A MEMBER OF THE COMMISSION

3. On 11 December 2023, I represented the ACHPR in the 75th anniversary celebration of the Universal Declaration of Human Rights (UDHR) at the United Nations Regional Office in Nairobi, Kenya. In my speech, I highlighted the contribution of the UDHR, despite failing to recognize colonialism as negation of the rights it enunciated, to the struggle of African people against colonial rule and apartheid by availing the politico-legal language as further ammunition for legitimizing the anti-colonial and anti-apartheid struggles on the continent. Additionally, while acknowledging the progress that Africa and the world made since the adoption of the UDHR, I pointed out with evidence that today the world and Africa seem to be drifting further away from the spirit and precepts of the UDHR.
4. I concluded by calling for decisive action to restore the relevance of the UDHR, including equal treatment of all lives, bridging the gap between promises and realities, forming alliances to expose atrocities worldwide, addressing climate change as a pressing human rights issue, and establishing safeguards against the dangers of artificial intelligence and corporate power. Failure to prioritize these actions would render the human rights system irrelevant in overcoming global oppression. You can find my speech in the link here available on the Commission's website.
<https://achpr.au.int/en/news/speeches/2023-12-14/speech-delivered-75th-anniversary-udhr>
5. As the resident Commissioner of the African Commission on Human and Peoples' Rights in Addis Ababa, I joined the delegation of the African Commission to the 37th ordinary session of the AU Assembly. Accordingly, I attended the Ordinary Session of the Executive Council on 14-15 February and the 37th Ordinary Session of the AU Assembly on 17-18 February 2024. During the Summit sessions, the activity report of the African Commission was presented and the draft decision accompanying the activity report was considered and adopted.
6. From 23 February to 08 March 2024, I participated in the 78th Ordinary Session of the African Commission on Human and Peoples' Rights. My involvement encompassed a broad range of activities outlined on the agenda of the session including consideration of communications (human rights complaints against states parties submitted for adjudication by the Commission), concluding observations on state reports, and various reports. Details of activities undertaken during the session are available here in the link.
<https://achpr.au.int/en/news/final-communicues/2024-03-09/final-communicue-78th-ordinary-session-african-commission-human>

7. From 25 – 27 April 2024, I participated in the 1st Joint Forum of the Special Mechanisms of the African Commission on Human and Peoples' Rights (ACHPR) at the Azalai Hotel in Dakar, Senegal. In my introductory remarks, I emphasized the importance of supporting and enabling the agency of ordinary people, especially social movements and activists who challenge conditions of oppression daily. I underscored that our role as the ACHPR is to provide an environment that empowers people to claim, exercise, and defend their rights, while remaining mindful not to approach this conversation from purely technical and legalistic perspectives.
8. I highlighted the pivotal role of social movements, particularly the young women and men of Senegal, who courageously resisted former President Macky Sall's maneuvers to undermine democratic rights, even at the cost of their lives, limbs and liberties. They are the frontline champions of freedom, illuminating the path toward justice and dignity. I urged that our conversations during the forum should avoid complacency and recognize the people as the true defenders of rights. I also pointed out that the Commission must feel deeply uncomfortable with the suffering across Africa and channel that discomfort into effective action.
9. I concluded by calling on the ACHPR to make noise against injustice and atrocities as its voice is its main source of authority, while upholding the principle of "do no harm." We must not betray our commitments, especially to victims and their families. Silence or inaction is a betrayal of our responsibilities. Instead, we should prioritize making our voice heard and drive collective action, providing solidarity and validating the causes of those facing oppression. Our responsibility is to uphold the agency of rights holders, remain uncomfortable with injustice, make noise, and above all, do no harm. You can find my introductory report on the link provided below available on the website of the African Commission.

