208. ACHPR/RES.208 (EXT.OS/X1)2012: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN SENEGAL

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 11th Extraordinary Session in Banjul, The Gambia, from 21 February to 1 March 2011;

RECALLING its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

CONSIDERING the Constitutive Act of the African Union, the African Charter on Human and Peoples’ Rights, the African Charter on Democracy, Elections and Governance, the ECOWAS Protocol on Democracy and Good Governance, the other regional and international human rights instruments and the Constitution of the Republic of Senegal;

CONSIDERING, inter alia, Article 1 of the African Charter which stipulates that “The Member States of the Organization of African Unity, Parties to the present Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them’’;

CONCERNED by the serious violations of the right to demonstrate, of the freedom of opinion, of expression and of assembly;

DEEPLY CONCERNED by the atmosphere of insecurity characterized, on the eve of the presidential elections, by serious and repeated threats against the peace of civilians, by arbitrary arrests and acts of intimidation against the population in general and the Leaders of the Opposition in particular;

FURTHER CONCERNED by the use of force by law enforcement Officers who are firing live bullets at peaceful demonstrators resulting in the loss of lives;

CONCERNED about the current deteriorating human rights situation in Senegal which is likely to endanger the democracy, development and stability of the country;

THE AFRICAN COMMISSION

• STRONGLY CONDEMNS the persistent and serious human rights violations which are tarnishing the electoral campaign, and the use of force against peaceful demonstrators;

• CALLS ON the Senegalese Government to guarantee the right to freedom of opinion, of expression, of assembly and of peaceful demonstration in conformity with the Constitution of Senegal;
• **URGES** all the Parties to put an immediate end to the violence, and more particularly calls on the political Leaders, the presidential candidates and other stakeholders to refrain from all acts that may threaten public law and order;

• **CALLS ON** the Government and the Opposition to initiate dialogue towards the resolution of their differences so as to foster the holding of free, peaceful and transparent elections;

• **URGES** the Government of Senegal to guarantee, at this decisive moment in the history of the country, the security of all its citizens and that of the Leaders of the Opposition and to ensure that human rights and fundamental liberties are fully respected and guaranteed;

• **URGES** the Government of Senegal put an end to all acts of intimidation, to immediately and unconditionally release the demonstrators who were arbitrarily arrested, and to take all the necessary measures to put an end to impunity by ensuring that all perpetrators of acts of violence are brought to justice;

• **URGES** the Government of Senegal to honour its commitments under the African Charter, the Constitutive Act of the African Union and the other relevant human rights instruments to which Senegal is party;

• **FINALLY CALLS ON** the African Union and the entire International Community to lend their support to the peaceful conclusion of the current electoral process in Senegal.

Done in Banjul, The Gambia, 22 February 2012.
ACHPR/RES.209 (EXT.OS/XI)2012: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE NORTH OF MALI

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 11th Extraordinary Session in Banjul, The Gambia, from 21st February to 1st March 2012;

RECALLING its mandate of promotion and protection of human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

CONSIDERING that one of the objectives of the African Union, as outlined under Article 3 (f) of its Constitutive Act consists of “promoting peace, security and stability on the Continent “;

CONSIDERING Articles 6, 22 and 23 of the African Charter which guarantee the rights to security, peace and development and other regional and international human rights instruments;

DEEPLY CONCERNED by the resumption of the conflict between the Touareg rebels and the Malian Armed Forces, since 17 January 2012, in violation of the 2009 Algiers Accord which had officially put an end to the Touareg rebellion;

WORRIED by the forced displacement of more than 60,000 Malians within the country and to Mauritania, Niger, Burkina Faso and Algeria as a result of the conflict between the Parties;

CONCERNED about the numerous cases of looting and aggression being perpetrated during the conflict;

CONCERNED about the humanitarian crisis caused by the conflict in the North of Mali;

1. CONDEMN the current conflict between the Touareg rebels and the Malian Armed Forces;

2. CONDEMN the forced displacement of Malians inside the country and to neighbouring countries;

3. URGES the Touareg rebels to put an immediate end to their attacks and calls upon the parties to initiate constructive dialogue for a settlement of the conflict;

4. URGES the Government of Mali to take the necessary measures to protect the rights of its citizens as guaranteed in the African Charter as well as other regional and international human rights instruments;

5. CALLS ON the African Union and the international community to give their support in the resolution of the conflict.

Done in Banjul, The Gambia, 25 February 2012
210. **ACHPR/RES.210 (EXT.OS/XI) 2012: RESOLUTION ON REFUGEES AND INTERNALLY DISPLACED PERSONS FLEEING THE CONFLICT IN THE NORTH OF MALI**

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 11th Extraordinary Session in Banjul, The Gambia, from 21 February to 1 March 2012;

**Recalling** its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

**Considering** the Constitutive Act of the African Union, the African Charter on Human and Peoples’ Rights, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the 2009 Kampala Declaration on Refugees, Returnees and Internally Displaced Persons in Africa, the 1951 Geneva Convention and its 1967 Protocol, as well as other human rights protection instruments;

**Considering, inter alia,** Article 1 of the African Charter which stipulates that “The Member States of the Organization of African Unity, parties to the present Charter shall recognize the rights, duties and freedoms enshrined in the Charter and shall undertake to adopt legislative or other measures to give effect to them”;

**Further recalling** Article 2 (1) of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa which stipulates that “Member States of the OAU shall use their best endeavours consistent with their respective legislations to receive refugees and to secure the settlement of those refugees who, for well-founded reasons, are unable or unwilling to return to their country of origin or nationality”;

**Deeply concerned** by the renewed fighting in the North of Mali, since January 2012, between Tuareg rebels and the Malian armed forces in violation of the 2009 Algiers Accord which had officially put an end to the Tuareg rebellion;

**Concerned** by the forced and massive displacement of over 130,000 Malians some of whom are fleeing within the country away from areas of fighting, and others to seek refuge in neighbouring countries such as Algeria, Burkina Faso, Mauritania and Niger as a result of the rebellion in the North of Mali;

**Also concerned** by the potential risk of instability and insecurity in the region as a result of the displacement of populations fleeing from the conflict in the North of Mali;

**The African Commission:**

- **Strongly condemn** the renewed conflict in the North of Mali and **urges** the Tuareg rebels to put an immediate end to their attacks against innocent civilian populations;
• Calls on the Government of Mali and the Tuareg rebels to dialogue towards a peaceful resolution of the conflict, to ensure peace, security, stability and the territorial unity of Mali;

• Appreciates the commitment of the States (Algeria, Burkina Faso, Mauritania and Niger) that are already showing hospitality and solidarity with the Malian refugee populations;

• Calls on the States with refugees within their territories to take necessary measures towards guaranteeing their security and humanitarian needs, in spite of the difficult nature of such a task;

• Further calls on the host States to work closely with UNHCR and other international humanitarian organizations towards providing greater protection, material assistance and management of refugee camps with a view to meeting the needs of the refugee populations in their territories, paying special attention to women and children;

• Urges the Government of Mali to take all the necessary measures towards authorizing and facilitating the smooth passage of humanitarian aid to the internally displaced persons in the North of Mali;

• Urges the Government of Mali to take all the necessary measures to put an end to the displacement of populations and facilitate the repatriation of refugees and the return of internally displaced persons to their areas of origin once the conditions of security are restored;

• Calls on all African States to assist in bearing the costs resulting from the forced displacement of populations from the North of Mali in conformity with the principles of African solidarity and international cooperation as sanctioned by the 1969 OAU Convention;

• Further calls on all the Member States of the African Union that have not yet done so to ratify and implement the Kampala Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

Done in Banjul, The Gambia, 29 February 2012
211 ACHPR/RES.211 (EXT.OS/XI) 2012: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN NIGERIA


RECALLING its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

CONSIDERING Article 1 of the African Charter which calls on Member States to adopt legislative or other measures to give effect to the rights and freedoms enshrined therein;

FURTHER CONSIDERING Article 4 of the African Charter by virtue of which human beings are inviolable, with every human being entitled to respect for his life and the integrity of his person;

NOTING Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples’ rights in accordance with the African Charter and other relevant human rights instruments;

CONCERNED by the deteriorating human rights situation in the Federal Republic of Nigeria, as a result of the recent wave of acts of violence;

DEEPLY CONCERNED by the loss of hundreds of lives, injury caused and destruction of private and public property;

1. STRONGLY CONDEMNS acts of violence targeting innocent civilians in the Federal Republic of Nigeria, in particular on government structures and places of worship, including the recent attacks which targeted a Mosque in Kano on 24 February 2012 and a Church in the city of Jos on 26 February 2012.
2. **CALLS** on the authors of such indefensible acts of violence to immediately stop their attacks against civilians;

3. **URGES** the Government of the Federal Republic of Nigeria to take all necessary measures to ensure the protection of its civilians in accordance with its regional and international human rights obligations;

4. **FURTHER URGES** the Government of the Federal Republic of Nigeria to put an end to impunity by ensuring that the perpetrators of these heinous acts are brought to justice;

5. **CALLS ON** the AU and the international community to support the Government of the Federal Republic of Nigeria in its efforts to end these acts of violence.

