



ACHPR
African Commission on
Human and Peoples' Rights

Human Rights our
Collective Responsibility

54TH AND 55TH ACTIVITY REPORTS

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 54th and 55th Combined Activity Reports of the African Commission on Human and Peoples' Rights (the Commission or the ACHPR) are 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 cover the period from **10 November 2022 to 10 November 2023**.
2. The activities presented in this Report that the Commission undertook during the period under review are geared towards achieving the priority areas set out in the Commission's 2021-2025 Strategic Plan. Accordingly, the Commission's statutory meetings were devoted in particular to strengthening the protection mandate by processing Communications on alleged human rights violations, thereby reinforcing the Commission's implementation of its mandate to protect human and peoples' rights. This mandate is further strengthened by the Commission's interventions on urgent and pressing human rights issues through urgent appeal letters, press releases, resolutions and letters of congratulations.
3. It also includes activities relating to better promotion of human rights on the continent, as required by the African Charter.
4. The activities carried out by the Commission's Special Mechanisms and the consideration of Reports of States Parties to the African Charter on the implementation of the rights and freedoms enshrined in the African Charter have contributed to the improvement of national legal and institutional frameworks for the promotion and protection of rights at national level through the adoption of new laws, the revision of existing laws and the creation or reform of relevant institutions in States Parties. The Report also presents issues relating to the Commission's finances, staffing and functioning, as well as the Commission's recommendations on the human rights situation on the continent.

II. BACKGROUND

5. The Commission is an independent Organ established under Article 30 of the African Charter, which was adopted by the Assembly of Heads of State and Government of the Organisation of African Unity (OAU) in 1981. The African Charter has been ratified by all AU Member States, with the exception of the Kingdom of Morocco, which rejoined the Union in January 2017. The Commission became operational in 1987 and is based in Banjul, Gambia.
6. The Commission is composed of eleven (11) members elected by the Heads of State and Government of the AU, and they serve in their individual capacity and on a part-time



basis. However, during the period under review, the Commission currently operated with ten (10) Commissioners.¹

7. The Commission's mandate, as defined in Article 45 of the African Charter, is as follows:

- i. To promote human and peoples' rights, and in particular;
 - a) To collect documentation, carry out studies and research on African problems in the field of human and peoples' rights, organise seminars, colloquia and conferences, disseminate information, encourage national and local bodies concerned with human and peoples' rights and, where appropriate, give advice or make recommendations to Governments;
 - b) To formulate and lay down principles and rules to resolve legal problems relating to the enjoyment of human and peoples' rights and fundamental freedoms, with a view to serving as a basis for the adoption of legislative texts by African Governments;
 - c) To cooperate with other African and international institutions concerned with the promotion and protection of human and peoples' rights;
- ii. To ensure the protection of human and peoples' rights under the conditions laid down in this Charter;
- iii. To Interpret any provision of the present Charter at the request of a State Party, an OAU Institution or an African Organization recognized by the OAU; and
- iv. To carry out any other tasks that may be entrusted to it by the Conference of Heads of State and Government.

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

A. MEETINGS OF THE AU POLICY-MAKING ORGANS

36th African Union Summit, Addis Ababa, Ethiopia

8. The Commission participated in the following meetings of the AU's Policy-making Organs, held in January and February 2023:
- i. The 45th Ordinary Session of the Permanent Representatives Committee (PRC) held virtually from 16 to 27 January 2023;
 - ii. The 42th Ordinary Session of the Executive Council (EC) held from 15 to 16 February 2023 in Addis Ababa, Ethiopia;
 - iii. The 36th Ordinary Session of the Assembly of Heads of State and Government (the Assembly) held from 18 to 19 February 2023 in Addis Ababa, Ethiopia.

¹ A list of the current membership of the Commissioners is annexed to the Report.



9. In accordance with the African Charter and established practice, the 52nd and 53rd Combined Activity Reports of the Commission were presented to the 45th Ordinary Session of the PRC. After discussions at PRC and Executive Council level, publication of the Activity Reports was authorised by Decision EX.CL/Dec.1196(XLII). The Report has been published on the Commission's website, together with the responses of a number of States Parties, which are appended to this Report.

46th Ordinary Session of the Permanent Representatives Committee, 43rd Ordinary Session of the Executive Council and 5th Biannual Coordination Meeting between Member States

10. The Commission also participated in the following meetings of the AU's Policy-making Organs, held in July 2023:

- i. 46th Ordinary Session of the Permanent Representatives Committee (PRC): held virtually from 19 June to 4 July 2023
- ii. 43rd Ordinary Session of the Executive Council: held from 13 to 14 July 2023 in Nairobi (Kenya); and
- iii. 5th Biannual Coordination Meeting between the African Union, the Regional Economic Communities and the Regional Mechanisms, 16 July 2023 in Nairobi (Kenya).

11. During the 43th Ordinary Session of the EC, three (3) members of the ACHPR were re-elected and appointed for a period of 6 years, namely: Honourable Commissioner Rémy Ngoy Lumbu (DRC); Honourable Commissioner Hatem ESSAIEM (Tunisia); Honourable Commissioner Maria Teresa Manuela (Angola); and one (1) member was elected and appointed for a period of 6 years, namely: Mrs Salma Sassi-Safer (Algeria).

Retreat of the African Union Permanent Representatives Committee on institutional reforms and other related commitments, 8 to 11 June 2023, Kigali, Rwanda

12. The Commission took part in the retreat, during which it presented its concerns about the reform proposals affecting it and made the relevant recommendations.

Executive Council Retreat, 1 to 3 October 2023, Kigali, Rwanda

13. Through its participation in this retreat, the Commission was able to contribute to the discussions on the evaluation of the first ten-year plan for the implementation of Agenda 2063 and the review of the second ten-year plan, which runs from 2024 to 2033 and is a decade of acceleration, building on the first which focused on convergence.

B. STATUTORY AND INSTITUTIONAL MEETINGS

- **36th Extraordinary Session (Private), 9 January 2023 (virtual)**



14. The 36th Extraordinary Session was held virtually on 9 January 2023. The Final Communiqué of this session, published on the Commission's website, gives a full account of the deliberations that took place.

➤ **74th Ordinary session, 23 February to 9 March 2022**

15. The 74th Ordinary Session was held virtually from 21 February to 7 March 2023. Details of the activities undertaken by the Commission during its 74th Ordinary Session are set out in the corresponding Final Communiqué, which can be consulted on the Commission's website: www.achpr.org.

➤ **75th Ordinary session, 3 to 23 May 2023**

16. The 75th Ordinary Session was held in hybrid mode in Banjul, Gambia, from 3 to 23 May 2023.

17. During this Session, the Commission organised the following panels:

- i. Panel on raising awareness of the Guidelines on freedom of association and assembly in Africa, for effective implementation;
- ii. Panel on raising awareness of the treaty against trade in instruments of torture;
- iii. Panel on the 29th Commemoration of the 1994 Genocide against the Tutsis in Rwanda;
- iv. Panel discussion on the African Union's theme for 2023: "Accelerating the implementation of the African Continental Free Trade Area (AfCFTA)";
- v. Panel on the human rights situation in prisons;
- vi. Panel on using data to make significant progress on economic, social and cultural rights;
- vii. Panel on the Debate on the Reform of the Judicial and Quasi-judicial Organs of the African Union;
- viii. Panel on the protection of the socio-economic rights of refugees and migrants at national level;
- ix. Panel on the official launch of the Guidelines on the Respect for Human and Peoples' Rights of the African Charter in the Context of States of Emergency or Disasters;
- x. Panel on State Reports: sharing best practice.

18. The Commission has also launched the following documents:

- i. Guidelines on compliance with human and peoples' rights standards under the African Charter in emergency and disaster situations.
- ii. Guidance Note on State reports; and
- iii. Report on the production, trade and use of instruments of torture in Africa.



