

Annex 1

Comments of State Parties on the 42nd Activity Report of the ACHPR and Responses by the Chairperson of the ACHPR

1. Following the presentation of the 42nd Activity Report, a number of States Parties made observations as follows:
2. The Egyptian delegation stated that Paragraph 43(ii) of the Report was very unacceptable and contained preposterous information, specifically, noting that there was no internal displacement in Egypt. It also requested the PRC to establish a Committee to develop criteria for granting Observer Status, in accordance with Executive Council decision of 2015.
3. The delegation of Equatorial Guinea observed that Paragraph 42(i) on positive developments should mention all the States Parties that assisted in resolution of the political crisis in The Gambia, including Equatorial Guinea.
4. The Eritrean delegation stated that Paragraph 43(viii), on allegations of arrests and harassment of journalists and human rights defenders in Eritrea were unfounded, and requested this clarification be included in the PRC Report.
5. The Ugandan delegation denied the allegation of violence, discrimination, stigma and social exclusion directed at persons with albinism in Uganda and requested that it be expunged from the Report. It also requested clarification on the financial implication of having a full time Bureau of the Commission.
6. The Tanzanian delegation observed that the last report of attacks on 'persons with albinism' in Tanzania was in 2016 and proposed that there should be a mechanism to authenticate the allegations received by the Commission. It also requested

clarification on why the Bureau of the Commission should be on a full time appointment.

7. The South Sudanese delegation denied the existence of food insecurity in South Sudan, noting that the civil war situation had an effect on the situation in the country and proposed that the Report be revised and the facts correctly reported.
8. The Nigerian delegation also denied the existence of food insecurity in Nigeria and questioned the source of the information.
9. On Paragraph 42 on positive developments, the delegation from DRC stated that it had adopted a law on protection of human rights defenders, in addition to developments made between 2006 and 2017 on reduction of cases of sexual violence in the country, noting that this ought to have been reflected in the Report.
10. The Kenyan delegation objected to Paragraph 43(vi) regarding allegations on forced evictions of indigenous populations in Kenya and requested that a mechanism to establish the authenticity of allegations submitted to the Commission be put in place.
11. The Ethiopian delegation stated that the existence of the state of emergency had not affected the protection of human rights, and further that there were no forced evictions of indigenous populations in Ethiopia because the resettlement of communities was done on a voluntary basis. It was also concerned that the Commission's allegations were heavily based on media sources, which reduced the credibility of the Report.
12. The delegation of Tunisia observed that the state of emergency was as a result of terrorist attacks and its aim was not to violate human rights. Regarding the allegations of torture, it denied them and requested the source of this information.

13. The Zambian delegation asked whether the Coalition of African Lesbians (CAL) still had Observer Status and whether the Commission had consulted ECOSOCC when it reviewed its criteria for granting Observer Status. It was also concerned with governance and the management of funds at the Commission and requested that an audit of the Commission be undertaken on governance issues and the use of funds.
14. The Zimbabwean delegation also raised concern on the governance issues at the Commission, and requested an investigation on these issues. It also wanted to know whether the Commission had consulted with ECOSOCC in reviewing its criteria on Observer Status.
15. The delegation of Libya noted that internal displacement was not a major problem in the country, following resolution on the internal conflict.
16. The Sudanese delegation denied the allegations of arrests and harassment of journalists and human rights defenders and requested for the source of information, as well as information on those arrested.
17. The delegation of Cameroon requested for the source of the allegations on arrests and harassment of journalists and human rights defenders in Cameroon.
18. The delegation of Burundi also requested for the source of the allegations on arrests and harassment of journalists and human rights defenders in Cameroon.

Clarifications provided:

19. The Chairperson noted that the Commission receives information on the human rights situations in the continent from various sources including: during its

Ordinary Sessions; reports published by various intergovernmental human rights bodies such as African human rights organs, the United Nations (UN); in addition to the media and non-governmental organizations (NGOs).