<https://achpr.au.int/index.php/en/news/press-releases/2024-04-27/introductory-remark-commissioner-solomon-dersso-joint-forum-dakar>

II ACTIVITIES UNDER THE MANDATE OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS (WGEI)

10. On 20 November 2023, in my capacity as Chairperson of the Working Group on Extractive Industries, Environment, and Human Rights of the African Commission on Human and Peoples' Rights (ACHPR) I initiated a statement, which was supported by the Chairperson of the Working Group on Economic, Social, and Cultural Rights Hon. Commissioner Mudford Zachariah Mwandenga, on Support for an International Treaty on Tax Cooperation and Resources for Financing Social and Public Services. The statement, issued in pursuit of issues identified in the work of the WGEI particularly the issue of illicit financial flights and effective national fiscal regulation, underscored the need for an international approach. It further expressed grave concern over the regressions in the enjoyment of

economic, social, and cultural rights, as many people are unable to access essential social and public services, with poverty and hunger on the rise. The socio-economic conditions have been exacerbated by the COVID-19 pandemic, climate crisis, global cost-of-living crisis, and a distressing debt burden, which limit policy action on the provision of social services.

11. The statement further emphasized the need for reforms to rectify the inequitable international financial architecture, which, through enabling illicit financial flights and punishing interest rates for access to development finance, deprives countries of much-needed resources for development. Supporting the African Group's call for intergovernmental discussions at the United Nations, we advocated for the design of a legally binding framework convention on international tax cooperation as key vehicle for a just and fair taxation framework. This initiative aims to create a more inclusive and equitable financial system to address systemic problems in financing sustainable development, urging UN member states, particularly those in the African Group, to engage decisively in advancing these proposals. You can find the statement in the link here available on the Commission's website.

<https://achpr.au.int/en/news/press-releases/2023-11-20/joint-statement-support-international-treaty-tax-cooperation>

12. I am pleased to report that our statement contributed to solidifying the position of the African Group and the mobilization support for the draft UN General Assembly Resolution on UN Convention on International Tax Cooperation, culminating in the adoption of the resolution with an overwhelming 125 votes in favour of the resolution, paving the way for the negotiation of a new international convention on tax cooperation within the framework of the UN.
13. During the intersession period, I undertook various activities as Chairperson of the Working Group on Extractive Industries, Environment and Human Rights. One such activity includes the promotion of the State Reporting Guidelines and Principles on Articles 21 and Article 24 of the African Charter. This was done first through the preparation and presentation of questions for review of state reports in accordance with the Guidelines and Principles.
14. On January 18, 2024, I participated in the UN Human Rights Council Intersessional Meeting titled "Integrating Human Rights into the International Financial Architecture Reforms: A Cornerstone for Realizing the 2030 Agenda for Sustainable Development and a Human Rights Economy". I made a presentation during the meeting making a case for the reform of the international financial architecture including for addressing illicit financial flights prevalent in the extractive industries sector and for freeing up resources to meet the urgent needs arising from the environmental and climatic challenges facing the most vulnerable.

15. In my capacity as Chairperson of the Working Group on Extractive Industries, Human Rights, and the Environment (WGEI) of the African Commission on Human and Peoples' Rights, I issued a letter of appreciation to the Government of Senegal for their decision to renegotiate oil, gas, and mining contracts with foreign operators. I commended that this initiative can contribute to ensuring that the benefits of these resources are shared equitably among the Senegalese people and to upholding the rights of individuals and communities affected by extractive industries in line with Articles 21, 22, and 24 of the African Charter on Human and Peoples' Rights.
16. As an instrument for enhancing the uptake by member states of our soft law instruments, the letter of appreciation drew the attention of the President and his Government to the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter that lay down guidelines and principles relevant to ensuring that member states develop and implement human and peoples' rights compliant natural resources governance regime and are for conducting thorough audits in the mining, gas, and oil sectors and for the transparent approach of publishing and renegotiating contracts in the interests of the Senegalese people. The African Commission remains committed to supporting Senegal in its efforts to guarantee transparency, accountability, and respect for human rights in the extractive industries sector.
17. In my capacity as Chairperson of the WGEI, I joined the other mechanisms of the African Commission in the joint forum of the special mechanisms of the African Commission held in Dakar, Senegal from 25 to 27 April 2024. Apart from serving as an occasion for profiling the work of the special mechanisms, the forum was an important occasion for exchanging on the state of human rights on the continent with representatives of States Parties to the African Charter, National Human Rights Institutions, and civil society organizations. In an introductory remark I delivered during the Joint Forum I raised probing issues requiring focused and sustained attention of the Commission and the wider human rights community.
<https://achpr.au.int/index.php/en/news/press-releases/2024-04-27/introductory-remark-commissioner-solomon-dersso-joint-forum-dakar>