19. Details of the activities undertaken by the Commission at its 75th Ordinary Session are set out in the corresponding Final Communiqué, which can be consulted on the Commission's website: www.achpr.org.
20. The intersession reports presented by the Members of the Commission and the Special Rapporteurs at the 75th Ordinary Session can also be consulted on the Commission's website.
- **76th Ordinary Session (Private),**
21. The 76th Ordinary Private Session was held virtually from 19 July to 2 August 2023. Details of the activities undertaken by the Commission during its 76th Ordinary Session are set out in the corresponding Final Communiqué, which can be consulted on the Commission's website: www.achpr.org.
- **77th Ordinary Session,**
22. The 77th Ordinary Session was held face-to-face in Arusha, Tanzania, from 20 October to 9 November 2023.
23. During this Session, the Commission commemorated the African Human Rights Day and the twentieth anniversary of the Maputo Protocol by organising a series of activities including the High Level Panel entitled "Commemorative High Level Panel of the African Human Rights Day on Maputo@20 : Call for Universal Ratification, Implementation, Domestication and Reporting on the Maputo Protocol"; and the honouring of personalities relevant to the subject at hand, including Her Excellency Samia Suluhu Hassan, President of the United Republic of Tanzania.
24. The Commission also organised, alone or in partnership with various stakeholders and partners, the following panels:
- i. Panel on the ratification of the Protocol to the African Charter on Social Protection in Africa and the dissemination of General Comment No. 7 on States' obligations under the African Charter in the context of the private provision of social services;
 - ii. Panel on stakeholder consultation on the draft study on the impact of climate change on human and peoples' rights in Africa;
 - iii. Panel on the 10th Anniversary of the African Model Law on Access to Information in Africa;
 - iv. Joint panel of the African Commission on Human and Peoples' Rights (ACHPR) and the African Union Advisory Council on Corruption (AUCCC);
 - v. Joint Panel on Enforced Disappearances during Elections (with the United Nations Group on Enforced Disappearances);
 - vi. Panel on the situation of human rights defenders;



- vii. Joint panel on the Addis Ababa Roadmap, in the light of the 75th Anniversary of the UDHR, with particular emphasis on the study of OHCHR/ACHPR collaboration on the implementation of the AfCFTA;
 - viii. Panel on the situation of people living with HIV/AIDS in Africa;
 - ix. Panel on the 2nd Regional Forum on the state of Extractive Industries, Human Rights and the Environment in Africa;
 - x. Panel on Indigenous Peoples in Africa: Exchange of experiences;
 - xi. Joint Panel of the ACHPR and the African Court on Human and Peoples' Rights in the context of the Joint Roadmap on Complementarity; and
 - xii. Panel on the use of the Guidelines and Principles for State Reporting under Articles 21 and 25
25. At this Session, the Commission launched the following documents;
- i. African Guiding Principles on the Human Rights of All Migrants, Refugees and Asylum Seekers;
 - ii. Study on African responses to migration;
 - iii. Study on the use of force by law enforcement officers and prison guards;
 - iv. Launch of the Maputo@20 Newsletter Celebrating 20 years of Women's and Girls' Rights in Africa; etc.
 - v. Report on the Case Law relating to Article 5 of the African Charter;
 - vi. CPTA 2023 Newsletter; and
 - vii. Newsletter of the Special Rapporteur on Human Rights Defenders.
26. Details of the activities undertaken by the Commission at its 77th Ordinary Session are set out in the corresponding Final Communiqué, which can be consulted on the Commission's website: www.achpr.org.
27. The intersession reports presented by the Members of the Commission and the Special Rapporteurs at the 77th Ordinary Session can also be consulted on the Commission's website.

C. OTHER ACHPR ACTIVITIES AND COMMITMENTS

Operational coordination session between the African Union Commission (AUC) and the Organs, Agencies and Specialised Offices, 15 July 2023, Nairobi, Kenya

28. This Operational Coordination Session between the AUC and the Organs, Agencies and Specialised Offices was held on 15 July 2023 in Nairobi, Kenya, on the margins of the 5th Biannual Coordination Meeting. The Session was organised by the Office of the Director General of the AUC to discuss budgeting, policy alignment and programme development, and improving results-based performance in all areas of activity.

IV. STATUS OF SUBMISSION OF PERIODIC REPORTS



29. The Commission monitors the implementation of the African Charter and other relevant legal instruments, including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), by: receiving and examining periodic reports during the Ordinary Session; engaging directly with States on the content of their report; drawing conclusions and making general recommendations on the reports; in addition to following up on the non-submission of periodic reports by States Parties.

30. During the 75th Ordinary Session, the Commission examined the following periodic reports:

- i. The 12th, 13th, 14th and 15th Combined Periodic Reports (2015 to 2023) of the Republic of Senegal submitted in accordance with Article 62 of the African Charter; and
- ii. The 1st, 2nd, 3rd, 4th, 5th, 6th and 7th Combined Periodic Reports (2005 to 2019) of the Republic of Zambia, submitted in accordance with Article 62 of the African Charter and Article 26 (1) of the Maputo Protocol

31. Additionally, during the 77th Ordinary Session, the Commission examined the following periodic reports:

- i. The 6th Periodic Report of the Republic of Uganda (2013 - 2022); and
- ii. The 2nd Periodic Report of the State of Eritrea (2017-2020).

32. Under Article 62 of the African Charter, States Parties are required to submit Periodic Reports every two (2) years. The status of Periodic Reports submitted to the Commission by States Parties, counting from the last reporting period, is therefore as follows:



Status	States Parties	Number
Up to date	Angola, Benin, Cameroon, Chad, Côte d'Ivoire, Egypt, Eswatini, Eritrea, Ethiopia, Kenya, Malawi, Mozambique, Mauritania, Mauritius, Namibia, Nigeria, Senegal, Uganda and Zambia	19
1 report outstanding	Gambia, Lesotho, Niger, Togo and Zimbabwe	05
2 reports outstanding	Angola, Botswana, Democratic Republic of Congo and Rwanda	04
3 reports due	Algeria, Burkina Faso, Mali, Sierra Leone and South Africa	05
More than 3 reports outstanding	Burundi, Cape Verde, Central African Republic, Congo, Djibouti, Ethiopia, Gabon, Ghana, Guinea, Liberia, Libya, Madagascar, Mozambique, Sahrawi Arab Democratic Republic, Seychelles, Sudan, Tanzania and Tunisia	18
No report submitted	Comoros, Equatorial Guinea, Guinea-Bissau, Sao Tome and Principe, Somalia and South Sudan	06

33. With specific regard to Article 26 of the Maputo Protocol, the following twenty (20) States Parties have submitted their periodic reports to date: Angola, Burkina Faso, Cameroon, Democratic Republic of Congo, Eswatini, Gambia, Kenya, Lesotho, Malawi, Nigeria, Mauritania, Namibia, Rwanda, Senegal, Seychelles, South Africa, Togo, Uganda, Zambia and Zimbabwe.²

34. While **thirty-three (33)** States Parties have ratified the Kampala Convention, to date only one (**1**), Cameroon, has complied with Article 14(4) of the Kampala Convention, which requires it to report on legislative and other measures taken to give effect to the Convention.³

V. RESOLUTIONS ADOPTED BY THE COMMISSION

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

³ The following countries have ratified it: Angola, Benin, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Djibouti, Equatorial Guinea, Eswatini, Gabon, Gambia, Guinea Bissau, Lesotho, Liberia, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Sierra Leone, Somalia, South Sudan, Togo, Uganda, Zambia and Zimbabwe.



35. The Commission adopted the following Resolutions during the period under review:

SESSION	RESOLUTIONS ADOPTED
36 th Extraordinary Session	i. Resolution on the renewal of the mandate of the Commission of Inquiry into the situation in the Tigray Region of the Federal Democratic Republic of Ethiopia
74 th Ordinary Session	ii. Resolution on business and human rights in Africa; iii. Resolution on a human rights-based approach to the implementation and monitoring of the African Continental Free Trade Area Agreement; and iv. Resolution on the Promotion and Protection of the Rights of Intersex Persons in Africa.
75 th Ordinary Session	i. Resolution on the appointment of Expert members of the Committee for the Protection of the Rights of People Living with HIV, Those at Risk, Vulnerable to and Affected by HIV; ii. Resolution on the appointment of Expert members of the Working Group on Indigenous Populations/Communities and Minorities in Africa; iii. Resolution on the appointment of an Expert member of the Working Group on economic, social and cultural rights in Africa iv. Resolution on the end of the mandate of the Commission of Inquiry into the situation in the Tigray Region of the Federal Democratic Republic of Ethiopia
76 th Ordinary Session	i. Resolution on the human rights situation in Senegal ii. Resolution on the serious deterioration of the human rights situation in the Republic of Sudan following the outbreak of war on 15 April 2023 iii. Resolution on the resurgence of unconstitutional changes of government in Africa; iv. Resolution on the inclusion of refugees, asylum seekers, internally displaced persons and stateless persons in national socio-economic systems, services and economic opportunities in Africa v. Resolution on the action to be taken by the Commission in the event of prolonged delay in the submission of the Initial State Report in accordance with Article 62 of the African Charter on Human and Peoples' Rights (Proactive approach)
77 th Ordinary Session	Resolutions on the Renewal of Mandates/Reconstitution of Special Mechanisms i. Resolution on the reallocation of Country Rapporteur posts between Commissioners; ii. Resolution on the appointment of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa; iii. Resolution on the appointment of Expert members of the Working Group on Indigenous Populations/Communities and Minorities in Africa; iv. Resolution on the reconstitution of the Working Group on specific questions relating to the work of the Commission; and