Done in Banjul, The Gambia, 29 February 2012
ACHPR/RES.212 (EXT.05/XI) 2012: RESOLUTION ON THE MANDATE OF THE WORKING GROUP ON COMMUNICATIONS OF THE AFRICAN COMMISSION OF HUMAN AND PEOPLE’S RIGHT

The African Commission on Human and Peoples’ Rights (the African Commission) meeting at its 11th Extra-Ordinary Session held in Banjul, The Gambia, from 21 February to 1 March 2012;

Recognising its promotion and protection mandate pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the decision at its 50th Ordinary Session, held in Banjul, The Gambia from 24 October to 5 November 2011, to establish a Working Group on Communications in accordance with Rule 23(1) of its Rules of Procedure;

Noting Resolution ACHPR/Res.194 (L) 11: Establishing a Working Group on Communications and Appointment of Members, adopted at its 50th Ordinary Session;

Hereby decides that the mandate of the Working Group on Communications will be to:

1. Consider Communications at the level of Seizure and inform the African Commission;

2. Consider Communications on Admissibility, and formulate recommendations to the African Commission, and where necessary, consider Communications on Merits;

3. Inform the African Commission on the status of Communications at all stages of the procedure;

4. Inform the African Commission on the status of implementation of its decisions on Communications;

5. Examine Communications to be referred to the African Court on Human and Peoples’ Rights and make recommendations to the African Commission;
6. Advise the Bureau of the African Commission on requests for Provisional Measures made by Parties, where necessary;

7. Advise the African Commission on the withdrawal or closure of Communications;

8. Advise the African Commission on the need to grant oral hearings, if necessary;

9. Ensure that the final versions of decisions accurately reflect the comments and observations of Members of the African Commission.

Done in Banjul, The Gambia, 1 March 2012
213. ACHPR/Res.213 (LI) 2012: RESOLUTION ON THE UNSCONSTITUTIONAL CHANGE OF GOVERNMENTS

The African Commission on Human and Peoples’ Rights (African Commission), at its 51st Ordinary Session held from 18 April to 2 May 2012 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Considering that one of the objectives of the African Union as stipulated in Article 3(f) of its Constitutive Act is to “promote peace, security, and stability on the continent”;

Considering Article 4 of the Constitutive Act of the African Union which stipulates as a rule the respect for democratic principles, good governance, popular participation, the rule of law and human rights;

Noting the provisions of the African Charter on Democracy, Elections and Governance, and the ECOWAS Protocol on Democracy and Good Governance;

Further recalling the relevant provisions of the Algiers Decision AHG/142 (XXXV) of July 1999, the Lomé Declaration of July 2000 and the Protocol Relating to the Establishment of the Peace and Security Council of the African Union on the unconstitutional change of government;

Concerned by the unconstitutional change of governments, a situation which constitutes a threat to democracy, peace and security on the continent;

Deeply concerned by the recent military takeovers in Mali on 22 March 2012 and in Guinea-Bissau on 12 April 2012 by military juntas, acts that are in violation of the right to participate freely in the government of one’s country, either directly or through freely chosen representatives as stipulated in Article 13 of the African Charter on Human and Peoples’ Rights;

Further concerned by the serious humanitarian consequences and human rights violations, in particular the killings and arbitrary arrests which are as a result of the unconstitutional change of governments;

Strongly condemns the attempts at instituting autocratic regimes and the unconstitutional change of governments on the continent, acts which it considers to be a serious threat to stability, peace, security and development;

Deplores the setbacks recorded in Mali and Guinea-Bissau, compared with the significant strides made in fostering democracy and the rule of law on the continent in recent years;

Urges all African States to comply fully with the provisions of the African Charter on Democracy, Elections and Governance;
Calls on African Governments to engage political and social dialogue with a view to promoting democratic practices and consolidating the culture of democracy and peace on the continent;

Urges the African Union and the international community to ensure that democratic governance is respected on the continent;

Further calls on all Member States of the African Union that have not done so to ratify and implement the African Charter on Democracy, Elections and Governance.

Done in Banjul, 2 May 2012
214. ACHPR/Res.214 (LI) 2012: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN NIGERIA

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 51st Ordinary Session in Banjul, The Gambia, from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Noting Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples’ rights in accordance with the African Charter and other relevant human rights instruments;

Considering Article 1 of the African Charter which calls on Member States to adopt legislative or other measures to give effect to the rights and freedoms enshrined therein;

Further Considering Article 4 of the African Charter by virtue of which human beings are inviolable, with every human being entitled to respect for his life and the integrity of his person;

Recalling Resolution ACHPR/RES.211 (EXT.OS/XI) 2012 on the Human Rights Situation in Nigeria, which condemned acts of violence committed by armed groups against citizens in Nigeria, which resulted in loss of lives, injury and destruction of property;

Deeply Concerned by the acts of violence which have continued unabated;

1. Strongly Condemns recent acts of violence committed on 26 April 2012, in which the offices of This Day newspaper were attacked in Abuja and Kaduna, resulting in the death of several people and destruction of property;

2. Also Condemns the subsequent attack that occurred on 29 April 2012, in which gunmen attacked worship services at Bayero University campus in the city of Kano killing at least 16 people and wounding 22 others, and at the Church of Christ in Nigeria, in Maiduguri, killing at least 3 people;
3. **Calls** on the authors of such indefensible acts of violence to immediately stop their attacks against civilians;

4. **Urges** the Government of the Federal Republic of Nigeria to take all necessary measures to ensure the protection of its civilians in accordance with its regional and international human rights obligations; and

5. **Calls on** the ECOWAS, African Union, and the international community to support the Government of the Federal Republic of Nigeria in its efforts to end these acts of violence.

Done in Banjul, The Gambia, 2 May 2012
ACHPR/Res.215 (LI) 2012: RESOLUTION ON THE RENEWAL OF THE MANDATE OF EXPERTS MEMBERS OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT, AND HUMAN RIGHTS VIOLATIONS IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 51st Ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012;

Underscoring its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling all relevant regional and international human rights instruments and, specifically Articles 21 and 24 of the African Charter on the rights of all peoples to freely dispose of their wealth and natural resources, and to a general satisfactory environment favorable to their development;


Recalling Further Resolution ACHPR/Res Res198(L)2011, adopted at the 50th Ordinary Session, held from 24 October to 5 November 2011, in Banjul, The Gambia, appointing the Chairperson of the Working Group for an initial period of two years;

Recognizing that the success of the Working Group depends on significant support from its members, including their expertise to achieve its specific mandate;

Noting that the mandate of the members of the Working Group ended on 5 November 2011;

Decides to renew the mandate of the Expert Members of the Working Group:

i. Ms. Valérie Couillard
   ii. Mr. Clément Nyaletsossi Voulé
   iii. Mr. Samuel Ngúffo
   iv. Professor James Thuo Gathii
   v. Professor Danny Bradlow

Done in Banjul, The Gambia, 2 May 2012
ACHPR/Res. 216 (LI) 2012: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE KINGDOM OF SWAZILAND

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 51st Ordinary Session, in Banjul, The Gambia, from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Underscoring the provisions of the African Charter, in particular; Articles 9, 10, 11, 13, and 18(3), as well as other international human rights instruments, including the Universal Declaration of Human Rights (UDHR) the International Covenant on Civil and Political Rights (ICCPR), and the Protocol to the African Charter on the Rights of Women in Africa;

Deeply Concerned about allegations of the violation of the right to freedom of expression, freedom of assembly, and freedom of association which, if true, may affect the conduct of free, fair and credible elections in 2013;

Further Concerned about the allegation of the violations of the rights of workers as seen in the de-registration of the recently formed Trade Union Congress of Swaziland (TUCOSWA) by the Office of the Commissioner of Labour acting on the advice of the Attorney General of the Swaziland Government;

Alarmed by the failure of the Kingdom of Swaziland to implement the decision of the African Commission in Communication 251/2002- Lawyers for Human Rights v Swaziland, and the recommendations in the report adopted by the African Commission following a promotional mission to the country in August 2006;

i. Calls on the Government of the Kingdom of Swaziland to respect, protect and fulfil the rights to freedom of expression, freedom of association, and freedom of assembly as provided for in the African Charter, the UDHR, the ICCPR and other international and regional instruments;

ii. Calls on the Government of the Kingdom of Swaziland to implement the decision of the African Commission in Communication 251/2002- Lawyers for Human Rights v Swaziland and submit a report on the status of implementation;

iii. Calls on the Government of the Kingdom of Swaziland to implement the recommendations in the report adopted by the African Commission following a promotional mission to the country in August 2006;

iv. Further urges the Government of the Kingdom of Swaziland to take all necessary measures to ensure the conduct of free, fair and credible elections in 2013;

Done in Banjul, The Gambia, 2 May 2012
217. ACHPR/Res.217 (LI) 2012: RESOLUTION ON THE SITUATION IN THE NORTH OF MALI


Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Considering that one of the objectives of the African Union as stipulated in Article 3(f) of its Constitutive Act is to “promote peace, security, and stability on the continent”;

Considering Articles 22 and 23 of the African Charter which guarantee the right to security, peace and development, as well as other regional and international human rights legal instruments;

Recalling its Resolution ACHPR/RES.209 (EXT.OS/XI) 2012 on the Human Rights Situation in the North of Mali and Resolution ACHPR/RES.210 (EXT.OS/XI) 2012 on Refugees and Internally Displaced Persons Fleeing the Conflict in the North of Mali;

Considering the 6 April 2012 unilateral declaration of the independence of the north by the National Movement for the Liberation of Azawad (MNLA), a declaration that was not recognized by the regional governments and the international community;

Deeply concerned by the threat to democracy, peace and security in Mali following the attacks carried out against civilian populations and military camps in the north by the National Movement for the Liberation of Azawad (MNLA) and other armed Islamic groups;

Concerned by the current worsening human rights situation in the north of Mali marked by serious and massive human rights violations, in particular the summary execution of soldiers of the Malian army, rape of women and young girls in Gao and Timbuktu, massacre of civilians, and widespread looting of property belonging to the Government and individuals;

Further concerned by the humanitarian consequences of the massive and forced displacement of civilian populations to neighbouring countries as a result of the political instability and the growing threat of terrorism in the north of Mali;

Concerned by the abduction of foreigners in the region, including seven Algerian diplomats recently;

i. Condemns the unilateral declaration of the independence of Azawad by the MNLA;

ii. Condemns the attacks carried out by the MNLA, Ansardine, AQMI and Boko Haram against civilian populations and military camps in the north of Mali;

iii. Condemns the continued conflict which is forcing the displacement of thousands of Malians living in the north of Mali;
iv. Further condemns the illegal occupation of Kidal, Gao and Timbuktu by the various armed groups, and attempts at the balkanization of Mali which undermine the country’s territorial integrity, national unity and social cohesion;

v. Condemns all acts of looting and violence perpetrated against civilian populations;

vi. Condemns the abduction of several foreigners in the region in the past months, including seven Algerian diplomats in Gao;

vii. Welcomes the efforts made by ECOWAS, African Union, and the international community in resolving the Malian crisis towards the restoration of peace and political stability in the Republic of Mali;

viii. Urges the Government of Mali to take all necessary measures to put an end to the conflict and acts of terrorism, and to ensure the security of the civilian population;

ix. Calls on the ECOWAS, African Union and the international community at large to lend their support to the people of Mali in their struggle to preserve the achievements of democracy, national security and the territorial integrity of Mali.

