

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
<p>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 4410505 / 4410506; Fax: (220) 4410504 E-mail: au-banjul@africa-union.org; Web www.achpr.org</p>		

FINAL COMMUNIQUÉ OF THE 77th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

**ARUSHA, TANZANIA
20 OCTOBER - 9 NOVEMBER 2023**

1. In accordance with Article 64(2) of the African Charter on Human and Peoples' Rights (the African Charter), read together with Rule 27 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission), the Commission held its 77th Ordinary Session (Session), from 20 October to 9 November 2023 in Arusha, Tanzania.
2. The Opening Ceremony of the Session was held on 20 October 2023 at the Arusha International Conference Center. It was presided over by H.E. Dr. Hussein Ali Mwinyi, President of Zanzibar and Chairperson of the Revolutionary Council; Hon. Haroun Ali Suleiman, Minister of State in the Office of the President- Constitution, Legal Affairs, Public Service and Good Governance of Zanzibar; Hon. Ambassador Dr. Pindi Hazara Chana (MP), Minister of State for Constitutional and Legal Affairs of the United Republic of Tanzania; Hon. John Mongella, Regional Commissioner for Arusha; H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission; Honourable Commissioner Maya Sahli-Fadel, outgoing Vice-Chairperson of the Commission; and Honourable Commissioner Rémy Ngoy Lumbu, Chairperson of the Commission.
3. The newly elected Honourable Commissioner, Selma Sassi-Safer, made the Solemn Declaration before taking up her duty as Commissioner, per Article 38 of the African Charter.
4. The following re-elected Honourable Commissioners also made the Solemn Declaration before taking up their renewed duties as Commissioners, per Article 38 of the African Charter:
 - i. Honourable Commissioner Rémy Ngoy Lumbu;
 - ii. Honourable Commissioner Hatem Essaiem; and
 - iii. Honourable Commissioner Maria Teresa Manuela.
5. The Commission elected its new Bureau, which shall serve for two years. The Bureau comprises Honourable Commissioner Rémy Ngoy Lumbu, re-elected as Chairperson, and Honourable Commissioner Janet Ramatoulie Sallah-Njie, elected Vice Chairperson.
6. The substantive program of the Session was presided over by Honourable Commissioner Remy Ngoy Lumbu, Chairperson of the Commission, with the assistance of the newly elected Vice Chairperson, Honourable Commissioner Janet Ramatoulie Sallah-Njie.
7. The following Members of the Commission participated in the Session:
 - i Honourable Commissioner **Rémy Ngoy Lumbu**, Chairperson;
 - ii Honourable Commissioner **Janet Ramatoulie Sallah-Njie**-Vice Chairperson;

- iii Honourable Commissioner **Solomon Ayele Dersso**;
- iv Honourable Commissioner **Hatem Essaiem**;
- v Honourable Commissioner **Maria Teresa Manuela**;
- vi Honourable Commissioner **Mudford Zachariah Mwandenga**;
- vii Honourable Commissioner **Marie Louise Abomo**;
- viii Honourable Commissioner **Idrissa Sow**;
- ix Honourable Commissioner **Ourveena Geereesha Topsy-Sonoo**;
- x Honourable Commissioner **Litha Musiyimi Ogana**; and
- xi Honourable Commissioner **Selma Sassi-Safer**.

8. During the Opening Ceremony, key Statements were delivered by:

- i. **Ms. Hannah Forster**, Executive Director of the African Centre for Democracy and Human Rights Studies, on behalf of the Non-Governmental Organisation (NGO) Forum Steering Committee;
- ii. **Honourable Rtd Judge Mathew P.M. Mwaimu**, Chairperson of the Commission for Human Rights and Administrative Governance of Tanzania, on behalf of the Network of African National Human Rights Institutions;
- iii. **Ms. Christine GRAU**, Ambassador of the European Union to Tanzania and East African Community, on behalf of the European Union Special Representative for Human Rights;
- iv. **Mr. Marcel Akpovo**, Regional Representative to the African Union/East Africa Regional Office; Office of the United Nations High Commissioner for Human Rights;
- v. **Dr. Robert Eno**, Registrar, on behalf of the President of the African Court on Human and Peoples' Rights;
- vi. **H.E Albert-Fabrice Puela**, Minister for Human Rights of the Democratic Republic of Congo, Representative of States Parties to the African Charter on Human and Peoples' Rights;
- vii. **Honourable Rémy Ngoy Lumbu**, Chairperson of the Commission;
- viii. **Honourable Haroun Ali Suleiman**, Minister of State in the Office of the President-Constitution, Legal Affairs, Public Service and Good Governance of Zanzibar;
- ix. **H.E Moussa Faki Mahamat**, Chairperson of the African Union Commission;
- x. **Honourable Amabssador Dr. Pindi Hazara Chana (MP)**, Minister of Constitutional and Legal Affairs of the United Republic of Tanzania, and
- xi. Opening Statement by **H.E Dr. Hussein Ali Mwinyi**, President of Zanzibar and Chairperson of the Revolutionary Council.

