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PEACE AND SECURITY COUNCIL 866TM MEETING
8 AUGUST 2019 ADDIS ABABA

PSC/PR/COMM. (DCCCLXVI)

COMMUNIQUE

Adopted by the Peace and Security Council during its 866th meeting held on 8 August 2019 on its consultation with the African Commission on Human and Peoples' Rights (ACHPR) in pursuance of Article 19 of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union:

The Peace and Security Council,

Taking note of the statement made by H.E. Albert Ranganai Chimbindi, Ambassador of the Republic of Zimbabwe to the AU and Chair of the PSC for the month of August 2019 and a presentation made by Dr. Solomon Dersso, Commissioner at the ACHPR, representing the ACHPR;

Recalling Article 19 of the PSC Protocol and the previous pronouncements by the PSC on its cooperation with the ACHPR, particularly Communique [PSC/PR/Comm(LXXXV)] adopted at its 85th meeting held on 8 August 2007, in which the PSC adopted working methods of the Peace and Security Council as contained in the conclusions of the Dakar Brainstorming Retreat, including holding an annual consultative meeting with the ACHPR on the state of human rights in conflict areas on the Continent;

Further recalling the African Charter on Human and Peoples Rights and its Article 45 providing for the promotion and protection mandate of the ACHPR including through cooperation with other institutions having human rights mandate.

Acting under Article 19 of its Protocol, the Peace and Security Council:

1. **Commends** the existing cooperation and collaboration framework between the PSC and the ACHPR as a framework that enables both Organs to implement their respective mandates;
2. **Underscores** the need for the PSC and the ACHPR to maintain and institutionalize close working relationship in pursuit of the interdependent objectives of maintaining peace and security and ensuring the protection of human and peoples' rights in Africa;
3. **Emphasizes** the importance of the work of the ACHPR including its thematic focus on human rights in conflict situations under Resolution 332 and its contribution to the activities of the PSC on issues related to human rights, in the promotion of peace, security and development on the Continent; **Commends** the efforts of the ACHPR, in line with the African Charter on Human and Peoples' Rights and the Maputo Protocol, to ensuring that Member States comply with and implement the relevant AU instruments on human rights that they are parties to;
4. **Appeals** to all Member States, especially those concerned, to extend their full cooperation with the ACHPR, particularly when the ACHPR undertakes fact-finding missions or investigation missions in those countries, in line with Articles 45 (2) and 46 of the African Charter;

5. **Emphasizes** that human rights are universal and inalienable, indivisible, interdependent and interrelated; Furthermore, **recognizes** that human rights protect the dignity of all human beings and address injustices in crisis or conflict situations in Africa;
6. **Emphasizes** that the African Charter provides for a catalogue of rights that gives equal legal status to all categories of rights namely civil, political and socio-economic rights, as well as collective rights of peoples; furthermore **stresses** that the African Charter and the PSC Protocol affirm the interdependence and indivisibility among these various categories of rights, but also inseparability of human rights, peace security and development, as well as the rights of women and children in Africa;
7. **Underscores** the importance of mainstreaming human rights in all phases of the conflict cycle from prevention to post-conflict situations in Africa; in this context, **requests** the AU Commission to ensure the inclusion in its reports and briefing notes to the PSC of a section highlighting human rights issues of concern and in the conflict early warning indicators and in undertaking assessment missions including when planning peace support operations (PSOs) on the Continent;
8. **Notes** the instruments developed by the ACHPR such as its general Comment No. 3 on the right to life under Article 4 of the African Charter and General Comment No 4 on the right to redress for torture and inhumane treatment; Principles and Guidelines on Human and Peoples' Rights while countering terrorism in Africa; Guidelines to combat sexual violence and its consequences in Africa; Study on Transitional Justice and human and peoples' rights in Africa; Study on Human Rights in Conflict Situations under Resolution 332, which provide guidance to AU Member States ; in this respect **underlines** the need for the ACHPR to continue implementing its mandate in line with Article 45(1) (a) & (b) of the African Charter, in elaborating the relevant normative instruments;
9. **Expresses** its appreciation to the ACHPR for its willingness to implement the requests of the PSC for undertaking investigation into human rights issues in conflict or crisis situations; in this respect **undertakes** to extend full support to the ACHPR for getting access to the country where the PSC requested the investigation to be undertaken;
10. **Encourages** the ACHPR to extend regular invitation to the PSC for participation in the ordinary sessions of the ACHPR;
11. **Underscores** the need for the ACHPR to provide early warning briefings on the state of human rights in Africa to the PSC; In this regard, **requests** the AU Commission and the ACHPR Secretariat to propose a modality for the establishment of a coordinated early warning mechanism on human rights related issues on the Continent between the two Organs;
12. In enhancing and institutionalizing its cooperation and collaboration with the ACHPR, in line with Article 19 of its Protocol, the PSC **decides**.

- i. To hold annual joint consultative meetings, between the PSC and the ACHPR, alternately in Addis Ababa and Banjul in rotation;
- ii. To receive regular briefings from the ACHPR on human rights related issues on the Continent, whenever the two Organs deems it necessary;
- iii. To communicate decisions on peace and security issues with particular focus on human rights, to each other, while ensuring coherence and complementarity in decision-making processes;
- iv. To have human rights and peace and security as a standing thematic agenda of the PSC through which identified thematic issues of human rights relating to peace and security will be addressed;
- v. To hold regular interaction between the PSC Chairperson and the Chairperson of the ACHPR or the ACHPR focal person on human rights in conflict situations, on issues of common concern, including through the use of the videoteleconferencing;
- vi. To undertake joint field missions in conflict or post conflict situations in Africa whenever deemed necessary by the PSC;
- vii. To ensure clarity in the mandating of investigation missions to facilitate the work of the ACHPR.

13. **Decides** to convene the annual consultative meetings in August each year and in this regard **agrees** to hold the next joint consultative meeting in August 2020.