Done in Banjul, 2 May 2012
218. **ACHPR/Res.218 (LI) 2012: RESOLUTION ON HUMAN RIGHTS IN ETHIOPIA**

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012

**Recalling** its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

**Considering** Article 1 of the African Charter which calls on Member States to adopt legislative or other measures to give effect to the rights and freedoms enshrined therein;

**Recalling** the obligations of States Parties to the African Charter under Articles 5, 6, 7, and 9 of the African Charter as elaborated by the African Commission’s *Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines)*; *Declaration of Principles on Freedom of Expression in Africa*; and *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*;

**Deeply Concerned** at the frequent allegations of the use of torture in pre-trial detention in Ethiopia, particularly in the Federal Police Crime Investigation and Forensic Department of Maikelawi in Addis Ababa, where political prisoners are detained, interrogated and frequently subjected to torture or other forms of cruel, inhuman or degrading treatment or punishment;

**Further Concerned** with the difficulties encountered by independent monitors, legal representatives and family members to visit prisoners and to access places of detention in Ethiopia, which increases the risk of being subjected to torture and other forms of ill-treatment;

**Deeply concerned** at the reported use of unofficial and ungazetted places of detention in Ethiopia, including military camps and private buildings, wherein torture is reported to take place, and the unofficial nature of which also increases the risk that detainees will be subjected to torture or other forms of ill-treatment;

**Gravely alarmed** by the arrests and prosecutions of journalists and political opposition members, charged with terrorism and other offences including treason, for exercising their peaceful and legitimate rights to freedom of expression and freedom of association;

**Condemning** the excessive restrictions placed on human rights work by the Charities and Societies Proclamation, denying human rights organizations access to essential funding, endowing the Charities and Societies Agency with excessive powers of interference in human rights organizations, further endangering victims of human rights violations by contravening principles of confidentiality;

**CALLS ON** the Government of Ethiopia to:
i. Allow access to prisons and other places of detention to independent monitors, and grant all detainees and prisoners access to their families and legal counsel, and provide any medical treatment they may require, in accordance with Article 16 of the Charter;

ii. Immediately move any detainees currently held in unofficial places of detention to a recognized detention center; and charge all of them with a recognizable criminal offence, and try them in a timely manner in trials which meet international standards of fair trial, or immediately and unconditionally release them;

iii. Adopt strategies with a view to providing continuous training for the judiciary and prison administration on regional and international instruments for the promotion and protection of human rights, with particular focus on the rights to fair trial and the human rights of detainees, including the Robben Island Guidelines;

iv. Amend the Charities and Civil Societies Proclamation in accordance with the UN Declaration on Human Rights Defenders;


**Done in Banjul, The Gambia, 2 May 2012**
219. ACHPR/Res.219 (LI) 2012 : RESOLUTION ON THE SITUATION BETWEEN SUDAN AND SOUTH SUDAN

The African Commission on Human and Peoples’ Rights (African Commission), at its 51st Ordinary Session held from 18 April - 2 May 2012 in Banjul, The Gambia:

Considering its mandate to promote human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Considering that one of the objectives of the African Union as stipulated in Article 3(f) of its Constitutive Act is to “promote peace, security, and stability on the continent”;

Considering that the States of Sudan and South Sudan are parties to the African Charter;

Recalling all the relevant international and regional human rights instruments, in particular Articles 20 and 23 of the African Charter relating to the right to existence, peace and security;

Taking Note of Communiqué PSC/MIN/COMM/3.(CCCXIX) of the Peace and Security Council of the African Union on the situation between Sudan and South Sudan issued in Addis Ababa on 24 April 2012;

Concerned by the current situation prevailing at the borders of the two countries, particularly in the Abyei region, which constitutes not only a serious threat to peace and security in the region but also undermines the economic viability of the two States and the right to the well-being of their respective citizens;

Deeply concerned by the humanitarian situation created by the armed conflict between the two countries, and the threat posed to the right of asylum and nationality of persons from South Sudan living in Sudan and vice-versa;

Particularly concerned by the renewed conflict in South Kordofan and the Blue Nile regions of Sudan and the resultant humanitarian tragedy;

Recognizing the efforts made as part of the regional and international initiatives of IGAD, the African Union and the UN to find a peaceful solution to the situation;

Condemns the destruction of economic infrastructures, in particular oil facilities as a result of the armed conflict and incitement to war and xenophobia instigated by both parties through the media;

Urges the two States Parties to put an end to the conflict and preserve the right to peace and security of the peoples of Sudan and South Sudan;

Calls on the States Parties involved in the conflict to ensure the preservation of the life and security of the non-combatant populations and economic infrastructures in accordance with universally-recognized humanitarian norms;
Recommends to the Governments of Sudan and South Sudan to take all necessary measures to ensure under all circumstances the right to peace and security of persons living in their territories, and the right to asylum of nationals of the other State involved in the conflict;

Calls on the African Union and other regional and international institutions involved in the search for a solution to the conflict between Sudan and South Sudan to continue their peace-making efforts towards the full and effective enjoyment of human rights in the two countries.

Done in Banjul, 2 May 2012
220. **ACHPR/Res.220 (LI) 2012: RESOLUTION ON THE EXTENSION OF THE MANDATE OF THE COMMITTEE ON THE PROTECTION OF THE RIGHTS OF PEOPLE LIVING WITH HIV (PLWHIV), AND THOSE AT RISK, VULNERABLE TO AND AFFECTED BY HIV IN AFRICA**

The African Commission on Human and Peoples’ Rights (African Commission) at its 51st Ordinary Session held from 18 April - 2 May 2012 in Banjul, The Gambia;

**Recalling** its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

**Considering** that as part of fulfilling its mandate, the African Commission established various mechanisms for the promotion and protection of human and peoples’ rights in Africa;

**Recognizing** that the African Commission on Human and Peoples’ Rights has the fundamental role to protect vulnerable groups in Africa from human rights violations;

**Further recalling** its Resolution ACHPR/Res.163 (XLVII) 10, adopted at the 47th Ordinary Session of the African Commission on the establishment of a Committee on the Protection of the Rights of People Living with HIV (PLWHIV), and Those at Risk, Vulnerable to and Affected by HIV;

**Further recalling** its Resolutions ACHPR/172 (XLVIII) 10 and ACHPR/Res.195 (L) 11 on the appointment of Members of the Committee and that of Commissioner Lucy Asuagbor as the Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLWHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa;

**Noting** with satisfaction the work accomplished by the Committee on the Protection of the Rights of People Living with HIV (PLWHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa;

**Further noting** that the mandate of the Committee on the Protection of the Rights of People Living with HIV, and Those at Risk, Vulnerable to and Affected by HIV/AIDS and that of its Members come to an end during this Session;

**Bearing in mind** the need for the Committee to continue with its activities and implement the action plan it adopted recently;

**Decides** to extend the mandate of the Committee and the following members for another term of two years with effect from 2 May 2012:

- a) Commissioner members of the Committee :
  
  1. Honourable Commissaire Lucy ASUAGBOR, the Chairperson ;
  2. Honourable Reine ALAPINI GANSOU, Member ;
  3. Honourable Soyata MAIGA, Member;
b) Experts Members of the Committee:

1. Mme Agnès ATIM APEA (Uganda);  
2. M. Patrick Michael EBA (Côte d’Ivoire);  
3. M. Patrick Le doux DUTZUE FOGUE (Cameroon);  
4. M. Christian GARUKA NSABIMANA (Rwanda);  
5. Mme Nicolette MERELE NAYLOR (South Africa);  
6. M. Ebenezer TOPE DUROJAYIE (Nigeria);

Done in Banjul, The Gambia, 2 May 2012
221. ACHPR/Res.221 (LI) 2012: RESOLUTION ON THE ATTACKS AGAINST JOURNALISTS AND MEDIA PRACTITIONERS IN SOMALIA

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 51st Ordinary Session, held in Banjul, The Gambia, from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Underscoring that freedom of expression and access to information are fundamental human rights guaranteed by Article 9 of the African Charter, and other international and regional human rights treaties;

Reaffirming its commitment to promote the rights of all peoples “To national and international peace and security” in line with Article 23 of the African Charter, and Article 3(f) of the Constitutive Act of the African Union (AU);

Recalling Resolutions ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter; ACHPR/Res.54 (XXIX) 01 on the Situation of Freedom of Expression in Africa; ACHPR/Res.99 (XXXX) 06 on the Deteriorating Situation of Freedom of Expression and Access to Information in Africa; and ACHPR/Res.178 (XLIX) 2011 on the safety of journalists and media practitioners in Africa;


Aware of the UNESCO Plan of Action on the Safety of Journalists and the Issue of Impunity endorsed on 13 April 2012, which aims to create a free and safe environment for journalists and media workers in both conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide;

Noting the Communiqué of the 21st Meeting of the International Contact Group (ICG) from 5 to 6 February 2012, in Djibouti which strongly condemned all forms of violence and intimidation against Somali journalists, and media organizations, as well as urged the Somali authorities to end the impunity, investigate and prosecute those responsible;

Further noting the Communiqué of the London Conference on Somalia at Lancaster House on 23 Feb 2012 which emphasized inter alia that journalists must be able to operate freely and without fear;
Deeply Concerned by the murder of four (4) journalists from January to April 2012 in Mogadishu and Galkayo, Somalia, with the death toll now at more than thirty (30) journalists in three (3) years; and lack of investigation which leaves the perpetrators unpunished:

i. Condemns the continued killings of journalists in the Somali Republic;

ii. Calls on Somali authorities and all armed groups to end ongoing violations against journalists, media practitioners, and media organizations;

iii. Urges Somali authorities to investigate the violations committed against journalists and media practitioners in Somalia;

iv. Further urges the Transitional Federal Government of Somalia to review laws related to the guarantee of freedom of expression, in particular, the 2007 Media law and the Penal Code to ensure that they comply with international and regional standards on freedom of expression;

v. Appeals to the Somali authorities including Somaliland and Puntland authorities to refrain from prosecuting journalists in retaliation of their independent and critical work of journalism;

vi. Calls on Somali authorities, the AU and the international community to support the establishment of an Independent Commission of Inquiry to investigate the killings of journalists and other violent attacks against them, so as to end the culture of impunity.