9. All the statements made during the Opening Ceremony are available on the Commission's website.

10. The Session also commemorated the 20th Anniversary of the Maputo Protocol and the celebration of Africa Human Rights Day on 21st October 2023. In commemoration of Africa Human Rights Day, the Commission held a High-Level Panel on Maputo Protocol@20: A call for Universal Ratification, Implementation, Domestication, and Reporting of the Maputo Protocol.
11. As part of commemorating 20 years of the Maputo Protocol and within the context of the High-Level Panel, the Commission honoured H.E Dr. Samia Suluhu Hassan, President of the United Republic of Tanzania, with a prestigious Award for being the first female President to host a Session of the Commission. The Award also celebrates President Hassan's accomplishments. It symbolizes the progress in breaking gender barriers, promoting women's empowerment in leadership roles, and acknowledging her exceptional leadership and commitment to upholding human rights principles, particularly those enshrined in the Maputo Protocol.
12. A total of one thousand six hundred and sixty-three (1663) delegates attended the Session, including: two hundred and fourteen (214) representing States Parties from twenty-eight (28) countries; twenty (20) representing Organs of the AU; five (5) representing the Regional Economic Community; twenty-three (23) representatives of international and inter-governmental organisations; one hundred and thirty-eight (138) representatives of NHRIs; one thousand one hundred and one (1101) representatives African and International NGOs; one hundred and seven (107) Observers; and fifty-five (55) Press and Media Organizations.
13. The representatives of the following **seventeen (17) States Parties** made statements on the human rights situation in their respective countries: Algeria; Angola; Botswana; Cameroon; Chad; Egypt; Ethiopia; Eswatini; Kenya; Malawi; Rwanda; Sahrawi Democratic Arab Republic; South Africa; Uganda; Tanzania; Tunisia; and Zimbabwe.
14. Representatives of **nine (9)¹ NHRIs** with Affiliate Status with the Commission, made statements on the human rights situation in their respective countries.
15. Fifty-five (**55**) **NGOs** with Observer Status with the Commission, made statements on the human rights situation in Africa.
16. **One (1) International and Intergovernmental Organization²** with Observer Status with the Commission, also made a statement.

¹ National Human Rights Commission of Burkina Faso; National Human Rights Commission of the Democratic Republic of Congo; Ethiopian Human Rights Commission; National Human Rights Commission of The Gambia; National Human Rights Commission of Mauritania; National Human Rights Commission of Nigeria; National Commission for Human Rights of Rwanda; South African Human Rights Commission; and Commission for Human Rights and Good Governance of Tanzania.

² UN Working Group on People of African Descent.

17. **Nine (9) State Parties** to the African Charter exercised their right of reply: Angola; Cameroon; Eritrea; Ethiopia; Kenya; Tanzania; Tunisia; Uganda; and Zimbabwe.

18. With a view to strengthening the promotion and protection of human rights on the continent, several panel discussions on various themes were organized during the Session:

- i. Panel on the Ratification of the Protocol to the African Charter on Social Protection in Africa and dissemination of General Comment No. 7 on State Obligations under the African Charter in the context of the provision of Social Services;
- ii. Panel on Stakeholder Consultation on the Draft Report of the 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;
- iv. Joint Panel of the African Commission on Human and Peoples' Rights (ACHPR) and the African Union Advisory Board on Corruption (AUABC);
- v. Joint Panel on Enforced Disappearances during Elections (with the United Nations Working 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 a particular focus on exploring OHCHR/ACHPR collaboration on mainstreaming human rights in 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: Sharing Experiences;
- xi. Joint Panel of the ACHPR and the African Court on Human Peoples' Rights as part of the Joint Roadmap on Complementarity; and
- xii. Panel on the use of the State Reporting Guidelines on Articles 21 and 24.