	<p>v. Resolution on the Reconstitution of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and People at Risk, Vulnerable and Affected by HIV</p> <p>Country resolutions</p> <p>Resolution on the human rights situation and the humanitarian crisis caused by the ongoing armed conflict in the Republic of Sudan</p> <p>Thematic Resolutions</p> <p>i. Resolution on the commitment of the African Commission on Human and Peoples' Rights to support States in the search for durable solutions to reduce forced displacement and its consequences in Africa</p> <p>ii. Resolution on the need to undertake a study to assess the level of compliance of national legislation with the Guidelines on Freedom of Association and Assembly in Africa;</p> <p>iii. Resolution on the deployment of targeted and illegal surveillance of mass communications and its impact on human rights in Africa;</p> <p>iv. Resolution on the need to protect civic space, freedom of association and assembly in Africa;</p> <p>v. Resolution on the appointment of a Focal Point on the Independence of the Judiciary in Africa;</p> <p>vi. Resolution on the criteria for granting and maintaining Observer Status for non-governmental human rights organisations.</p>
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VI. HUMAN RIGHTS COMPLAINTS/COMMUNICATIONS TO THE COMMISSION

Communications

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

37. The following Communications were considered during the period under review out of the **one hundred and eighty-five (185)** currently pending before the Commission:

SESSION	ADOPTED COMMUNICATIONS
74th Ordinary Session	<p>Decisions adopted on Merits - 4</p> <p>1. Communication 587/15 - Radio Publique Africaine (represented by Maître Lambert Nigarura) v Republic of Burundi</p> <p>2. Communication 455/13 - Abubaker Ahmed Mohamed and 28 Others (represented by X and Y) v Federal Democratic Republic of Ethiopia</p>



3. **Communication 686/18** - Association des femmes avocates défenseurs des droits humains, Institute for Human Rights and Development in Africa & Equality Now v Democratic Republic of Congo
4. **Communication 402/11 & 420/12** - Sudanese Civilians in South Kordofan and Blue Nile (represented by Sudan Democracy First Group, REDRESS, Human Rights v/ Sudan)

Decisions adopted on Admissibility - 10

Admissible 5

1. Communication 691/18 - Clément Abaïfouta & Others v Republic of Chad
2. Communication 608/16 - Family of the late Oscar Nibitanga (represented by Track Impunity Always) v Burundi
3. Communication 583/15 The Oromo Students (Represented by the Advocates for Human Rights) v Federal Democratic Republic of Ethiopia
4. Communication 604/16 - Dr. Bushra Gamar Hussein Rahama v The Republic of Sudan
5. Communication 780/22 - Chapter One Foundation and Young Women in Action v Republic of Zambia

Inadmissible : 5

1. Communication 764/21-Eric Noudehouenou Houngue v Republic of Benin
2. Communication 516/15 - Peter Ngoge and Everlyene Ekea v Kenya
3. Communication 485/14 - Peter Odiwuor Ngoge v Kenya and 535/15 - Peter Odiwuor Ngoge and Joseph Njau v Republic of Kenya
4. Communication 738/20 - Mr ZOGO ANDELA Achille Benoit v Republic of Cameroon
5. Communication 720/19 - Daniel Felipe da Silva Guerra and Rodrigo Lima Dantas (represented by Paulo Henrique Reis de Oliveira and Silmara Veiga de Souza) v. Republic of Cabo Verde

Strike-out (8)

1. **Communication 586/15** - Osama Yassin Abdel Wahab (Represented by European Alliance for Human Rights) v Arab Republic of Egypt.
2. **Communication 584/15** - Ms Israa Mahfouz Mohamed Al Taweel v Arab Republic of Egypt
3. **Communication 575/15** - Dr Mohamed Ibrahim Al-Beltagy v Arab Republic of Egypt
4. **Communication 578/15** - Dr. Hossam Aboubakr Elseddik Eishahht Abouelezz v Arab Republic of Egypt
5. **Communication 771/21** - The late Makosso Daniel and the late Dembi Alphonse (represented by Mangou Léontine) v Republic of Angola
6. **Communication 664/17**- Ahmed Amin Ghazali Amin and 20 Others v/



	<p>Arab Republic of Egypt</p> <ol style="list-style-type: none"> 7. Communication 665/17- Aser Mohamed v Arab Republic of Egypt 8. Communication 591/2015 - Mr. El Sayed Mossad v Arab Republic of Egypt <p>Referral (2)</p> <ol style="list-style-type: none"> 1. Communication 377/09 - Mendozaki Patricia Monchali v Republic of South Africa 2. Communication 680/18 - Nnamdi Kanu and the Indigenous People of the Biafra v Federal Republic of Nigeria
<p>75th Ordinary Session</p>	<p>Decision adopted on Merits (2)</p> <ol style="list-style-type: none"> 1. Communication 459/13 - Devendranath Hurnam v Mauritius 2. Communication 424/12 - Samira Ibrahim Mohamed Mahmoud and Rasha Ali Abdel-Rahman (Represented by the Egyptian Initiative for Personal Rights and Interights) v Arab Republic of Egypt <p>Decisions adopted on Admissibility (3)</p> <p>Inadmissible: 2</p> <ol style="list-style-type: none"> 1. Communication 778/22 - Kamilya Mohammedi Tuweni and 4 Others (Represented by REDRESS) v/ Kenya 2. Communication 715/19 - International Institute for Fundamental Rights and Social Justice, All4Rights v/ Democratic Republic of Congo <p>Admissible (1):</p> <ol style="list-style-type: none"> 1. Communication 642/16 - Maison Shalom Burundi v Republic of Burundi <p>Strike out (3)</p> <ol style="list-style-type: none"> 1. Communication 641/16 - Dr Abdel Azim Ibrahim Mohammed v Arab Republic of Egypt 2. Communication 728/19 - Ntahoturi Idelfonse v Republic of Burundi) 3. Communication 649/17 - Mouhamadou Moctar Mbaye v Senegal <p>Decision on Preliminary Objection/Guidance (1)</p> <ol style="list-style-type: none"> 1. . Communication 718/19 - Maurice Kamto and Mouvement pour la renaissance du Cameroun v Republic of Cameroon
<p>76th Ordinary Session</p>	<p>Decisions adopted on Merits (6)</p> <ol style="list-style-type: none"> 1. Communication 716/19 - Three Jehovah's Witnesses (represented by Lawyers Associated for Human Rights in Africa) v Eritrea 2. Communication 564/15 - Community Law Centre, University of the Western Cape & Alliance Africa v Nigeria



	<p>3. Communication 502/14 - The S.A. (represented by REDRESS) v Democratic Republic of Congo</p> <p>4. Communication 474/14 - Family of the late Jean-Claude Ndimumahoro v/Burundi</p> <p>5. Communication 377/09 - Mendozaki Patricia Monchali v South Africa</p> <p>6. Communication 388/10 - Ntitoranya Adrien v/ Burundi</p> <p>Decisions adopted on Admissibility : (7)</p> <p>Admissible (3) :</p> <ol style="list-style-type: none">1. Communication 507/15 - Andargachew Tsege and Yemsrach Hailemariam (Represented by Reprieve and REDRESS) v Ethiopia2. Communication 709/19 - Senator Jean-Pierre Bemba Gombo v Democratic Republic of Congo3. Communications 555, 556, 557 and 558 v/ Egypt <p>Inadmissible (4) :</p> <ol style="list-style-type: none">1. Communication 680-17 - Nnamdi Kanu and the Indigenous People of the Biafra v Nigeria2. Communication 515/15 and Communication 527/15 - Peter Ngoge & Julius Anyango v/ Kenya3. Communication 648/16 - Human Rights Defenders Network Sierra Leone (HRDN-SL) and West African Human Rights Defenders Network (WAHRDN) v Sierra Leone4. Communication 775/21- François NDAYIZEYE and X v/ Burundi <p>Withdrawal (1) :</p> <ol style="list-style-type: none">1. Communication 804 - Maryam Aslyed Tiyrab (Represented by African Human Rights Club and Ndukwe Charles Ndukwe) v Sudan <p>Strike-out (2)</p> <ol style="list-style-type: none">1. Communication 702/18 - Ahmed Abdallah Mohamed Sambi v/ Union of the Comoros2. Communication 730/19- Le Rassemblement Malien pour la Fraternité et le Progrès v Republic of Mali
<p>77th Ordinary Session</p>	<p>Decisions adopted on Merits (2)</p> <ol style="list-style-type: none">1. Communication 599/16 - Robert F. Kennedy Human Rights and Institute for Human Rights in Africa v. Federal Democratic Republic of Ethiopia;2. Communication 796/22 - Rose Modong Samuel and Three Others (Represented by John Gerry & Co. Legal Practitioners) v. Republic of South Sudan <p>Decisions adopted on Admissibility: (1)</p> <p>Admissible</p> <ol style="list-style-type: none">1. Communication 739/20 - SARL METIS and Ms Etouman Adele Helene (represented by Nchankou Ndjindam) v. Republic of Cameroon