Done in Banjul, The Gambia 2 May 2012
ACHPR Recommendations and Resolutions

222. ACHPR/Res.222 (LI) 2012: RESOLUTION TO MODIFY THE DECLARATION OF PRINCIPLES ON FREEDOM OF EXPRESSION TO INCLUDE ACCESS TO INFORMATION AND REQUEST FOR A COMMEMORATIVE DAY ON FREEDOM OF INFORMATION

The African Commission on Human and Peoples’ Rights (the African Commission) meeting at its 50th Ordinary Session held in Banjul, The Gambia, from 18 April to 2 May 2012;

Recognising its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Underscoring that the right of access to information is enshrined in Article 9 of the African Charter, and other international human rights instruments, including Article 19 of the Universal Declaration of Human Rights (UDHR), and the International Covenant on Civil and Political Rights (ICCPR);

Underlining that access to information is essential for the recognition and achievement of every person’s civil, political and socio-economic rights, and as a mechanism to promote democratic accountability, and good governance;

Recalling Resolution ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa (the Declaration) of 2002, which elaborates on the scope of Article 9 of the African Charter;

Underscoring Principle IV (1) of the Declaration, which provides that “public bodies hold information not for themselves but as custodians of the public good and everyone has a right to access this information, subject only to clearly defined rules established by law,” and Principle IV (2) which stipulates that “the right to information shall be guaranteed by law in accordance with the principles” set out in the Declaration;

Recalling Resolution ACHPR/Res.122 (XXXXII) 07, adopted during its 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo, which expanded the mandate of the Special Rapporteur on Freedom of Expression in Africa (the Special Rapporteur) to include access to information;

Noting ACHPR/Res.167 (XLVIII) 10: Resolution on Securing the Effective Realization of Access to Information in Africa adopted during its 48th Ordinary Session, held in Banjul, The Gambia, from 10 to 24 November 2010, which authorised the Special Rapporteur to develop a Model Law on Access to Information for African Union (AU) Member States to assist them in formulating, adopting or reviewing access to information legislations and their implementation;

Noting further the African Platform on Access to Information adopted by the Pan African Conference on Access to Information held from 17 to 19 September 2011 in Cape Town, South Africa;
Convinced that it is of critical importance that clear and comprehensive principles are established to guide the promotion and protection of the right of access to information in Africa through the adoption and effective implementation of appropriate national laws and regulations;

Recognising the work of the African Union Commission (AUC) to give practical effect to the various instruments of the AU on freedom of expression and access to information, through such initiatives as the Pan African Media Network, the media center, as well as its efforts to promote Information and Communications Technology (ICTs) in Africa;

Underlining the importance of setting aside a day to commemorate access to information as a way to raise awareness and emphasise the importance of this right, and promote the ideals of good governance and accountability;

Acknowledging that civil society organisations and government bodies around the world have adopted 28 September as 'International Right to Know Day;

i. Authorises the Special Rapporteur to initiate the process of expanding Article IV of the Declaration of Principles on Freedom of Expression in Africa to include access to information;

ii. Solemnly request the AU to consider proclaiming 28 September as International Right to Information Day in Africa;

iii. Calls on the AU to support the work of the Special Rapporteur by endorsing the Model Law on Access to Information following its adoption by the African Commission.

Done in Banjul, The Gambia, 2 May 2012
223. ACHPR/Res.223 (LI) 2012: RESOLUTION ON THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 51st ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012;

Recalling its mandate to promote and protect human and peoples' rights in Africa pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Further recalling that the African Charter guarantees economic, social and cultural rights;

Noting that economic, social and cultural rights are also guaranteed in the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa as well as by international instruments ratified by many African States and in particular the International Covenant on Economic, Social and Cultural Rights;

Noting also the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 10 December 2008 which allows the Committee on Economic, Social and Cultural Rights to receive communications from individuals;

Concerned with the lack of realization of economic, social and cultural rights across the African continent as well as with the lack of appropriate laws and mechanisms at the national level to protect economic, social and cultural rights;

Acknowledging the challenges and constraints that preclude the full realization of economic, social and cultural rights in Africa;

URGES States Parties to the African Charter that have not done so to ratify the International Covenant on Economic, Social and Cultural Rights, and the Optional Protocol to the ICESCR;

CALLS ON States Parties to take immediate steps, individually and through international assistance and cooperation, to protect the rights and respect and fulfill their obligations under these instruments subject to their available resources.

Done in Banjul, The Gambia 2 May 2012
224. ACHPR/Res.224 (LI) 2012: RESOLUTION ON A HUMAN-RIGHTS BASED APPROACH TO NATURAL RESOURCES GOVERNANCE

The African Commission on Human and Peoples’ Rights (African Commission), at its 51st Ordinary Session held from 18 April to 2 May 2012 in Banjul, The Gambia;

**Considering** its mandate to promote human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

**Recalling** Articles 20, 21 and 24 of the African Charter as elaborated by the 2011 Tunis Reporting Guidelines and the 2010 Nairobi Implementation Guidelines on Economic, Social and Cultural Rights, particularly in protecting the rights of peoples to pursue their social and economic development in terms of policies they have freely chosen; to freely dispose of their natural resources in the exclusive interest of the people; and to generally satisfactory environment;

**Noting** the interdependence between human rights and development;

**Recalling** Principle 2 of the 1992 Rio Declaration on Environment and Development establishing State sovereignty over natural resources, read with Principle 1 providing that “human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature” and Principle 22 providing that “local communities have a vital role in environmental management and development and, as a result, their identity, culture and interests must be protected”;

**Noting** that there has recently been rapid progress in the definition of minimum international standards with respect to natural resources required to maintain life itself, in particular the recent recognition of the human right to food and the human right to water and sanitation;

**Observing** that current natural resources governance is gravely hampered by ill-planned development, misappropriation of land, corruption, bad governance and prevailing insecurities, amongst others;

**Mindful** of the disproportionate impact of human rights abuses upon the rural communities in Africa that continue to struggle to assert their customary rights of access and control of various resources, including land, minerals, forestry and fishing;

**Calls upon** States Parties to:

i. **Reaffirm** that, in accordance with the Rio Declaration and African Charter principle of State sovereignty over natural resources, the State has the main responsibility for ensuring natural resources stewardship with, and for the interest of, the population and must fulfill its mission in conformity with international human rights law and standards;

ii. **Confirm** that all necessary measures must be taken by the State to ensure...
participation, including the free, prior and informed consent of communities, in decision making related to natural resources governance;

iii. **Recommit** themselves to vigorously fighting corruption at all levels of decision making by strengthening and enforcing criminalization of corruption, decisively ending impunity and ensuring asset recovery and repatriation for illicitly expatriated capital;

iv. **Ensure** that respect for human rights in all matters of natural resources exploration, extraction, toxic waste management, development, management and governance, in international cooperation, investment agreements and trade regulation prevails, and in particular:

- Establish a clear legal framework for sustainable development as it impacts on natural resources, in particular water, that would make the realization of human rights a prerequisite for sustainability;

- Strengthen regional efforts, such as the 2009 ECOWAS Directive on Mining and the African Commission’s Working Group on Extractive Industries and Human Rights, to promote natural resources legislation that respect human rights of all and require transparent, maximum and effective community participation in a) decision-making about, b) prioritisation and scale of, and c) benefits from any development on their land or other resources, or that affects them in any substantial way;

- Set up independent monitoring and accountability mechanisms that ensure that human rights are justiciable and extractive industries and investors legally accountable in the country hosting their activities and in the country of legal domicile;

- Ensure independent social and human rights impact assessments that guarantee free prior informed consent; effective remedies; fair compensation; women, indigenous and customary people’s rights; environmental impact assessments; impact on community existence including livelihoods, local governance structures and culture, and ensuring public participation; protection of the individuals in the informal sector; and economic, cultural and social rights.

**Done in Banjul, The Gambia, 2 May 2012**
225. ACHPR/Res.225 (LII) 2012: RESOLUTION ON THE EXPANSION OF THE MANDATE OF THE WORKING GROUP ON COMMUNICATIONS AND MODIFYING ITS COMPOSITION

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 52nd Ordinary Session held in Yamoussoukro, Cote D’Ivoire, from 9 to 22 October 2012;

Recognising its promotion and protection mandate pursuant to the African Charter on Human and Peoples’ Rights;

Noting Resolution ACHPR/Res.194 (L) 11, adopted at its 50th Ordinary Session held in Banjul, The Gambia, from 24 October to 5 November 2011, which established, and appointed the members of a Working Group on Communications;

Further noting Resolution ACHPR/Res.212 (EXT.OS/XI) 12, adopted at its 11th Extra-Ordinary Session held in Banjul, The Gambia, from 21 February to 1 March 2012, which outlines the mandate of the Working Group on Communications;

Recalling the mandate of the Working Group on Communications, which includes inter alia, informing the Commission on the status of implementation of its decisions on Communications;

Referring to Rule 112 of its Rules of Procedure which obligates the Commission to establish a follow-up mechanism for its decisions on Communications;

Bearing in mind that follow-up of implementation entails an array of actions, including monitoring the measures taken by the State Party to give effect to the decisions of the Commission under Rule 112(5) of its Rules of Procedure;

Decides to expand the mandate of the Working Group on Communications, to entrust it with the mandate to:

1. Coordinate follow-up on decisions of the Commission on Communications, by concerned Rapporteurs;
2. Collect information on the status of implementation of the Commission’s decisions.