19. The Commission launched the following documents:

- i. African Guiding Principles on the Human Rights of All Migrants, Refugees and Asylum Seekers and the Study on the African Responses on Migration;
- ii. Study on the Use of Force by Law Enforcement Officers and Prison Guards;
- iii. Newsletter on Maputo@20: A Celebration of 20 Years of the Rights of Women and Girls in Africa; and

- iv. Report on the Jurisprudence on Article 5 of the African Charter;
 - v. CPTA's 2023 Newsletter; and
 - vi. Newsletter of the Special Rapporteur on Human Rights Defenders.
20. The Commission reported on the status of its relations and cooperation with NHRIs and NGOs and the status of submission of Activity Reports by NHRIs and NGOs.
21. Pursuant to its Resolution on the Criteria for Granting and Maintaining Observer Status to NGOs working on Human and Peoples' Rights in Africa, the Commission granted Observer Status to the following nine (9) NGOs:
- i. Afya na haki Institute;
 - ii. Centre d'Espoir pour les Droits Humains (CEDH);
 - iii. Consortium of Ethiopian Human Rights Organizations (CEHRO);
 - iv. African Centre for Justice and Peace Studies (ACJPS);
 - v. National Coalition of Human Rights Defenders Uganda;
 - vi. The Forum for African Women Educationalists (FAWE);
 - vii. The Forum for Development and Human Rights Dialogue (FDHRD);
 - viii. Un Monde Avenir; and
 - ix. Wellbeing Africa.
22. The Commission also considered and rejected applications for Observer Status by the following four (4) NGOs due to the absence of a registered office in one of the States Parties to the African Charter on Human and Peoples' Rights:
- i. ADF INTERNATIONAL;
 - ii. International Network for Economic, Social & Cultural Rights (ESCR-Net);
 - iii. THE GAIA FOUNDATION; and
 - iv. Transatlantic Christian Council.
23. Additionally, the application from one (1) NGO, All Africa Conference of Churches (AACC), was also rejected due to the non-alignment of its objectives and activities with those of the Commission, and its status as a diplomatic entity not being in consonance with the criteria set forth by the Commission.
24. This brings the total number of NGOs with Observer Status with the Commission to **five hundred and sixty-one (561)** and the total number of NHRIs with Affiliate Status with the Commission to **thirty-six (36)**.
25. The Commission considered the Periodic Reports of the following State Parties:
- i. The Periodic report Periodic Report (2013-2022) of the Republic of Uganda submitted in accordance with Article 62 of the African Charter and Article 26 (1) of the Maputo Protocol; and

- ii. The Periodic Report (2017 to 2020) of the Republic of Eritrea submitted in accordance with Article 62 of the African Charter.
26. Members of the Commission presented their intersessional reports to highlight the activities undertaken in their capacities as Commissioners, Country Rapporteurs, and Special Mechanism mandate holders. The presentation of these reports generated reactions, contributions, and questions from State delegates, NHRIs, and representatives of CSOs.
27. The Commission redistributed mandates and allocated membership of Special Mechanisms and countries of responsibility as follows:
- i. Honourable Commissioner **Rémy Ngoy Lumbu**: Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa; Country Rapporteur for **Algeria, Cameroon, Cote d'Ivoire, Mali, and Togo**;
 - ii. Honourable Commissioner **Janet Ramatoulie Sallah-Njie**: Special Rapporteur on the Rights of Women in Africa; Country Rapporteur for **Ghana, Namibia, Somalia, Mauritania; and Zimbabwe**;
 - iii. Honourable Commissioner **Solomon Ayele Dersso**: Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa; Country Rapporteur for **Kenya, Nigeria, Seychelles, South Africa, and South Sudan**;
 - iv. Honourable Commissioner **Hatem Essaiem**: Chairperson of the Committee for the Prevention of Torture in Africa; Country Rapporteur for **Benin, Djibouti, Madagascar, Mauritius, and Sudan**;
 - v. Honourable Commissioner **Maria Teresa Manuela**: Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; Country Rapporteur for **Cabo Verde, Equatorial Guinea, Guinea-Bissau, Mozambique and São Tomé and Príncipe**;
 - vi. Honourable Commissioner **Mudford Zachariah Mwandenga**: Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; Country Rapporteur for **Ethiopia, Liberia, Malawi, Rwanda and Uganda**;
 - vii. Honourable Commissioner **Marie Louise Abomo**: Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa; Country Rapporteur for **Angola; Burundi, Congo, Democratic Republic of Congo, and Gabon**;
 - viii. Honourable Commissioner **Ourveena Geereesha Topsy-Sonoo**: Special Rapporteur on Freedom of Expression and Access to Information in Africa; Country Rapporteur for **Botswana, Lesotho, Tanzania, Sahrawi Arab Democratic Republic, and Zambia**;
 - ix. Honourable Commissioner **Idrissa Sow**: Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; Country Rapporteur for **Burkina Faso, Central African Republic, Chad, Comoros, and Guinea**;
 - x. Honourable Commissioner **Litha Musyimi-Ogana**, Chairperson, Working Group on Indigenous Populations/Communities and Minorities in Africa