	<p>Referral (1) Communication 704/18 - Berhane Abrehe Kidane (Represented by Solomon Weldekirstos and Eritrean Law Society) v. State of Eritrea</p>
Communications seized (20)	<ol style="list-style-type: none">1. Communication 807/23 - Daco David Toukam v. Republic of Cameroon2. Communication 808/23 - Aref Mohamed Aref v. Republic of Djibouti3. Communication 809/23 - Nouredine EL-BEHIRI v. Republic of Tunisia4. Communication 810/23 - Ate Thian Angnena Kourouanfouga", known as A.T.A. K v. Republic of Mali5. Comunicação 811/23 - Eric Noudehouenou HOUNGUE v. Benin6. Comunicação 812/23 - José Marius MBOYO MAKPAMA KAVRA v. Central African Republic7. Comunicação 815/23 - Eric Noudehouenou HOUNGUE v. Benin8. Comunicação 817/23 - Rami Shaath (Represented by Open Society Justice Initiative, Freedom Initiative, Tahrir Institute for Middle East Policy, Cairo Institute for Human Rights, Natasha Arnbrester and Rachel Murray) v. Egypt.9. Communication 818/23 - Mohammed Deksiso Chiri (represented by Maxwell Kadiri and Ibrahima Kane, Open Society Justice Initiative) v. Federal Democratic Republic of Ethiopia10. Communication 819/23 - Daoussa Deby (Represented by Maitre Eveline Bome, Terence Selamo and Njomo Yempo T. Huguette Sandrine) v. Cameroon;11. Communication 820/23 Timipa Jenkins Okponipere v. Federal Republic of Nigeria;12. Communication 821/23 - Limpho Hani and the South African Communist Party v. Republic of South Africa;13.xiii. Communication 822/23 - DUSHIMAGIZE Dieudonné (represented by SOS- TORTURE/Burundi and APRODH) v. Burundi14. Communication 823/23 - DAME KONZI MONGOT née REGINA OLA OJO v. Central African Republic ;15. Communication 824/23 - Anges Kevin Nzigou v. Gabonese Republic ;16. Communication 825/23 - Jean Paul BELFIS v. Republic of Congo ;17. Communication 826/23 - TOUIKAM Daco David v. Republic of Cameroon;18. Communication 827/23 - Consortium de la société civile Gabonaise pour la transparence électorale et la démocratie (COTED), Réseau des Organisations libres de la société civile pour la bonne gouvernance au Gabon (ROLBG) and Mike JOCKTANE v. Gabon ;19. Communication 828/23 - Joseph KPLOCA v. Republic of Benin.20. Communication 829/23 - Mthwakazi Republic Party v. Republic of



	Zimbabwe.
Communications not seized (2)	1. Communication 816/23 - Baasegun (Dr) Olusola Oni v. Federal Republic of Nigeria 2. Communication 814/23 - Amhara Association of America (AAA) and the Centre for Human Rights, University of Pretoria (CHR) v. Federal Democratic Republic of Ethiopia
Requests for Advisory Opinions (1)	1. Advisory Opinion 001/23 submitted by Saïd LARIFOU (Rejected at the admissibility stage)

38. The above tables show that during the period under review, the Commission admitted **twenty (20) Communications**, decided not to admit **two (2)**, declared **ten (10)** admissible and **eleven (11) inadmissible**, struck **thirteen (13)** off the list and withdrew **one (1)** Communication from its roll. The Commission also took **fourteen (14) decisions on Merits**. The Commission also received for the first time a request for an advisory opinion, which it rejected at the admissibility stage.

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

VII. APPLICATIONS FOR OBSERVER AND AFFILIATE STATUS

40. In accordance with Resolution **ACHPR/Res.361 (LIX) 2016: Resolution on criteria for granting and maintaining Observer status to non-governmental organisations working on human and peoples' rights in Africa**, the Commission, at its 75th and 77th Ordinary Session, granted Observer status to the following **seventeen (17)** NGOs:

- i. Avocats Sans Frontières Canada/Québec (ASFC);
- ii. Ivorian Coalition of Human Rights Defenders (CIDDH);
- iii. Uganda Association of Women Lawyers (FIDA Uganda);
- iv. Tanzania Network of Legal and Aid Providers (TANLAP);
- v. Network of Ethiopian Women's Associations (NEWA);
- vi. Youth and Society (YAS) ;
- vii. Coalition of Organisations for the Defence of Children's Rights (CODEDIC);
- viii. Network of Women Leaders for Development (RFLD);
- ix. Afya na haki Institute;
- x. Centre d'Espoir pour les Droits Humains (CEDH);
- xi. Consortium of Ethiopian Human Rights Organizations (CEHRO);
- xii. African Centre for Justice and Peace Studies (ACJPS);
- xiii. National Coalition of Human Rights Defenders Uganda;
- xiv. The Forum for African Women Educationalists (FAWE);

⁴ Annex II.



- xv. The Forum for Development and Human Rights Dialogue (FDHRD);
- xvi. Un Monde Avenir; and
- xvii. Wellbeing Africa.

41. This brings to **five hundred and sixty-one (561)** the total number of NGOs with Observer status at the end of the reporting period.

42. The Commission also examined and rejected applications for observer status from five (05) NGOs: ADF International, International Network for Economic, Social & Cultural Rights (ESCR-Net), and The GAIA Foundation, and Transatlantic Christian Council, due to the absence of a registered office in one of the States parties to the African Charter on Human and Peoples' Rights (the African Charter). In addition, the application from the All Africa Conference of Churches (AACC), due to its status as a diplomatic entity, does not meet the criteria established by the Commission.

43. In accordance with Resolution **CACDHP/Res.370 (LX) 2017** on the granting of Affiliate status to NHRIs and specialised human rights institutions in Africa, the Commission has to date granted **thirty-six (36)** Affiliate status to NHRIs and specialised institutions. During its 75th and 77th Ordinary Sessions, the Commission did not examine any application for Affiliate status.

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

44. The level of compliance by the States Parties with the Commission's decisions, requests for provisional measures and urgent appeal letters remains low, as shown by the following information:

➤ **Implementing decisions on Communications**

45. During the period under review, the Commission did not receive any information concerning the implementation of its final decisions on Communications, in accordance with Rule 125 of its 2020 Rules of Procedure.

➤ **Implementation of requests for provisional measures**

46. The Commission has also received no information on the implementation of the provisional measures it has formulated as part of the handling of disputes in accordance with its protection mandate.

➤ **Implementation of concluding observations**



47. During the reporting period, the State of Eritrea, the Republic of Senegal, the Republic of Uganda and the Republic of Zambia submitted, as part of the periodic reporting process, the status of implementation of the concluding observations made by the Commission in their last reports as well as the challenges encountered.

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

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

States	Date of Letter	Question justifying an Urgent Appeal Letter	State party's response
Arab Republic of Egypt	27 October 2022	Letter of concern regarding the "proposals of the African Commission on Human and Peoples' Rights on the need of a human rights-based approach to policy-making on the climate crisis".	No answer yet
Federal Republic of Ethiopia	8 December 2022	Joint urgent appeal letter concerning Internet blackouts and control of information in the Tigray region	No answer yet
Republic of Senegal	4 January 2023	Joint urgent appeal letter regarding the alleged arbitrary arrest and detention of human rights defender and investigative journalist Pape Alé Niang	No answer yet
Republic of Zimbabwe	9 January 2023	Urgent appeal letter concerning reports alleging the arrest and detention of Zimbabwean opposition MP Job Sikhala	The Government responded by justifying all its actions in this case and reassured that they complied with its obligations under the Charter and other relevant human rights instruments.