Further decides to modify the composition of the Working Group on Communications as follows:

1. Commissioner Kayitesi Zainabo Sylvie as Chairperson of the Working Group;
2. Commissioner Reine Alapini-Gansou, as Member of the Working Group; and
3. Commissioner Pacifique Manirakiza, as Member of the Working Group;
4. Support staff at the level of the Secretariat:
   i. The Secretary to the Commission, as the Coordinator of the Support Staff;
   ii. Two (2) Senior Legal Officers; and
   iii. Two (2) Legal Officers.
5. All Legal Officers at its Secretariat to provide assistance to the Working Group, when necessary.

Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012
226. ACHPR/Res.226 (LI) 2012: RESOLUTION ON THE RATIFICATION OF THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS ON THE ESTABLISHMENT OF AN AFRICAN COURT ON HUMAN AND PEOPLES’ RIGHTS

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 52nd Ordinary Session, held in Yamoussoukro, Cote d’Ivoire, from 9 to 22 October 2012;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter),

Considering Article 2 of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples’ Rights (the Court Protocol), which provides that the African Court on Human and Peoples’ Rights (the African Court) shall complement the protective mandate of the Commission;

Recalling Resolutions ACHPR/Res.29 (XXIV) 98, ACHPR/Res.60 (XXXI) 02, ACHPR/Res.74 (XXXVII) 05, and ACHPR/Res.177 (CLXXVII) 10, which amongst other things call on States Parties to ratify the Court Protocol and make the Declaration under Article 36(4) of the Court Protocol to enable individuals and Non-Governmental Organizations (NGOs) to have direct access to the African Court;

Concerned that only twenty-six (26) countries have ratified the Court Protocol, while only five (5) have made the Declaration in conformity with Article 34(6) of the Court Protocol;

Underscoring the importance of an effective and accessible human rights African Court to the protection of human rights on the continent and complementarity of the Commission’s mandate;

Bearing in mind that non-ratification of the Court Protocol and reluctance of States to make the Declaration impede the protection of human rights in Africa;

Once again urges all States Parties that have not yet done so, to ratify the Court Protocol;

Urges States Parties that have not yet done so, to make the Declaration under Article 34 (6) of the Court Protocol in order to give due recognition and competence to the African Court to receive petitions directly, from individuals and NGOs.
Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012
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227. **ACHPR/Res.227 (LII) 2012: RESOLUTION ON THE EXPANSION OF THE MANDATE OF THE WORKING GROUP ON DEATH PENALTY IN AFRICA**

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 52nd Ordinary Session held from 9 to 22 October 2012, in Yamoussoukro, Côte d’Ivoire;

**Recalling** its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

**Recalling** its Resolution ACHPR/Res.79 (XXXVIII) 05, on the Composition and Operationalisation of the Working Group on the Death Penalty adopted at its 38th Ordinary Session held in Banjul, The Gambia;

**Reaffirming** the commitment of the Commission to promote the right to life and human dignity as fundamental rights and to encourage States Parties to abolish the death penalty;

**Emphasizing** that the right to life is a fundamental human right guaranteed by Article 4 of the African Charter which enshrines the absolute prohibition of the arbitrary deprivation of life;

**Concerned** about the recent upsurge in extra-judicial, summary or arbitrary killings and aware of the need to eliminate the practice in Africa, which is a grave violation of the inherent right to life;

**Recalling** its Resolution adopted at the its 18th Ordinary Session held in Praia, Cape Verde, from 2 to 11 October 1995 establishing the mandate of the Special Rapporteur on Extra-judicial, Summary or Arbitrary Killings in Africa;

**Noting** that the mandate of the Special Rapporteur on Extra-judicial, Summary or Arbitrary Killings in Africa has not been operational since the resignation of the Special Rapporteur, Commissioner Ben Salem, who tendered his resignation at the 29th Ordinary Session of the Commission held from 23 April to 7 May 2001 in Tripoli, Libya;

**Committed** to halting massive human rights violations on the continent, including extra-judicial, summary or arbitrary killings;
Decides to expand the mandate of the Working Group to include issues of extra-judicial, summary or arbitrary killings with the following amended title: The *Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa*;

Further decides to entrust the Working Group with the additional mandate to:

I. Monitor situations relating to extra-judicial, summary or arbitrary killings in all its ramifications;

II. Collect information and keep a database of reported instances of situations concerning extra-judicial, summary or arbitrary killings in Africa;

III. Undertake studies on issues of relevance to extra-judicial, summary or arbitrary killings;

IV. Advise the Commission on urgent measures to be taken to address situations of extra-judicial, summary or arbitrary killings that require immediate attention;

V. Respond effectively to information that comes before it, in particular when an extra-judicial, summary or arbitrary killing is imminent or when such a killing has occurred;

VI. Submit its findings, conclusions and recommendations on the situation of extra-judicial, summary or arbitrary killings to each session of the Commission.

*Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012*
228. **ACHPR/Res.228 (LII) 2012: RESOLUTION ON THE NEED TO DEVELOP GUIDELINES ON CONDITIONS OF POLICE CUSTODY AND PRE-TRIAL DETENTION IN AFRICA**

_The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 52nd Ordinary Session, held from 9 to 22 October 2012 in Yamoussoukro Cote d’Ivoire;_

**Recalling** its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

**Noting** Articles 4, 5, 6, 7, and 26 of the African Charter on the rights to life, dignity, security, fair trial, and the independence of the judiciary;

**Noting further** its mandate under Article 45(1)(b) of the African Charter “to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African states may base their legislation”;

**Concerned** by abusive recourse to police custody and pre-trial detention prevalent in several States Parties to the African Charter characterized by weak criminal justice system;

**Acknowledging** that individuals in police custody and pre-trial detainees in many African counties experience arbitrary limitations on their rights, poor health conditions and are subject to torture, inhumane and degrading treatment or punishment;

**Noting** that pre-trial detention disproportionately impacts the vulnerable and marginalised who are unlikely to have the means to afford legal assistance or to be released on bail;

**Recognising** that arbitrary arrest, detention and conditions of police custody in many African countries are characterised by lack of accountability; poorly paid and under-resourced police; mal-functioning of the administration of justice, including the lack of independence of the judicial service system; the excessive and disproportionate use of force by the police; the lack of registration and monitoring systems for keeping track of police detention; systemic corruption and the lack of resources resulting in the absence of the rule of law;
Concerned by the lack of respect of national legislations relating to police custody and pre-trial detention by the police and other law enforcements agents, and the ineffectiveness of monitoring mechanisms;

Recognising the need to formulate and lay down principles and guidelines to further strengthen the criminal justice system in States Parties with regards to police custody and pre-trial detention, and to ensure compliance with international norms and principles by the police and other law enforcement agents;

Decides to authorize the Special Rapporteur on Prisons and Conditions of Detention in Africa (the Special Rapporteur) to develop a Guideline on the Conditions of Police Custody and Pre-trial Detention in Africa (the Guidelines), including tools for its effective implementation;

Calls upon States Parties, civil society and other stakeholders, to collaborate with the Special Rapporteur by contributing to the process of developing the Guidelines;

Request the Special Rapporteur to report the progress made in developing the Guidelines at its next Ordinary Session.

Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012
229. **ACHPR/Res.229 (LII) 2012: RESOLUTION ON THE EXTENSION OF THE DEADLINE FOR THE STUDY ON FREEDOM OF ASSOCIATION IN AFRICA**

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Resolutions ACHPR/69(XXXV) 04 on the protection of human rights defenders in Africa, ACHPR/Res.119 (XXXII) 07 and ACHPR/Res.196 (L) 11 on the Situation of Human Rights Defenders in Africa;

Recalling also Resolution ACHPR/Res151 (XLVI) 09 on the need to conduct a study on freedom of association and Resolution ACHPR/Res.179 (XLIX) 11 on the appointment of members of the Study Group on Freedom of Association in Africa;

Noting that research on the study is being undertaken despite the lack of adequate resources;

Aware of the need to strengthen the expertise of the Study Group, consolidate its research on the ongoing study and gather as much information as possible;

Mindful of the need to consolidate and finalize the research undertaken as part of the study, and extend it to include freedom of peaceful assembly;

Considering that the one-year deadline fixed for conducting the study expired since May 2012;

Decides to:

I. Extend the scope of the study to include freedom of peaceful assembly;

II. Appoint Commissioner Lucy Asuagbor as a Member of the Study Group on Freedom of Association;

III. Extend by one year the deadline for the study; and

IV. Request that the report of the study be submitted for consideration by the Commission in October 2013.

Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Côte d’Ivoire, 9 to 22 October 2012.
230. **ACHPR/Res.230 (LII) 2012: RESOLUTION ON THE NEED FOR A STUDY ON THE SITUATION OF WOMEN HUMAN RIGHTS DEFENDERS IN AFRICA**

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Noting that Article 45(1)(a) of the African Charter gives the Commission the mandate to “collect documents, undertake studies and researches on African problems in the field of human and peoples’ rights” with a view to promoting and protecting human and peoples’ rights on the continent;

Noting further the *Grand Bay Declaration and Plan of Action* adopted by the first OAU Ministerial Conference on Human Rights in Africa held from 12 to 16 April 1999 in Grand Bay (Mauritius); and the *Kigali Declaration* adopted by the African Union Ministerial Conference on Human Rights in Africa held on 8 May 2003 in Kigali (Rwanda);