20. Regarding Egypt, the concern related to how the conflict had affected women and children, a situation which was already well known and was in the public domain.
21. The Chairperson noted that the humanitarian crisis, hunger and food insecurity in South Sudan was also factual, as noted by the UN Secretary General when he issued an urgent call for funding, in February 2017, to provide food for affected populations in South Sudan, Nigeria and Somalia.
22. On Ethiopia, the allegations highlighted in the Report were contained in three Letters of Urgent Appeal which were sent to H.E. the President of the Federal Republic of Ethiopia in August, September and October 2016; however to date no official response was received on the allegations. The concern in the report also indicated that the state of emergency in Tunisia may have resulted in human rights violations, in prisons as noted in a number of human rights reports.
23. On the allegations of forced evictions of indigenous populations to give way to development projects in Kenya, Tanzania and Ethiopia, the recent decision of the African Court on Human and Peoples' Rights in May 2017 on the Ogiek case found that the eviction of the Ogiek from their ancestral lands by the Government in Kenya was a violation of human rights under the African Charter.
24. Regarding Tanzania, this allegation was raised in a Letter of Urgent Appeal sent to H.E. the President of Tanzania in March 2017 by the Commission, requesting him to take action on the continuous unlawful eviction of indigenous communities from their ancestral lands in the name of creating and/or preserving natural conservancies, game reserves and investment projects in the tourism and agro-

industry sectors since 2009; to date there has been no comprehensive response from the Government on these issues. Reports of these evictions was also contained in the findings of the Study Report of the International Working Group on Indigenous Affairs (IWGIA) Report No. 23 of 2016, "*Tanzanian Pastoralists Threatened: Evictions, Human Rights Violations and Loss of Livelihoods*," where it catalogued the systematic eviction of indigenous communities by the Government of Tanzania over a period of seven years. These evictions took place to allocate land to foreign investors and to create new protected areas including national parks, game reserves or private conservancies in the regions of Mbeya, Morogoro, Pwani, Manyara and Arusha.

25. In Ethiopia, the allegations were in relation to the construction of the Gibe III Dam which affected the indigenous communities who live in Lower Omo Valley.
26. In respect of allegations of acts of violence, discrimination, stigma and social exclusion directed at persons with albinism in the Republics of Tanzania and Uganda, the source of the information was the 2016 Activity Report of the investigative mission conducted by the African Committee of Experts on the Rights and Welfare in Tanzania, where it made findings relating to abuses of children with albinism in temporary safe shelters, and in particular in the 'Bhuangija Temporary Holding Shelter.' Though the Government accepted the recommendations of the Report and took some modest steps, the violations were alleged to be continuing.
27. Similarly, the Ugandan Government had taken some steps to deal with acts of violence, discrimination, stigma and social exclusion directed at persons with albinism. However, the source of the allegation was as reported by the news organization Al Jazeera on the 4th August 2016 highlighting the daily discrimination and lack of support from the Government of people with albinism.

28. On the issue of the NGOs, the total number of NGOs with Observer Status with the ACHPR is five hundred and eleven (511), as at the 60th Ordinary Session of the Commission in May 2017. These organizations complied with the criteria for Observer Status set out by the Commission, when the Commission granted them this status. The Chairperson also noted that the Commission had been granting Observer Status to NGOs since 1988. (<http://www.achpr.org/network/>)
29. Pursuant to **Executive Council Decision Ex.CL/887(XXVII)**, the Commission reviewed the criteria for granting Observer Status to NGOs. The said criteria were reviewed during the 59th Ordinary Session, as reported in the Commission's 41st Activity Report submitted to the AU Policy Organs meeting in January 2017.
30. On allegations of arrests and harassment of journalists and human rights defenders in the countries concerned, these were issues brought to the attention of the Commission during the intersession, as well as its 60th Ordinary Session from various sources including statements made by participants during the public session on the "Human Rights Situation on the continent."
31. In view of all the issues and allegations raised above, the Chairperson reiterated once again that without authorization from States Parties to conduct promotion missions, or responses to Letters of Urgent Appeal, the Commission was not be able to verify the veracity and/or authenticity of the allegations it received and thus these remained allegations. The Chairperson also noted that the Commission had an obligation to report on allegations received to the AU Policy Organs, as it has done in current and previous reports.
32. The Chairperson concluded by appealing to State Parties to open the channels of regular engagement by responding to its requests for authorization of promotion missions, Letters of Urgent Appeal, as well as attending its Ordinary Sessions, to

have the opportunity to respond when participants in the Session raise these issues.