Republic of Benin	9 January 2023	Joint letter of urgent appeal concerning allegations of more than twenty (20) cases of extrajudicial executions between 2019 and 2022 in various locations in Benin	No answer yet
Burkina Faso	19 January 2023	Urgent appeal letter concerning the summary executions of civilians in Nouna and the massacre in Yirgou	In a letter dated 28 April 2023, the Government of Burkina Faso replied, stating that proceedings were under way for the acts in question and that measures had been taken to provide assistance to the people, whose safety was also a priority for the Government, which had taken appropriate measures to this end.
Kingdom of Eswatini	26 January 2023	Joint letter of concern regarding the brutal murder of Swati human rights lawyer and political activist Thulani Rudolf Maseko in his home	No answer yet
Federal Republic of Somalia	27 January 2023	Urgent appeal letter regarding reports alleging Parliament's intention to pass the Sexual Relations Bill, which would legalise child marriages, omit the age of consent and the offence of sexual exploitation, allow significant reductions in the types of evidence admissible and change the definition of rape	No answer yet
Republic of Cameroon	27 February 2023	Urgent appeal letter on the allegations of the assassination of Jean-Jacques Ola Bebe, priest of	No answer yet



		the Orthodox Catholic Church and journalist presenter at Radio Galaxy FM in Yaoundé, on 2 February 2023 in Yaoundé, and that of Mr Martinez Zogo, another journalist who was fighting against the misappropriation of public funds.	
Republic of Zambia	15 March 2023	Joint urgent appeal letter on the alleged forced evictions of the Kasima community in the Mongu district of Zambia	No answer yet
Republic of Djibouti	16 March 2023	Joint letter of appeal concerning the expulsion of the delegation of the International Federation for Human Rights (FIDH) from the Republic of Djibouti	In its reply dated 13 April 2023, the Republic of Djibouti clarified the circumstances of the expulsions
Republic of Uganda	27 March 2023	Joint letter of concern about the adoption of a bill imposing the death penalty in cases of so-called aggravated homosexuality.	No answer yet
Federal Republic of Somalia	6 April 2023,	Joint letter of appeal concerning the alleged arbitrary detention of Mr Abdalle Ahmed Mumin	No answer yet
Republic of Tunisia	21 July 2023	Joint urgent appeal letter concerning the alleged attack on black African migrants in Tunisia	No answer yet
Republic of Zambia	16 August 2023	Joint letter of urgent appeal on the situation of Mr Joseph Moyo, a person severely physically challenged whose alleged treatment by the Zambian Government has led to his desire to be euthanised.	No answer yet
Republic of Uganda	19 October 2023	Joint urgent appeal letter concerning the recurrent attacks on the fishing community and human rights defenders in the Lake Edward and Lake Albert region of western Uganda	No answer yet
Arab Republic of Egypt	19 October 2023	Joint urgent appeal letter concerning the Egyptian authorities' inclusion of human rights defenders on a terrorist list, 19 October 2023	No answer yet



Republic of Sudan	19 October 2023	Joint letter of concern regarding the assassination of five (5) human rights defenders in Darfur and other human rights violations in Sudan,	No answer yet
Republic of Kenya	21 October 2023	Urgent appeal letter concerning the disruption of a training course on the environment and human rights organised by the Centre for Justice, Governance and Environmental Action in Uyombo,	No answer yet
Republic of Angola	23 October 2023	Joint urgent appeal letter concerning cases of reprisals, intimidation and judicial harassment against human rights defenders in Angola,	No answer yet
Republic of Angola	23 October 2023	Urgent appeal concerning the bill approving the status of non-governmental organisation by the National Assembly in Angola	No answer yet
Republic of Senegal	23 October 2023	Joint urgent appeal letter on the arrest and arbitrary detention of human rights defender and journalist Aliou Sané	No answer yet
Arab Republic of Egypt	27 October 2022	Letter of concern regarding the "proposals of the African Commission on Human and Peoples' Rights on the need for a human rights-based approach to policy-making on the climate crisis".	No answer yet

IX. LETTERS OF APPRECIATION/CONGRATULATIONS

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

States	Date of letter	Question on which the Letter of Appreciation was based
Republic of Kenya	13 December 2022	Letter of appreciation to the President of the Republic of Kenya welcoming the decision of the Republic of Kenya to accede to the request of Kilifi County to work on modalities to enable the stateless community of Pemba, who live and suffer from a lack of identity documents, to obtain Kenyan citizenship.
Republic of Zambia	28	Letter of congratulations to the President of the Republic



	December 2022	of Zambia, following the abolition of the death penalty in that country.
Republic of Uganda	10 January 2023	Letter of congratulations to the President of the Republic of Uganda on the withdrawal by his country's Constitutional Court of the section of the Computer Misuse Act 2011 that made it an offence to "use electronic communications to disturb or attempt to disturb the peace, tranquillity or privacy of any person without a legitimate purpose of communication" and, in so doing, restricting freedom of expression
Republic of Sierra Leone	12 April 2023	Letter of congratulations to the Government of Sierra Leone for enacting the Gender Equality and Women's Empowerment Act, which marks a turning point for gender equality and women's empowerment pursuant to the provisions enshrined in the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)
Republic of South Sudan	19 June 2023	Joint letter of congratulations to H.E. Mr Salva Kiir Mayardit for ratifying the Maputo Protocol on 24 February 2023 and subsequently depositing the instrument of ratification with the AU Commission on 7 June 2023
Republic of Zambia	2 August 2023	Joint letter of congratulations addressed to H.E. the President of the Republic of Zambia, following the publication and presentation of the Marriage (Revised) Bill 2023 by the Government to Parliament
Republic of Ghana	4 September 2023	Joint letter of congratulations following the abolition of the death penalty in the Crimes and Other Offences Act 1960 and the Armed Forces Act 1962.
Republic of Kenya		Joint letter of congratulations following the Kenyan government's decision to commute death sentences to life imprisonment
Republic of Zambia		Letter of appreciation sent to the President of Zambia for commuting the death sentences of 390 prisoners to life imprisonment

X. STATEMENTS AND PRESS RELEASES



50. During the reporting period, the Commission issued **sixty-two (62)** press releases on various human rights issues. These press releases can be consulted on the Commission's website: www.achpr.org.⁵

XI. PROMOTION AND FACT-FINDING MISSIONS

51. The Commission undertook two promotion missions, to Tanzania from 23 to 28 January 2023 and to the Republic of Namibia from 12 to 16 June 2023. No fact-finding missions were undertaken during the reporting period.

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

52. During the period under review, after adopting **one (1)** 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 (the Commission of Inquiry), the Commission, taking into account a number of positive factors and developments relating to the situation in question, by its Resolution ACHPR/Res.556 (LXXV) 2023, terminated the mandate of the said Commission of Inquiry on the situation in the Tigray Region of the Federal Democratic Republic of Ethiopia.

HUMAN RIGHTS SITUATION ON THE CONTINENT

53. This section is included in the activity report in accordance with Executive Council decision **EX.CL/Dec.639 (XVIII)** requesting the Commission to inform the policy-making organs of the human rights situation on the continent. The Commission's practice is to write the content of this section from specific elements put together during its interactions with States Parties, NHRIs enjoying Affiliate status and NGOs enjoying Observer status with the Commission during the regular Sessions of the Commission, supplemented by other information gathered as part of its monitoring of the human rights situation in individual States Parties during the intersession period.

a) Positive developments

54. The Commission notes with satisfaction the following main positive developments in human rights during the reporting period:

Elections

- i. Peaceful presidential, parliamentary or local elections in the following countries: **Liberia; Mozambique, Nigeria, Sierra Leone, Zimbabwe.**

Death Penalty

⁵ Annex IV.



- ii. **Ghana's** abolition of the death penalty in the Criminal and Other Offences Act 1960 and the Armed Forces Act 1962.
- iii. Zambia to abolish the death penalty on 23 December 2022
- iv. The **Kenyan** government's decision to commute death sentences to life imprisonment.

Legislation and general policies for the protection and promotion of human rights:

- v. The registration of several ratifications and deposits of instruments of ratification of the Protocols on Older Persons and Persons with Disabilities;
- vi. Adoption of the Organic Law No. 23-14 of 27 August 2023 in Algeria on information referring directly to the African Charter on Human and Peoples' Rights;
- vii. Fifty-two (52) African States have ratified the UNCAT;
- viii. The UN Subcommittee on the Prevention of Torture visited Madagascar between 16 and 27 April 2023 and is due to visit Gabon in the first half of 2024.
- ix. In June 2023, the United Nations Human Rights Committee, during its examination of Ethiopia's periodic report, welcomed the adoption of various laws in recent years, as well as the adoption of a national strategy to prevent crimes of trafficking in persons and a policy to prevent and combat child abuse, exploitation and trafficking, among others;
- x. Launch in **Cape Verde** of a competition for a national human rights prize and signing of a cooperation protocol to support the implementation of public policies promoting human rights
- xi. South Africa's efforts to ensure housing rights are respected

Justice and the fight against impunity

- xii. The trial relating to the massacre of 28 September 2009 will begin on 28 September 2022;
- xiii. In the **Republic of Congo**, the Brazzaville Court of Appeal, in a criminal session that began on 31 August 2023, sentenced five police officers to custodial sentences for criminal conspiracy, arbitrary arrest, extortion, handling stolen goods and abuse of office;
- xiv. In the **Democratic Republic of Congo**, 63 convictions were handed down following swift proceedings initiated after the deadly crackdown on demonstrators against the presence of the United Nations Peacekeeping Mission on 1st September 2023;
- xv. In the **Democratic Republic of Congo**, a judicial investigation was opened to establish who was responsible for the sinking of the HB Mapamboli on 14 October 2023, which claimed at least 40 lives.