Reiterating the commitment made by Member States of the African Union in the Grand Bay Declaration to implement the provisions of the United Nations Declaration on Human Rights Defenders;

Noting Resolutions **ACHPR/69(XXXV) 04** on the protection of human rights defenders in Africa, **ACHPR/Res.119 (XXXII) 07** and **ACHPR/Res.196 (L) 11** on the situation of human rights defenders in Africa;

Further noting the duties of States Parties to the African Charter, in particular the duty to guarantee the security of persons living in their territories, and the freedoms of assembly, association and expression of human rights defenders;
Concerned about the difficult environment in which human rights defenders work notably women human rights defenders which is characterised in many countries by constant arbitrary arrest and detention, acts of harassment, including judicial harassment, threats and other forms of intimidation, summary and extrajudicial executions, and even acts of torture as a result of their activities;

Considering that women human rights defenders are victims of violence and discrimination which impacts on their ability to actively participate in the socio-economic and political processes in the countries in which they operate;

Concerned by the numerous obstacles on the activities of human rights defenders, including the trend of criminalizing their activities, in particular those who collaborate with regional and international human rights promotion and protection institutions;

Determined to ensure the promotion and protection of the rights of women human rights defenders in order for them to fully and freely play their role in promoting and protecting human rights on the continent;

Reaffirming the crucial role that women human rights defenders play in preserving the principle of equality, dignity, freedom, justice, peace, solidarity and democracy in African societies;

Convinced that the undertaking of a study on the situation of women human rights defenders and women working on issues of women’s rights and gender equality will contribute to improving the precarious situation of the rights of women human rights defenders in Africa;

Further convinced that such a study will help in developing appropriate strategies for protecting women human rights defenders on the continent;

Decides:

- To task the Special Rapporteur on Human Rights Defenders with conducting a study on the situation of women human rights defenders in Africa, the laws governing them and discriminatory practices aimed at restricting their role in promoting and protecting human
rights on the continent; and

- That the Report of the study be submitted for consideration by the Commission in October 2013.

Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Yamoussoukro, Cote d’Ivoire, 9 to 22 October 2012
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231. **ACHPR/Res.231 (LII) 2012: RESOLUTION ON THE RIGHT TO ADEQUATE HOUSING AND PROTECTION FROM FORCED EVICTIONS**

*The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;*

**Considering** its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

**Recalling** that the right to housing is protected by the African Charter under Articles 14 (the right to property), 16 (the right to highest attainable standard of mental and physical health) and 18(1) (protection accorded to the family), as affirmed in the Commission’s Principles and Guidelines to Interpret Economic, Social and Cultural Rights in Africa;

**Further recalling** Article 16 of the Protocol to the African Charter on the Rights of Women in Africa which obligates States to ensure access of women to adequate housing;

**Noting** that States obligations in relation to the right to adequate housing were affirmed in 2001 by the Commission in *Communication 155/96-Social and Economic Rights Actions Centre and the Centre for Economic and Social Rights (SERAC) v. Nigeria*;

**Further noting** that the right to adequate housing is protected under Article 11 of the International Covenant on Economic, Social and Cultural Rights, Article 17 of the International Covenant on Civil and Political Rights, Articles 16(1) and 27(4) of the Convention on the Rights of the Child, Art 5 (e) of the Convention on the Elimination of All Forms of Racial Discrimination, Article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women, and Articles 9 and 28 of the Convention on the Rights of Persons with Disabilities, and that forced evictions violate these provisions;
Bearing in mind that as part of their obligations to respect and protect the right to adequate housing, States Parties are required to refrain from and prevent forced evictions, including by private actors;

Recalling that the United Nations Commission on Human Rights has recognised that forced evictions constitute gross violations of a range of human rights, in particular the right to adequate housing;

Recognising that a minimum degree of security of tenure, including protection from forced evictions, is essential for people to realise their right of access to adequate housing to meet the basic need of a decent livelihood;

Concerned that each year hundreds of thousands of people in Africa are forcibly evicted from their homes by States and other non-state actors, without prior consultation and notice, adequate compensation or appropriate alternative housing solution;

Noting with concern that forced evictions also lead to violations of other economic, social and cultural rights, such as access to drinking water, stable employment, health care and education;

Further concerned that women, children and other vulnerable groups suffer disproportionately from forced evictions and their effects;

Concerned by the inadequate reporting by Member States on the measures taken towards meeting their obligation to ensure the right to housing and legal protection of people from forced and arbitrary evictions;

Condemns forced evictions;

Urges all States Parties to the African Charter to take appropriate steps to ensure respect, protection and realisation of the right to adequate housing, in particular by:

I. Putting an end to all forms of forced evictions, in particular evictions carried out for development purposes;
II. Ensuring that evictions are only carried out as a last resort after all alternatives to eviction have been provided and that all evictions comply with international and regional standards;

III. Adopting legislative and other measures to ensure that legal procedures are complied with prior to any eviction and making available remedies that are likely to result in the right to reparation either in the form of *restitutio in integrum* or monetary compensation;

IV. Taking concrete measures to confer security of tenure to all people lacking such protection, with prior and informed consent of the affected people;

V. Ensuring that any alternative housing provided to people complies with international and regional standards on the right to adequate housing.

**Adopted at the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights held in Yamoussoukro, Côte d’Ivoire, from 9 to 22 October 2012**
232. ACHPR/Res.232 (EXT.OS/XIII) 2013: RESOLUTIONS ON ELECTIONS IN AFRICA


Recalling its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;”

Considering the African Charter on Democracy, Elections and Governance which emphasizes the importance of entrenching in the Continent, a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Bearing in mind its previous Resolutions on the Electoral Process and Participatory Governance in Africa;

Emphasizing the importance of peaceful, free, fair and transparent elections and referenda, in addition to full respect of the results, to the maintenance of peace and security in the region;

Noting that elections will be held in the Republic of Kenya, the Republic of Mali and the Republic of Tunisia, and also that a referendum on the constitution will be held in the Republic of Zimbabwe in 2013;

Deeply concerned by the serious deterioration of the human rights situation in certain African countries before, during, and after the election periods and the irregularities surrounding electoral processes that can lead to the breakdown of democracy;

Calls upon State Parties to the African Charter holding elections in 2013 to:

1. Respect their obligations under the African Charter, in addition to other regional and international human rights conventions, and take all necessary measures to preserve and protect the credibility of the electoral process;

2. Ensure that all parties participating in the elections, in particular the opposition parties, are allowed to conduct their campaign freely;

3. Ensure that citizens exercise their right to vote in a peaceful environment free of intimidation and violence;

4. Urge political parties to ensure that their supporters do not engage in, or incite, acts of violence either before, during or after the elections;

5. Allow the participation of election observers to observe the entire electoral process;
6. Respect the independence of the institution responsible for the management of elections and provide sufficient resources to strengthen them.

7. Take all measures to prevent, investigate and prosecute human rights violations which occur during the election period, and provide adequate redress to victims.

**Reiterates** its appeal to all State Parties who have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation without delay.

**Done in Banjul, The Gambia, 25 February 2013**
233. RES.233 (EXT.05/XIII) 2013: RESOLUTION ON THE RECONSTITUTION OF THE WORKING GROUP ON SPECIFIC ISSUES RELEVANT TO THE WORK OF THE COMMISSION AND MODIFYING ITS MANDATE AND COMPOSITION

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 13th Extra-Ordinary Session held in Banjul, The Gambia, from 18 to 25 February 2013;

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling Resolution Ref. ACHPR/Res.77 (XXXVII)05 on the creation of a Working Group on Specific Issues Relevant to the Work of the Commission (WGSI), adopted at its 37th session which took place from 27 April - 11 May 2005 in Banjul, The Gambia;

Recalling further Resolutions ACHPR/Res.124 (XXXXII)07 adopted at its 42nd Ordinary Session held from 14 – 28 November 2007, in Brazzaville, the Republic of Congo, and Resolution ACHPR/Res.150 (XLVI)09 adopted at its 46th Ordinary Session held from 11 – 25 November 2009, in Banjul, The Gambia; renewing the mandate of the Working Group;

Noting with appreciation the accomplishments of the Working Group since its establishment, and that it has since accomplished most of the tasks falling within its mandate;

Further Noting that the mandate of the WGSI came to an end in November 2011;

Bearing in mind Resolution ACHPR/Res.255 on the Expansion of the Mandate of the Working Group on Communications and modifying its composition adopted at its 52nd Ordinary Session held from 9 – 22 October 2012, in Yamoussoukro, Cote d’Ivoire, which expanded the mandate of the Working Group on Communications to include the coordination of follow-up on decisions of the Commission on Communications which hitherto fell within the mandate of the WGSI;
Considering the need for certain recent matters relevant to the work of the Commission to be dealt with expeditiously and the necessity to allow the WGSI to address these urgent pending issues;

Decides to renew the mandate of the WGSI for twelve (12) months;

Further Decides that the mandate of the WGSI be modified as follows:

(i) to deal as a matter of priority with the monitoring and supervision of the development of the Strategic Plan of the Commission for the years 2014 – 2017 and the associated resource mobilization strategy;

(ii) to deal with the mechanism and procedure for the follow-up on the recommendations and decisions of the Commission other than those relating to Communications or those provided for under the Commission’s Rules of Procedure;

(iii) continue to work together with other stakeholders to deal with the modalities for the establishment of a Voluntary Fund for Human Rights in Africa; and

(iv) perform any other tasks which may be entrusted to it by the Commission.

Appoints the following Commissioners as the members of the WGSI:

(i) Commissioner Faith Pansy Tlakula
(ii) Commissioner Med Kaggwa
(iii) Commissioner Soyata Maiga
(iv) Commissioner Lucy Asuagbor

Also Appoints Commissioner Faith Pansy Tlakula as the Chairperson of the WGSI;

Requests the WGSI to report accordingly to each Ordinary Session of the Commission;

Further Requests the Secretariat of the African Commission to employ all necessary efforts to mobilize resources that would assist the WGSI to carry out its mandate.