& Chairperson, Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV in Africa; Country Rapporteur for **Egypt, Eswatini, Eritrea, Sierra Leone and The Gambia**; and

- xi. Honourable Commissioner **Selma Sassi-Safer**: Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa; Country Rapporteur for **Libya, Niger, Senegal, and Tunisia**.

28. During its private Session, the Commission considered and adopted the following Reports:

- i. Report of the Chairperson on the Intersession Oversight Activities;
- ii. Report of the Secretary to the Commission;
- iii. Report on the Status of Follow-up Actions and Decisions from the 76th Ordinary Session;
- iv. Report of the Advisory Committee on Budgetary and Staff Matters;
- v. Report on Administrative Seizures;
- vi. Report of the Working Group on Communications;
- vii. Report of the Working Group on Specific Issues related to the Work of the Commission;
- viii. Report on the Audit of Communications;
- ix. Report of the 2023 Annual Work Plan Implementation as of the third Quarter; and
- x. Audit Report on Pending Applications for Observer Status and review of the Resolution on Granting Observer Status to NGOs.

29. The Commission considered and adopted its Report on the Promotion Mission to Namibia, undertaken in June 2023.

30. The Commission also considered and validated the ACHPR Monitoring and Evaluation Plan.

31. The Commission considered and noted for further deliberation the following documents:

- i. ACHPR 2024 Annual Work Plan; and
- ii. Concept Note and Status of Implementation of the Activity Report on the State of Human and Peoples' Rights

32. The Commission considered five (5) Communications as follows:

- i. Two (2) Communications on Admissibility, which were declared admissible; and
- ii. Three (3) Communications on the Merits, of which two (2) were adopted and one (1) was deferred.

33. The Commission adopted five (5) Resolutions on the Re-allocation of Country Rapporteurship; Appointments and Reconstitution of Special Mechanisms, including Internal Committees, as follows:

- i. Resolution on the Re-Allocation of Country Rapporteurship amongst Commissioners;
- ii. Resolution on the Appointment of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
- iii. Resolution on Appointment for 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 Issues related to the Work of the Commission; and
- v. Resolution on the Reconstitution of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV.

34. The Commission adopted one (1) Country Resolution:

- i. Resolution on the Human Rights Situation and Humanitarian Crisis caused by the ongoing Armed Conflict in the Republic of The Sudan.

35. The Commission adopted six (6) Thematic Resolutions:

- i. Resolution on the Commitment of the African Commission on Human and Peoples' Rights to support States in the search for Lasting Solutions to reduce Forced Displacement and its Consequences in Africa;
- ii. Resolution on the Need to undertake a Study to assess the Level of Compliance of National Legislations with the Guidelines on Freedom of Association and Assembly in Africa;
- iii. Resolution on the Deployment of Mass and Unlawful targeted Communication Surveillance and its Impact on Human Rights in Africa;
- iv. Resolution on the Need to Protect Civic Space, Freedom of Association and Assembly in Africa;
- v. Resolution on the Appointment of a Focal Point on Judicial Independence in Africa; and
- vi. Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples' Rights in Africa.

36. The Commission considered and adopted its combined 54th and 55th Activity Report.

37. The Commission decided to hold its 78th Private Ordinary Session, virtually, from **23 February to 8 March 2024**. Details of the next Ordinary Session will be made available on the Commission's website in due course.
38. The Commission expresses its sincere gratitude to State Parties, International Organizations, NHRIs, NGOs, and all stakeholders who participated in this Ordinary Session.
39. The Commission also expresses its profound gratitude to H.E Dr. Samia Suluhu Hassan, President of the United Republic of Tanzania, the Government and the People of the United Republic of Tanzania for hosting the 77th Ordinary Session, the hospitality and facilities accorded to the Commission, its staff, and participants of the Session.
40. The Closing Ceremony of the 77th Ordinary Session took place on 9 November 2023.