18. Finally, under the WGEI Work plans 2023 and 2024, 2025, one of the priority areas of the work of the Group was the development on a web-based tracking, monitoring, documentation and reacting to human rights and environmental issues arising in the extractive industries sector. I regret that due to lack of funds, we have not been able to execute this enormously important strategic priority of the work of the WGEI. We therefore appeal to stakeholders with financial and technical capacity for their support towards the development of this tracking system.

III Activities undertaken as Focal Point on human rights in conflict situations.

19. On 4 April 2024, in my capacity as the Focal Point on Transitional Justice for the African Commission on Human and Peoples' Rights, issued a statement on the 30th commemoration of the 1994 Genocide Against the Tutsi in Rwanda. I emphasized the need to address the repercussions and lessons of the genocide, stressing that it remains as important today as it was 30 years ago. I joined Rwanda, the African Union (AU) member states, and the international community in commemorating this tragic event and reiterated the African Commission's commitment to memorialization as a key measure to repudiate the atrocities and recognize the suffering of victims and survivors.
20. In my statement, I underscored the importance of upholding the rights and freedoms enshrined in the African Charter on Human and Peoples' Rights to prevent a recurrence of such mass atrocities. I also highlighted the responsibility of AU member states to respect the UN Convention Against Genocide and their commitment under Article 4(h) of the AU Constitutive Act to prevent similar tragedies on the continent. Furthermore, I called for sustained efforts to investigate reports of mass atrocities, provide accountability, and implement remedial measures through transitional justice processes as outlined in the AU Transitional Justice Policy and the African Commission's Study on Transitional Justice and Human and Peoples' Rights.
21. During the 75th ordinary session, I had the pleasure of convening a panel discussion on the official launch of the Guidelines on Adhering to Human and Peoples' Rights under the African Charter in the Context of States of Emergency or Disaster. This presented an important opportunity for popularizing the Guidelines and familiarize States Parties to the African Charter and the wider ACHPR stakeholders with the contents of the Guidelines. The Guidelines have particular significance in the current context of the continent which is experiencing increasing number of conflicts in respect of which various states have made declarations of states of emergency. I wish to draw the attention of those states who declared states of emergency to the standards outlined in the Guidelines to ensure that such measures taken under such states of emergency are in accord with the African Charter on Human and Peoples' Rights.

IV ACTIVITIES UNDERTAKEN AS MEMBER OF THE WG ECOSOC RIGHTS

Expert Meeting on Human Rights Approaches to Sustainable Social (public services) from 3 to 4 October 2023.

22. On 3-4 October, I participated in the international expert meeting on Human Rights Approaches to Sustainable Social Services held in Geneva, Switzerland. During this expert meeting, I delivered two presentations. Apart from the presentation I made drawing, among others on the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter, my presentation also focused on General Comment No 7 on State Obligations under the African Charter in the Context of Private Provision of Social Services. I also highlighted the importance of the strategies and best practices for ensuring that social services are accessible, equitable and of high quality for all individuals, especially those in marginalized and vulnerable communities.
23. Apart from profiling the work of the African Commission including most notably its General Comment 7, this meeting presented a unique opportunity to engage with experts from various regional and international human rights systems, and to collectively explore the importance of adequate and sustainable financing of social services through progressive and fair fiscal policies.