234. ACHPR/Res.234 (LIII) 2013: RESOLUTION ON THE RIGHT TO NATIONALITY

The African Commission on Human and Peoples’ Rights, meeting at its 53rd Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia;

Recalling the provisions of Article 45(1) (b) of the African Charter on Human and Peoples’ Rights which provides that the Commission shall “formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African governments may base their legislation”;

Recalling Article 6 of the African Charter on the Rights and Welfare of the Child which provides that every child shall have the right from birth to a name, to be registered immediately after birth and to acquire a nationality, and that State Parties to the Charter shall “undertake to ensure that their Constitutional legislation recognize the principles according to which a child shall acquire the nationality of the State in the territory of which he has been born if, at the time of the child’s birth, he is not granted nationality by any other State in accordance with its laws”;

Noting that the provisions of Article 2 of the African Charter and Article 6 (g) and (h) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa establish the equal right of men and women to acquire their partner’s nationality;

Further recalling Article 15 of the Universal Declaration of Human Rights which stipulates that everyone has the right to a nationality and that no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality;

Noting the provisions of other international human rights treaties relating to nationality, including Article 5 (d)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 24(3) of the International Covenant on Civil and Political Rights, Articles 7 and 8 of the UN Convention on the Rights of the Child, Articles 1 to 3 of the UN Convention on the Elimination of All Forms of Discrimination against Women, and the UN Convention on the Reduction of Statelessness;

Recalling that persons arbitrarily deprived of nationality are protected by the Convention Governing the Specific Aspects of Refugee Problems in Africa, the UN Convention relating to the Status of Stateless Persons, the UN Convention relating to the Status of Refugees and the Protocol thereto;

Expressing its deep concern at the arbitrary denial or deprivation of the nationality of persons or groups of persons by African states, especially as a result of discrimination on grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;
Regretting the failure of African states to ensure that all children are registered at birth;

Convinced that it is in the general interest of the people of Africa for all African States to recognise, guarantee and facilitate the right to nationality of every person on the continent and to ensure that no one is exposed to statelessness;

Reaffirms that the right to nationality of every human person is a fundamental human right implied within the provisions of Article 5 of the African Charter on Human and Peoples’ Rights and essential to the enjoyment of other fundamental rights and freedoms under the Charter;

Calls upon African States to refrain from taking discriminatory nationality measures and to repeal laws which deny or deprive persons of their nationality on grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status, especially if such measures and laws render a person stateless;

Calls upon African States to observe minimum procedural standards so that decisions concerning the recognition, acquisition, deprivation or change of nationality do not contain any elements of arbitrariness, and are subject to review by an impartial tribunal in accordance with their obligations under Article 7 of the African Charter;

Also calls upon African States to adopt and implement provision in their constitutional and other legislation with a view to preventing and reducing statelessness, consistent with fundamental principles of international law and Article 6 of the African Charter on the Rights and Welfare of the Child, article 6 (g)(h) in particular by:

a. Recognising that all children have the right to the nationality of the State where they were born if they would otherwise be stateless;

b. Prohibiting arbitrary denial or deprivation of nationality;

c. Reaffirming the equal rights of men and women and persons of any race or ethnic group in respect of nationality; and

Calls upon African States to ratify all relevant international and African human rights treaties, including the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness;

Requests African States to take the necessary measures to strengthen civil registration services to ensure the prompt registration of the births of all children on their territory, without discrimination;
Requests African States to include information on the recognition, respect and implementation of the right to nationality in their periodic reports presented to the Commission under Article 62 of the African Charter and Article 26 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;

Considering the necessity to carry out an in-depth research on issues relating to the right to nationality:

Decides to assign the task to the Special Rapporteur on Refugees, Asylum seekers; Displaced and Migrants in Africa;

Calls upon civil society and other stakeholders to give full support to the mandate of the Special Rapporteur.

Banjul, The Gambia, 23 April 2013
235. ACHPR/Res.235 (LIII) 2013: RESOLUTION ON TRANSITIONAL JUSTICE IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 53rd Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia;

Recalling its mandate to promote and protect fundamental human rights;

Deeply concerned by the scourge of armed conflicts and political crises in Africa, accompanied by serious and massive human rights violations, which are often characterised by impunity;

Considering that the various African legal instruments contain several norms and standards relating to transitional justice in Africa, including the Constitutive Act of the African Union, the African Charter on Human and Peoples’ Rights and the African Charter on Democracy, Elections and Governance;

Considering new developments in Africa such as the development of a Transitional Justice Policy Framework by the African Union and the possibility of extending the mandate of the African Court on Human and Peoples’ Rights to include international crimes;

Stressing the need to include human rights violations as part of a comprehensive effort to combat impunity and achieve lasting peace, the rule of law and governance;

Stressing the role played by transitional justice mechanisms in combating impunity and promoting reconciliation in countries emerging from political crises and violent armed conflicts, as well as the specific context of each post-conflict situation on the continent;

Convinced that the undertaking of a study on transitional justice in Africa will contribute to identifying the Commission’s capacity and challenges in supporting transitional justice processes and mechanisms in Africa;

Decides to task Commissioner Pacifique Manirakiza with preparing a study on transitional justice in Africa, with the objective of:

- Identifying the various existing transitional justice mechanisms in Africa;

- Identifying the transitional justice legislative framework in Africa, in accordance with the Commission’s mandate to promote and protect human rights in Africa;

- Determining the Commission’s role in implementing the AU Transitional Justice Policy Framework;
• Analysing the opportunities and challenges of the Commission in encouraging and supporting transitional justice processes and mechanisms in Africa; and

• Analysing the possibility for the establishment by the Commission of a special mechanism on transitional justice in Africa;

The Commissioner responsible may request any form of assistance, including technical and logistical support, in order to complete the study within the required timeline.

Decides that a report on the study should be presented to the Commission for consideration in May 2014.

Banjul, The Gambia, 23 April 2013
236. **ACHPR/Res.236 (LIII) 2013: RESOLUTION ON ILLICIT CAPITAL FLIGHT FROM AFRICA**

The African Commission on Human and Peoples’ Rights, meeting at its 53rd Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia;

**Recalling** the provisions of Article 45 (1) (b) of the African Charter on Human and Peoples’ Rights which provides that the Commission shall “formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African governments may base their legislation”;

**Taking into cognisance** the establishment by the United Nations Economic Commission for Africa of a High-Level Panel on Illicit Financial Flows from Africa to determine the nature, pattern, scope and channels of illicit financial outflows from the continent; sensitize African governments, citizens, policy makers, political leaders and development partners to the problem; mobilize support for putting in place rules, regulations, and policies to curb illicit financial outflows; and influence national, regional and international policies and programmes on addressing the problem of illicit financial outflows from Africa;

**Recognising** that illicit capital flight undermines the capacity of State Parties to implement the African Charter on Human and Peoples’ Rights and to attain the Millennium Development Goals;

**Noting** that illicit capital flight by both multinational companies and individuals from Africa leads to the loss of billions of US dollars every year;

**Deeply concerned** that Africa is embroiled in a vicious circle of poverty, malnutrition, diseases and death because its revenue potential is being drained by multinational companies and individuals through exploitation of the loopholes and weaknesses of laws and of the monitoring system;

**Conscious** that without adequate resources the respect, protection and implementation of human rights enshrined in the African Charter on Human and Peoples’ Rights will remain illusory;

**Conscious** that foreign aid is a short-term, unsustainable and unreliable form of revenue, this requires State Parties to take measures to create a revenue base;

**Recognising** the need for State Parties to develop and implement robust and efficient tax collection systems;

**Noting** that human rights cannot be fully achieved without the availability of resources;

**Concerned** that State Parties have repeatedly invoked lack of financial resources to effectively implement charter based human rights;

**Convinced** that the conduct of an in-depth study on the impact on human rights of illicit capital flight from Africa will contribute to the development of effective human rights-based measures and solutions;

Calls upon civil society and other stakeholders to support the work of the Joint Study Group;

Calls on State Parties, to examine their national tax laws and policies towards preventing illicit capital flight in Africa.

Banjul, The Gambia, 23 April 2013
237. ACHPR/Res.237 (LIII) 2013: RESOLUTION APPOINING EXPERTS MEMBERS FOR THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 53rd Ordinary Session held from 9 to 23 April 2013, in Banjul, The Gambia;

Considering its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling that the Commission established a Working Group composed of nine members, amongst them, three Members of the Commission;

Recalling its Resolution ACHPR/Res.65 (XXXIV) 03 on the Adoption of the “Report of the African Commission’s Working Group on Indigenous Populations/Communities” adopted at its 34th Ordinary Session held in Banjul, The Gambia, from 6 to 20 November 2003;

Bearing in mind Resolution ACHPR/Res.123 (XXXXII) 07 on the Composition and Renewal of the Mandate of the Working Group on Indigenous Populations/Communities in Africa adopted at its 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo, renewing the mandate of the Working Group for two years;

Recalling Resolution ACHPR/Res.155 (XLVI) 09 on the Renewal of the Mandate of the Working Group on Indigenous Populations/Communities in Africa adopted during the 46th Ordinary Session of the Commission held in Banjul, The Gambia, from 11 to 25 November 2009, renewing the mandate of the Working Group for a period of two years;

Further Recalling Resolution ACHPR/Res. 204 (L) 11: Resolution on the Appointment of the Chairperson and Members of the Working Group on Indigenous Populations/Communities in Africa adopted during the 50th Ordinary Session of the Commission held in Banjul, The Gambia, 24 October to 4 November 2011;

Noting that Mr. Zephyrin Kalimba, a long-standing member of the Working Group, resigned in November 2012;

Cognizant of the need for the Working Group to expand its membership to continue to properly discharge its mandate;

Recognizing the importance of the work of the Working Group in the promotion and protection of the rights of indigenous populations/communities in Africa, and the necessity to allow the Working Group to continue to carry out its mandate;

Decides to Appoint, for a period of two years:

1. Ms. Hawe Hamman Bouba (Cameroon) as a member of the Working Group to replace Mr. Kalimba; and
II. Ms. Lesle Jansen (South Africa) as an additional member of the Working Group.