Freedom of association and expression



- xvi. The promulgation of Law No. 23/027 of 15 June 2023 on the protection and responsibility of human rights defenders, on 15 June 2023 by the **Democratic Republic of Congo**;
- xvii. **Namibia's** adoption of a law on access to information, which was published in the Official Gazette on 28 December 2022;
- xviii. In **Botswana**, the High Court handed down a ruling requiring the adoption of legislation to give effect to the right of access to information, as guaranteed by the Constitution;
- xix. The entry into force of the African Union Convention on Cybersecurity and Personal Data (Malabo Convention), which entered into force on 8 June 2023 following the deposit of the 15th instrument of ratification.

Women's Rights

- xx. Ratification of the Maputo Protocol by the **Republic of Botswana**;
- xxi. Partnership between **Sao Tome and Principe** and the United Nations to combat gender-based violence and empower girls;
- xxii. **Gambia**: Effective prosecution and conviction in August 2023 of those accused of complicity in the crime of FGM;
- xxiii. The **Zambian** government's initiative to raise the legal age of marriage from 16 to 19, in order to resolve the conflict between the law on marriage and the provisions of the Zambian Constitution and the Children's Code of 2022;
- xxiv. The positive effects of the new law on gender equality and women's empowerment in **Sierra Leone** led to an increase in the number of women politicians in the June general elections (the percentage of women parliamentarians rose from 14.5% to 30.4%, a remarkable development).

Refugees, Migrants and Internally Displaced Persons

- xxv. Statelessness: The adoption of the Protocol on Specific Aspects of Nationality and eradication of statelessness at the end of 2023 by the Specialised Technical Committee on "Justice and Legal Affairs";
- xxvi. Ratification by the **Republic of Congo** of two Conventions on statelessness, notably the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- xxvii. The finalisation and adoption by **the Central African Republic** of a national plan to eradicate statelessness by 2024;
- xxviii. The establishment by **Rwanda** of an effective and efficient document registration system, including the registration of births and marriages and the recognition of the legal status of displaced persons and their families, as well as the inclusion of the issue of statelessness in the national population and housing census;
- xxix. Granting of citizenship by **Kenya** to members of the Pemba Community;



- xxx. Granting of citizenship by **Tanzania** to the Makendo Community.

Peace and Security

- xxxi. Announcement of the signing of an agreement between the opposition and the government of Chad on 31 October 2023
- xxxii. Members of terrorist groups arrested in northern **Mozambique**

Health

- xxxiii. Several countries in Eastern and Southern Africa, including Botswana, **Eswatini, Rwanda, Tanzania** and **Zimbabwe**, have achieved the 95-95-95 targets for HIV care;
- xxxiv. Launch of the #ChoiceManifesto in East and Southern Africa, which aims to widen the choice of prevention tools that women and girls want to have in their hands;
- xxxv. Free maternity and newborn care in the **Democratic Republic of Congo** on 5 September 2023
- xxxvi. Successful fight against cholera in Mozambique

Human rights situation in the context of the COVID-19 pandemic

- i. Improvement in the situation of the Covid 19 pandemic on the continent, allowing the associated restrictions to be relaxed and/or lifted;

b) Areas of Concern

55. However, the Commission remains concerned about the following negative human rights developments during the reporting period:

Unconstitutional Changes of Government

- i. Two unconstitutional changes of government in **Niger** and **Gabon**, with alleged or real aborted attempts at violent seizure of power in **Burkina Faso, Gambia** and **Sudan**.

Participation in public affairs of one's country

- ii. The non-organisation of elections in countries where the normal constitutional order has been disrupted or where security crises are preventing citizens and populations from participating freely and democratically in public affairs;

Right to Life



- iii. In **Burkina Faso**, the asymmetric conflict, for which the nebula of terrorism appears to be the catalyst, continues to claim civilian victims, as demonstrated by the summary executions of civilians in Nouna and the massacre in Yirgou;
- iv. The massacre of at least 48 civilian demonstrators against MONUSCO on 30 August 2023 in Goma, **Democratic Republic of Congo**
- v. Violations of the right to life and physical integrity committed by the police in **Mozambique**, in particular executions and torture;

Death Penalty

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

Legislation

- viii. Non-ratification by certain States Parties of numerous international and regional human rights Conventions, some of which at regional level have not yet reached the minimum of 15 ratifications and actual deposit of instruments of ratification to enter into force, in particular the Protocols on Older Persons, Persons with Disabilities and on Social Security, etc. ;
- ix. Low level of implementation of the Maputo Protocol and non-submission or late submission of periodic reports under the Maputo Protocol and the Kampala Convention⁶ ;
- x. Lack of legislation to regulate online violence against women in many African countries;
- xi. Lack of harmonisation and implementation of regional and international human rights instruments at national level in many States;
- xii. A number of States have not ratified the OPCAT or set up national preventive mechanisms to monitor places of detention.
- xiii. Some UNCAT signatory States have not criminalised torture and other ill-treatment in accordance with the UNCAT.
- xiv. Some States have not lifted all the measures and restrictions imposed during the COVID-19 pandemic that could constitute torture or ill-treatment.

Prisons and the use of force

- xv. Persistence of police brutality, excessive use of force and the resulting culture of impunity within the police in many countries, particularly **Angola, Kenya, Mozambique, Senegal, the Democratic Republic of Congo, etc.**

⁶ To date, only Cameroon has submitted its initial report on the Kampala Convention.



- xvi. The challenge of prison overcrowding and the lack of disaggregated data on prison overcrowding in most countries and the dilapidated facilities in prisons, most of which are over half a century old.
- xvii. Most African countries have no budget to build prisons that meet international standards and are capable of self-maintenance.

Freedom of Association and Expression

- xviii. The persistence of legislative frameworks and legal restrictions that severely hamper the work of associations and civil society organisations in certain countries;
- xix. The adoption of bills which, in their current form, reduce civic space, in particular the bill on the status of non-governmental organisations adopted by Parliament in **Angola** and the bill on the amendment of private voluntary organisations adopted by Parliament in **Zimbabwe**;
- xx. Imposition of emergency health or security measures in certain countries with a view to unduly restricting the rights to freedom of association and assembly, in particular for opposition political actors, civil society and human rights defenders

Rights of Older Persons

- xxi. Violations of the rights of older persons in **Guinea-Bissau**, including acts of violence and accusations of witchcraft

Women's Rights

- xxii. The conflicts in Mozambique and Sudan and the migratory crisis in Tunisia and Libya are having a serious adverse effect on women's rights in these countries, where cases of rape, ill-treatment and gender-based violations have been reported;
- xxiii. Persistence of violence against women and girls in the private and public sphere, including rape and other forms of sexual violence in many countries,
- xxiv. Persistence of harmful traditional practices such as forced and early marriages, humiliation, harassment, female genital mutilation and inhuman and degrading treatment of women and girls in several countries.

Refugees, Migrants and Internally Displaced Persons

- xxv. **Mauritania**: Delay in the adoption of the bill to combat violence against women and girls, despite Government promises. This bill has been pending since 2012;
- xxvi. **Tunisia**: Increased repression of dissidents and freedom of expression, as well as people prosecuted solely for their peaceful political activities and the exercise of their rights;
- xxvii. Forced displacement: An increase in the number of people forcibly displaced by a combination of conflict, political violence, climate change and food insecurity in Africa - there will be around 44 million displaced people in sub-Saharan Africa in 2023



(according to the UNHCR) and Africa will host three-quarters of the world's new internal displacements;

- xxviii. Refugees: in **Sudan**, since the start of the conflict in April 2023 and as a result of the ongoing violence, there have been almost 3.8 million internally displaced people, including 1 million who have fled to neighbouring countries (South Sudan, Egypt, Chad, Ethiopia, CAR and Libya), creating a real humanitarian crisis;
- xxix. Refugees: Issuance of a directive to refugees residing and carrying out activities outside the Dzaleka camp to return there, by the Government of **Malawi**, even if it means forcibly resettling refugees in the camp. This constitutes a regression by Malawi in the protection of refugees' rights, when it was well on its way to implementing local integration as a solution to the situation of long-term refugees;
- xxx. Internally displaced persons: in the **Democratic Republic of Congo**, the number of internally displaced persons has reached seven million, according to the International Organisation for Migration;
- xxxi. Migrant workers: in **Libya**, it is deplorable that the body responsible for combating illegal immigration has been continuing to expel foreign migrant workers for months;
- xxxii. Expulsion of sub-Saharan migrants by **Tunisia**.