V ACTIVITIES UNDERTAKEN AS FOCAL POINT ON THE STUDY ON HUMAN AND PEOPLES' RIGHTS AND ARTIFICIAL INTELLIGENCE, ROBOTICS AND OTHER NEW AND EMERGING TECHNOLOGIES

24. On the 2nd and 3rd of May 2024, I convened the Expert Validation meeting on the Study on human and peoples' rights and Artificial Intelligence (AI), robotics, and other new and emerging technologies in Africa, in Nairobi, Kenya with the Special Rapporteur on Freedom of Expression and Access to Information, Honorable Commissioner Geereesha Topsy-Sonoo. This meeting was in furtherance of ACHPR/Res. 473 (EXT.OS/ XXXI) 2021 and is part of the promotion mandate of the Commission. The validation workshop, organized with the technical support of the Centre for Human Rights of the University of Pretoria, served as useful platform for reviewing the draft study and receiving input from experts on the form and content of the draft. The study is intended to contribute to the development of guidelines and norms that will address pressing and emerging human and peoples' rights issues relating to AI technologies, robotics and other new and emerging technologies in Africa.

25. The Meeting was also intended to align the Draft with the agreed scope, outline and methodology, as conceived at the Inception Meeting. It was also conceived to provide an opportunity to incorporate other elements necessitated by recent developments and discourse on AI, robotics, emerging technologies and human rights, and to agree on the final contents of the Report.

26. I am happy to report that the meeting was a resounding success. Throughout the two working days, we comprehensively and critically reviewed the first draft report of the study, through structured plenary discussions on each section. The next step of the process involves the updating of the draft study on the basis of the comments and revisions canvassed during the validation workshop, the submission of the updated draft of the report and engagement for the validation of the revised draft on a wider scale. The Secretariat will be initiating the public consultations once the ongoing review process is complete. I thank Honorable Topsy-Sonoo for the collaboration and the Centre for Human Rights at the University of Pretoria for their Technical Support for this Study and for their continued collaboration with the Commission.

VII ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR

27. In my capacity as country rapporteur, I continued monitoring the human rights situation in the countries of my responsibility namely Kenya, Nigeria, Seychelles, South Africa and South Sudan. As part of this responsibility, measures initiated during the intersession period include the following.

Kenya

28. On May 3, 2024, I issued a statement in my capacity as the Country Rapporteur on Human Rights in the Republic of Kenya, expressing profound concern over the catastrophic floods affecting Kenya since April 18, 2024. I conveyed deep condolences to the families and communities affected by the loss of over 200 lives and the displacement of 150,000 people. I called on the Kenyan government to mobilize necessary responses to mitigate the flooding's impact, provide assistance to bereaved families and displaced individuals, and adopt protective measures to prevent further devastation. I emphasized the importance of upholding the rights enshrined in the African Charter, particularly the right to life, property, development, and a satisfactory environment.

29. Furthermore, I urged the government to provide emergency relief services, including food, shelter, and medical care, and to deliver assistance in rebuilding homes and infrastructure destroyed by the floods. I also highlighted the need for policies focusing on comprehensive disaster risk reduction and climate adaptation measures, emphasizing community involvement in these processes. The African Commission remains committed to supporting Kenya in managing this crisis effectively and mitigating future risks in line with human and peoples' rights.

Nigeria

30. During the reporting period, I have continued to follow the human rights situation in general and the worrying human rights issues due to the challenging peace and security context in Nigeria. Among others, I issued two statements in relation to two incidents with major human rights implications.

31. On 9 December 2023, I issued a statement on a drone strike by Nigerian army that led to the death of over 80 civilians. Noting that this was the fourth such incident since 2017, the Statement underscored that the use of such operation needs to observe the utmost precaution and care necessary to comply with Article 4 of the African Charter. The Statement further pointed out that Nigeria 'is legally expected to adopt legislative and other measures necessary to prevent such tragic incidents from happening and to limit their scale and impact when they occur as well as to initiate requisite administrative, institutional and accountability measures after such incident happens.'

32. On March 10, 2024, I issued a statement as the Country Rapporteur on Human Rights in the Federal Republic of Nigeria, condemning the mass abduction of over 280 schoolchildren and teachers in Kuriga, Kaduna State, and the abduction of 15 schoolchildren from Sokoto. I expressed deep distress over these heinous acts that curtail multiple human rights guaranteed under the African Charter on Human and Peoples' Rights. I called upon the Government of Nigeria to mobilize all necessary resources for the immediate and safe return of the abducted individuals, and urged the abductors to ensure the safety and security of their captives.