Social and Economic Rights

- xxx. 900 families expelled from the **Democratic Republic of Congo** without adequate compensation;
- xxxi. The lack of effective implementation of economic, social and cultural rights in a large number of African countries, leading to persistent socio-economic inequalities and the marginalisation of vulnerable groups;
- xxxii. The impact of climate change and deforestation on economic, social and cultural rights, in particular the right to food and health.
- xxxiii. Insufficient funding and resources allocated to the realisation of economic, social and cultural rights in African countries
- xxxiv. Due to situations of armed conflict and the prevailing levels of insecurity in the **central Sahel**, the **Lake Chad Basin** and the **Democratic Republic of Congo**, schools have been forced to close. In **Burkina Faso**, for example, around a quarter of schools are closed for reasons of insecurity;
- xxxv. Soaring food and fuel prices in Africa, which are causing great vulnerability among the population and jeopardising the effective enjoyment of their economic and social rights;
- xxxvi. Increasing gender discrimination in employment, low wages that do not allow families to live decently, and the absence of social protection and social security systems in most African countries;
- xxxvii. Lack of social housing programmes in many countries.



Health and HIV

- xxxvii. In 2022, women and girls accounted for 63% of new HIV infections on the African continent. Many sectors are deprived of prevention programmes, which perpetuates the risk. Efforts targeting these populations should be stepped up.
- xxxviii. Despite advances, AIDS claimed one victim every minute in 2022. Millions of people are estimated to be living with HIV and not receiving treatment, while millions more receiving treatment are not virologically suppressed;
- xxxix. The vulnerability of the continent's women and girls to the HIV epidemic, in particular their ability to access health services; as well as the gap in testing of HIV-exposed infants and children, with more than two-fifths of children living with HIV undiagnosed;

Extractive Industries and the Environment

- xl. 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 violations, in particular forced child labour and the plundering of the continent's resources by multinational companies;
- xli. Africa continues to face a significant development financing gap, exacerbated by issues such as illicit financial flows, the debt crisis and difficulties in accessing climate change financing;
- xlii. The phenomenon of the resource curse has long deprived African countries of all the potential benefits of extracting their resources.

Peace and Security

- xliii. Asymmetric armed conflicts, including those linked to terrorism, are undermining countries such as **Sudan, the Democratic Republic of Congo, Mali, Mozambique, Burkina Faso** and the **so-called three-border area**;
- xliv. The issue of unconstitutional changes of government and the socio-political upheavals in several African countries are a real source of concern, given their very harmful effects on the promotion and protection of human rights.

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

- xlv. Persistence and maintenance in certain countries of measures to control and combat the COVID-19 pandemic, which have become obsolete and superfluous, and are causing unjustified restrictions on human rights

RECOMMENDATIONS

56. In view of the foregoing, the Commission makes the following recommendations:



a) To States Parties :

- i. The Commission calls on States Parties that have not yet done so to sign, ratify, implement and domesticate the various AU human rights instruments, in particular the African Charter on Human and Peoples' Rights, the Maputo Protocol, the Kampala Convention, the Charter for the Cultural Renaissance of Africa, 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; the 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 the 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 measures to ratify, integrate and implement relevant regional and international instruments, in particular 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. The Commission calls on States Parties to Implement the measures applicable to the protection of persons against extrajudicial, summary or arbitrary executions, including measures of prevention, investigation and awareness raising on the rights concerned;
- iv. The Commission calls on States 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, to speed up the ratification process and harmonise their national legislation accordingly;
- v. States that have not yet done so should ratify the OPCAT and establish national preventive mechanisms to monitor places of detention;
- vi. States Parties are called upon to lift the reservations to the African Charter on Human and Peoples' Rights and the Maputo Protocol for States Parties that have entered such reservations, to enable their citizens to fully enjoy the rights provided for in these two human rights instruments;
- vii. Submit their Periodic 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 accordance with the Reporting Guidelines;



- viii. Authorise promotion missions by the Commission in accordance with Article 45 of the African Charter;
- ix. Interact with the Commission by responding to its correspondence promptly through institutionalised Focal Points with expertise in working with the Commission;
- x. Implement the Commission's recommendations and decisions, in particular in promotion and protection mission reports, concluding observations, urgent appeals, resolutions and communications; and inform the Commission of the measures taken to implement these recommendations and decisions;
- xi. Carry out the in-depth constitutional reforms needed to avoid unconstitutional changes of government and to promote and protect human rights, in order to restore constitutional order;
- xii. Work with stakeholders to strengthen early warning mechanisms for potential conflict and urge States to ensure that the democratic mechanism remains a crucial factor in addressing this phenomenon through a rapid response;
- xiii. Mozambique should take the necessary measures to combat police brutality and human rights violations;
- xiv. Guinea-Bissau should step up its efforts to protect vulnerable groups such as the older persons;
- xv. Put an unconditional end to the armed conflicts that are undermining countries such as Sudan, the Democratic Republic of Congo, Mali, Burkina Faso and the Sahel's three-border area;
- xvi. The governments of Mozambique and Sudan must remember their obligations under the Maputo Protocol and international humanitarian law and ensure that women's rights are protected during the conflict;
- xvii. The governments of Mozambique and Sudan must thoroughly investigate the cases reported and bring the perpetrators of these crimes to justice, as a way of deterring other potential perpetrators;
- xviii. The Republic of Tunisia should take decisive action against all forms of racial discrimination and racial violence directed against black Africans;
- xix. The Republic of Tunisia should provide humanitarian access and essential health services to those in need while guaranteeing access to food and water for expelled migrants, in particular vulnerable women and children;
- xx. The Republic of Tunisia should investigate and bring to justice those suspected of committing criminal acts, including sexual assaults on black African migrants, refugees and asylum seekers;
- xxi. Ensure that laws do not unduly restrict access to information for reasons of national security or any other unjustified reason and that they are in harmony with the principles set out in Article 9 of the African Charter and guided by the Model Law on Access to Information in Africa;
- xxii. Take measures to prevent attacks on journalists and other media professionals, both online and offline;



- xxiii. Refrain from collecting, storing, analysing or sharing an individual's communications indiscriminately and randomly and ensure that any law authorising targeted surveillance of communications provides adequate safeguards in terms of respect for the right to privacy;
- xxiv. Ensure that the periodic State reports submitted in accordance with Article 62 of the African Charter provide sufficient information on the measures adopted to give effect to Article 9, in accordance with the guidelines set out in the Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019);
- xxv. Ensure that all laws and regulations concerning journalism, the media and freedom of expression comply with the guidance provided in the Declaration;
- xxvi. Member States are urged to support the APP by sharing this information with ministries of health and national health committees at national level, while we mobilise resources to roll out the first phase of the APP and the second phase on digitisation;
- xxvii. Advocate for the protection of human rights, particularly for key populations, in the context of HIV/AIDS. Monitoring and reporting on HIV/AIDS-related human rights violations;
- xxviii. Conduct awareness and education campaigns to reduce the stigma and discrimination associated with HIV. Promote comprehensive sex education and HIV prevention tools, such as PREP (pre-exposure prophylaxis), among at-risk populations;
- xxix. Take legislative and other measures for the full realization of economic, social and cultural rights, in accordance with the African Charter, the Principles and Guidelines on Economic, Social and Cultural Rights, the Guidelines on the Right to Water in Africa and other regional and international human rights standards, at all times, including in times of multidimensional crisis;
- xxx. Reform health systems and ensure access to health care, including adequate and effective health facilities and services for all;
- xxxi. Take measures and provide access to water, sanitation and other basic health care needs, as necessary to safeguard the health and life of the public;
- xxxii. Establish public housing policies for vulnerable populations and those affected by evictions or natural disasters;
- xxxiii. Take action to improve the overall humanitarian situation in Africa;
- xxxiv. Work towards investment and make increased efforts to ensure access to essential services and support for vulnerable and marginalised populations, particularly through social protection programmes;
- xxxv. Governments and stakeholders should prioritise and implement policies and programmes that address the negative impacts of climate change, deforestation and other environmental challenges on economic, social and cultural rights;
- xxxvi. Ensure that legislation, policies and administrative practices comply with best practice, international standards and the Guidelines on Freedom of Association