33. Furthermore, I emphasized the importance of galvanizing collective action across all levels of society to bolster security and prevent such incidents in the future. I also urged the Nigerian government to conduct an independent investigation into the circumstances surrounding these abductions to ensure accountability. The Commission will continue to monitor the situation closely and stands in solidarity with the affected families and communities, fully supporting the efforts of the Government and people of Nigeria for the safe return of the abducted children and teachers.

IX Conclusions and Recommendation

34. As with the earlier intersession period, various developments including the enormous funding gap for financing the development needs of the continent, the debt crisis affecting many African countries, the huge amount of revenues that Africa loses to illicit financial flows and tax avoidance, the scramble for critical or transition minerals and the increasing demand on Africa's limited resources for financing response to climate change show that the extractive industries sector in Africa remains of major locus of policy issues that affect the rights and freedoms of peoples on the continent in the context of Article 21 and the financing of development and climate action.
35. **In terms of the work of the working Group, I reiterate my** appeal to stakeholders to partner with us and provide us with financial and technical capacity towards **the development of the web-based tracking and reporting tool** as necessary means to systematically implement the mechanism's role in monitoring and responding to human and peoples' rights as well as environmental issues that arise in relation to the extractive industries in Africa.
36. On human rights in conflict situations, I reiterate the enormity of the responsibility that this Commission bears more than other circumstances in which human rights are put in grave jeopardy. As highlighted in the Commission's study on human rights in conflict situations, perhaps more than other conditions, the gravest and large-scale violations are recorded in conflict situations, as the ongoing war in Sudan attests. It is here that the Commission is expected to exercise its mandate with the utmost care, devotion and sense of responsibility. Both the scale and gravity of human rights issues in conflict situations mean that the Commission would commit betrayal of its mandate should it surrender its role and abandon those enduring atrocities. Additionally, the Commission is said to have delivered on its mandate only when it demonstrates that it has done everything it can to contribute towards the amelioration of the plight of civilians caught up in the crossfire of war. There is a need in this context for a serious self-introspection and assumption of responsibility and establishing of accountability on the part of the Commission in respect to cases in which it abandoned its responsibilities while conditions warrant its continued engagement.
37. With respect to the Study on climate, I look forward to the inputs from States Parties to the African Charter on their experience regarding how climate change is affecting their populations and whether and how they are responding to these impacts, from communities affected by climate and from experts and organizations working on climate change and its impact on human and peoples' Rights. As we take this study to the next stage, I

would like to express my gratitude to the support that GIZ availed that made it possible to bring together the participants of the validation workshop.

38. Pending the finalization of the study, I also wish reiterate the call for measures to **ease access to climate financing** for adaptation, and reaffirm and expand the commitment of countries most responsible for climate change for **raising the scale of funds to the level that goes far enough to meet the financing requirements for adaptation measures.**
39. I also look forward to the conclusion of the initial draft of the Study on human and peoples' rights and artificial intelligence (AI), robotics and other new and emerging technologies in Africa of the African Commission. I am pleased to report as indicated in my earlier intersession report that we have successfully convened the validation workshop and we are on a path for successful conclusion of the study.
40. With respect to the conditions of insecurity affecting the life, safety and security of people in Nigeria, I reiterate my earlier call urging the Government of Nigeria to adopt human rights based targeted action plan for addressing the persistence of insecurities in the country. In the light of the delicate phase that the transitional period in South Sudan has reached, we plan to monitor the situation in South Sudan closely with a focus on the human rights issues arising from the situation.
41. Finally, I extend my appreciation to members of the Working Group on Extractive Industries, Environment and Human Rights. I also wish to thank, and continue to count on the support of, technical partners including the Centre for Human Rights, Amnesty International and GIZ and the collaboration of States Parties to the African Charter, National Human Rights Institutions and CSOs.