- and Assembly in Africa and do not unjustifiably infringe on the freedoms of association and assembly;
- xxxvii. Ensure that draft legislation on the protection and accountability of human rights defenders complies with international standards in order to create a favourable legal environment for their work;
 - xxxviii. Refrain from adopting measures aimed at restricting the civic space and the legitimate activities of human rights defenders in the promotion and protection of human rights;
 - xxxix. Take all appropriate measures to ensure that human rights defenders carry out their activities under conditions devoid of any threat to their physical and moral integrity;
 - xl. States should set up mechanisms to receive complaints of torture and other ill-treatment;
 - xli. States should promptly, thoroughly, independently and impartially investigate all allegations of torture and other ill-treatment and ensure that perpetrators are held accountable and made to face appropriate sanctions reflecting the gravity of the offences, in accordance with relevant international and regional standards;
 - xl.ii. States should respect and protect the rights of persons or groups most vulnerable to torture and other ill-treatment, including persons with intellectual or psychosocial disabilities, the homeless, women and children, persons with albinism, migrants, refugees and internally displaced persons, and ensure that perpetrators are held accountable;
 - xl.iii. Adopt and implement the African Guiding Principles on the Human Rights of All Migrants, Refugees and Asylum Seekers;
 - xl. iv. Appropriate the Resolution ACHPR/RES. 486 (EXT.OS/ XXXI1I) 2021 on missing migrants and refugees in Africa and the consequences for their families and ACHPR/Res.565 (LXXVI) 2023 on the inclusion of refugees, asylum seekers, internally displaced persons and stateless persons in national socio-economic systems, services and economic opportunities in Africa;
 - xl. v. Ensure that refugees can enjoy economic and social rights and certain freedoms within the framework of national laws;
 - xl. vi. Respect the principles of the Geneva Conventions and of the OAU, which espouse the principle of non-refoulement;
 - xl. vii. Urge States Parties to adopt the Draft Protocol to the African Charter on Specific Aspects of the Right to Nationality and the Eradication of Cases of Statelessness in Africa;
 - xl. viii. Strengthen the assistance given to States receiving large numbers of asylum seekers or refugees.
 - xl. ix. Put an end to the detention of migrants on the basis of their immigration status.

b) To the PRC



- I. Work in close collaboration and monitor the implementation of coordination and collaboration mechanisms between the Commission, the African Court and the African Committee of Experts on the Rights and Welfare of the Child, with a view to supporting improved implementation of the mandates of these Organs and strengthening the institutional coherence of the Union, in accordance with Executive Council Decision **EX.CL/Dec. 1154(XL)**; and **EX.CL/Dec.1108 (XXXVIII)**;
- li. Initiate the process of negotiating an AU Convention on the Elimination of Violence against Women and Girls, with a view to its adoption by the AU's policy-making Organs.

c) To the AU

- lii. Urges the African Union to take the initiative and play a leading role in all processes for the resolution of latent and current conflicts in order to avoid possible serious and massive violations of human rights;
- liii. Take steps to facilitate the adoption by States Parties of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to Nationality and Eradication of Statelessness in Africa;
- liv. Take steps to revitalise the process of adopting the draft Protocol to the African Charter on the Death Penalty in Africa;
- lv. Implement the African Common Position (ACP) on Humanitarian Effectiveness adopted in January 2016 at the Summit of Heads of State and Government and, in particular, the creation of the African Humanitarian Agency;
- lvi. Work towards global and regional governance of migration, in particular by implementing the Migration Policy Framework for Africa and its Action Plan;
- lvii. Implement the strategic framework on climate change, bearing in mind a human rights approach;
- lviii. Strengthen support for States in electoral processes in order to consolidate democratic systems and prevent unconstitutional changes of power.

Recommendations on the COVID-19 Pandemic:

a) To States Parties and the AUC:

- lix. Lift all measures to control and combat the COVID-19 pandemic, which have become obsolete and superfluous;
- lx. Ensure permanent holistic monitoring to be ready to eradicate any possible resurgence of the COVID-19 pandemic or any similar threat

XII. ADMINISTRATIVE AND FINANCIAL SITUATION OF THE COMMISSION



a) Staffing

57. The Commission has recruited three (3) P4 interpreter-translators, one of whom has resigned. Recruitment and integration for eight (8) permanent posts is underway: Executive Secretary, Deputy Secretary, Finance and Administration Officer, French Interpreter and Translator, Principal Legal Officer, Legal Officer, Principal Public Relations and Information Officer and Bilingual Secretary. Four of these eight posts are at the appointment stage, while the other four are at the advertising and pre-selection stage. The remaining 12 staff members will be recruited as soon as funds are allocated.
58. The current level of permanent staffing is twenty-seven (27) regular positions out of the forty-seven (47) in the current structure.

XIII. IMPLEMENTATION OF EXECUTIVE COUNCIL DECISIONS

a) Joint Retreat of the PRC and the Commission

59. Further to Executive Council Decision *EX.CL/Dec.1045 (XXXIV)* requesting the ACHPR "to institutionalise an annual joint retreat of the PRC and the ACHPR", the Commission reports that it has managed to schedule a retreat with the PRC's Sub-Committee on Structures to present the ACHPR's operational problem. This activity is scheduled to take place in Dakar, Senegal, from December 5 to 7, 2023.

b) Building of the Commission's Headquarters

60. In accordance with Decisions: *Ex.Dec.1045 (XXXIV)* and *EX.CL/Dec. 1080 (XXXVI)* requesting the AUC to "endeavour jointly with the ACHPR and the Government of The Gambia to establish a Special Fund for the mobilisation of resources and to take other concrete measures required, including the laying of the foundation stone, for the construction of the permanent Headquarters of the ACHPR", the Commission reports that on 20 October 2022, the title deeds for the land on which the future headquarters of the Commission will be built were handed over to the Deputy Chairperson of the African Union Commission, Dr Monique Nzanzabaganwa, at the ground-breaking ceremony held on the same day. The Commission also reports that during the intersession period, following several meetings with representatives of the host Government, the Secretariat was allocated a stand-alone building in Fajara to serve as a branch office pending the construction of the headquarters buildings. However, following an assessment by the Addis Ababa team appointed for this purpose, it was decided to transfer the Secretariat to Karaiba Avenue in a building that still needs to be renovated before the Secretariat can be moved there.

c) Creation of an Organ-level Appointments, Promotions and Recruitment Board (APROB)



61. In accordance with Decision **EX.CL/DEC. 1097(XXXVII)** of October 2020, and the AU Recruitment Procedures, the Commission recalls that the Chairperson of the AUC has approved the request for the establishment of an Appointments, Promotions and Recruitment Board for Organs (APROB), as of December 2021. This Council has been operational since then and was instrumental in the recruitments that have already taken place and are ongoing.

d) Issues relating to the governance of the Commission

62. During the intersession period, in accordance with Executive Council Decision **Ex.CL/Dec.1126(XXXIX)** specifically stated in the following terms "on issues specific to the other Organs of the AU, the ACHPR was to make a *written submission to the Sub-Committee on Structural Reform regarding the challenges faced in respect of the governance structure of the Organ and recommendations that could help resolve these challenges. The report was to be submitted by May 2022*". The Secretariat has presented a draft written submission to the Office of the Legal Adviser and the Bureau of the Commission for input, before it is finalised and submitted for decision by the Statutory Organs.

e) Revision of the Commission's Structure

63. In accordance with Executive Council Decision **EX.CL. Dec.995 (XXX11)** regarding the "*review of the ACHPR Secretariat's structure to better align its composition and organisational chart to the mandate entrusted to it and to the increasing work over the years*", the Commission states that the current ACHPR structure was last reviewed and approved in 2009. In order to ensure that the Commission has sufficient human resources to help it fulfil its mandate, it is using the current window of opportunity of the wider AUC reform to propose a stable structure that would meet the human resource needs of today and the next 15 years. The proposed structure has been reviewed by the Finance Directorate, the AUC Human Resources Management Directorate and the Office of the Legal Adviser. The Commission intends to present the proposed new structure to the next PRC Sub-Committee. Approval of the proposed structure will enable the Commission to align its Secretariat to its mandate.

XIV. Challenges

64. The Commission is still confronted with a number of challenges in implementing its mandate. These challenges relate both to staffing and to the financing of the Commission's activities, which are becoming more and more numerous.

XV. Requests



65. 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 recruitment of its remaining vacant positions.

66. It is also requesting an additional budget to improve the implementation of its mandate, particularly for the organisation of ordinary public face-to-face sessions, which are crucial for the Commission's work to ensure respect for and effective protection of human rights on the continent.

XVI. DATES OF THE 78TH AND 79TH ORDINARY SESSIONS OF THE COMMISSION

67. The 78th Ordinary Session will take place from 23 February to 8 March 2024. The date of the 79th Ordinary Session will be announced at a later date.