Done in Banjul, The Gambia, on 23 April 2013
ACHPR/Res. 238 (EXT.OS/XIV) 2013: RESOLUTION ON THE POLITICAL SITUATION IN THE REPUBLIC OF MALI

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 14th Extraordinary Session held from 20 to 24 July 2013 in Nairobi, Kenya:

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling the obligations of the Republic of Mali under the African Charter and other regional and international human rights instruments ratified by Mali;

Recalling Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law”;

Considering the African Charter on Democracy, Elections and Governance which underscores the need to establish on the continent a culture of political change of power based on the holding of free, fair and transparent elections organised by competent, independent and impartial national electoral institutions;

Reaffirming its commitment to promoting democracy in Africa and recognising that good governance, transparency and respect for human rights are fundamental principles that contribute to peace and development in Africa;

Bearing in mind its previous resolutions on the human rights situation in northern Mali and the relevant decisions on Mali of the AU Peace and Security Council and the Economic Community of West African States (ECOWAS);

Noting the Ouagadougou agreement of 18 June 2013 between the transitional Government of National Unity of the Republic of Mali and the National Movement for the Liberation of Azawad and the High Council for the Unity of Azawad, as well as the consensus among the Malian authorities and political parties regarding the holding of the presidential election on 28 July 2013;

Deeply concerned by the atmosphere of insecurity on the eve of the presidential election which is marked by recent violence in the Kidal region between the Tuareg community and the Songhaï and other communities, as well as the loss of human lives and destruction of property;

Particularly concerned by the abduction on 20 July 2013, in Tessalit in the Kidal region, of six people including 5 electoral officers and one local elected official by armed groups;
**Strongly condemns** the acts of violence and violations of human rights in the Kidal region, as well as the abduction of individuals;

**Urges** the transitional Government to take the necessary measures to put an end to human rights violations and acts of violence, and to ensure the security of the population throughout its territory;

**Further urges** the Malian authorities to take the necessary measures to put an end to impunity, including by ensuring that the perpetrators and accomplices of these acts of violence are brought to justice;

**Calls on** the Malian authorities to take the necessary measures to ensure the necessary conditions for all Malian citizens, including refugees and internally displaced persons, to exercise their political right to vote and elect the leaders of their choice;

**Further calls on** the Malian Government to take the necessary measures to preserve social peace towards creating the necessary conditions for credible, free, transparent and peaceful elections;

**Urges** all the parties to respect and effectively implement the Ouagadougou agreement of 18 June 2013 between the transitional Government of National Unity of the Republic of Mali and the National Movement for the Liberation of Azawad and the High Council for the Unity of Azawad;

**Calls on** the Economic Community of West African States (ECOWAS), the African Union (AU) and the international community to closely monitor political developments in Mali and to support the efforts of the Government and other Malian political stakeholders towards ensuring the smooth conduct of the polls;

**Further calls on** all political stakeholders to engage in constructive dialogue, to exercise restraint, and to respect the results of the polls towards restoring lasting peace and security, as well as trust and national unity in the Republic of Mali.

Nairobi, Kenya, 24 July 2013
ACHPR/RES 239 (EXT.OS/XIV) 2013: RESOLUTION ON THE 2013 ELECTIONS IN AFRICA

The African Commission on Human and Peoples’ Rights, meeting at its 14th Extra-Ordinary Session, held in Nairobi, Kenya, from 20 to 24 July 2013;

Recalling its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union;

Recalling further Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;”

Further Considering the African Charter on Democracy, Elections and Governance which emphasizes the importance of entrenching on the Continent, a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Bearing in mind its previous Resolutions on the Electoral Process and Participatory Governance in Africa including ACHPR/RES. 184 (EXT.OS/IX) 2011 and ACHPR/RES 232 (EXT.OS/XIII) 2013;

Recalling its previous Resolutions on Freedom of Expression in Africa, Freedom of Association in Africa and Human Rights Defenders in Africa, including ACHPR/Resolution 62 (XXXII) 02, ACHPR/Res.99 (XXXX) 06, ACHPR/Res. 151 (XLVI) 09 and ACHPR/Res.196 (L) 11;

Reaffirming the importance of peaceful, free, fair and transparent elections and other political participation processes, in addition to full respect of the results, to the maintenance of peace and security on the Continent;

Noting with Satisfaction the peaceful and transparent conduct of the recent election in the Republic of Kenya and referendum in the Republic of Zimbabwe;

Conscious of the fact that further Presidential elections are due to be held in other State Parties to the African Charter, including the Republic of Zimbabwe, the Republic of Mali, the Republic of Tunisia, the Federal Democratic Republic of Ethiopia, the Republic of Guinea-Bissau, the Republic of Mauritius and the Republic of Madagascar, in the year 2013;
Reiterating its deep concerns about the recurrent situations of election-related violence and other human rights violations, as well as irregularities in electoral processes in Africa;

Noting in particular that meaningful participation of citizens in electoral processes requires the guarantee of their fundamental freedoms of expression, association and assembly within the law;

Acknowledging the critical role that human rights defenders and civil society play in promoting and defending human rights in particular in an election context;

Calls upon State Parties to the African Charter holding elections and other forms of political participation processes to:

1. Ensure full compliance with their obligations under the African Charter and other regional and international human rights conventions, and take all necessary measures to preserve and protect the credibility of the electoral process;
2. Safeguard the human rights of all citizens including the freedom of movement, assembly, association and expression during the electoral processes, as well as equal access to media during campaign for all stakeholders;
3. Ensure that citizens exercise their right to vote in a peaceful environment free of intimidation, violence and any other impediment;
4. Respect and protect the rights of human rights defenders, journalists, civil society organisations and all stakeholders carrying out election-related activities;
5. Guarantee the independence of the institutions responsible for the organisation of elections and provide sufficient resources to them for the effective discharge of their mandates in the administration of efficient and transparent elections;
6. Allow the participation of national and international election observers in the entire electoral process;
7. Urge political parties to ensure that their supporters do not engage in or incite violence before, during or after the elections; and
8. Take all necessary measures to prevent and promptly investigate and prosecute any human rights violation which occurs within the framework of the elections, including those committed by law enforcement agents, and provide prompt, adequate and effective redress to victims.

Urges the leaders of political parties and candidates participating in the elections due to hold in the State Parties to put the general interest of the people at the centre of the electoral processes.
Reiterates its appeal to all State Parties who have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation without delay.

Done in Nairobi, Kenya, 24 July 2013
ACHPR/RES 240 (EXT.OS/XIV) 2013: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE ARAB REPUBLIC OF EGYPT

The African Commission on Human and Peoples’ Rights, meeting at its 14th Extra-Ordinary Session, held in Nairobi, Kenya, from 20 to 24 July 2013;

Recalling its mandate to promote and protect human and peoples’ rights on the African Continent pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that the Arab Republic of Egypt is a Party to the African Charter and has committed itself to securing human and peoples’ rights within its territory;

Having regard to its previous resolutions on the human rights situation in the Arab Republic of Egypt, in particular ACHPR/RES.14 (XVI) 94 and ACHPR/RES.179 (EXT.OS/IX) 2011;

Further Considering that the Arab Republic of Egypt is in a critical period of transition towards democracy and facing fundamental challenges in the fields of the rule of law, respect for human rights and fundamental freedoms, and social justice:


Recalling the removal from power of the democratically elected President Mohammed Morsi and the suspension of the Constitution;

Deeply concerned by the human rights violations resulting from these events, in particular arbitrary arrests, detention and the use of force and violence by the parties concerned;

Deeply concerned that the situation in the Arab Republic of Egypt threatens the stability of the country and the cohesion of its people, with far-reaching national and regional consequences;

Considering that respect for human rights and freedoms, social justice, including space to freely participate in the political and economic affairs of the State by its citizens are critical elements of the transition towards an open, stable, democratic, free and prosperous Egyptian society;

Calls Upon:
(a) All Egyptian stakeholders to embrace the spirit of constructive dialogue and to condemn and refrain from all acts of violence and vandalism against public and private property;

(b) The Egyptian army and security forces to immediately end all acts of violence, repression, harassment, arbitrary arrests and detention;

(c) The transitional Government of the Arab Republic of Egypt to conduct impartial and transparent investigations into all cases of death, torture, degrading treatment and harassment of peaceful protestors, and ensure that the perpetrators are brought to justice; and

(d) The transitional Government of the Arab Republic of Egypt to expedite actions to return the country to democratic rule;

Appeals to all AU partners to lend their full support to AU’s efforts and to work towards a coordinated approach on the situation.

Done in Nairobi, Kenya, 24 July 2013
ACHPR/Res. 241 (EXT.OS/XIV) 2013: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC)

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 14th Extraordinary Session held from 20 to 24 July 2013 in Nairobi, Kenya:

Considering that one of the objectives of the African Union as stipulated in Article 3 (f) of its Constitutive Act is to “promote peace, security and stability on the continent”;

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling the obligations of the DRC under the African Charter and other regional and international human rights instruments ratified by the DRC;

Considering Articles 22 and 23 of the African Charter which guarantee the right to security, peace and development, as well as other regional and international human rights legal instruments;

Bearing in mind its previous resolutions on the human rights situation in the DRC, in particular Resolution 139 of 24 November 2008 and Resolution 173 of 24 November 2010;

Concerned by the renewed fighting, since 14 July 2013, between elements of the M23 rebel group and the Congolese military in Goma, North Kivu;

Concerned by the continued deterioration of the human rights situation in eastern DRC following several attacks carried out against the civilian population by the various armed rebel groups, including rape and other violence against women and children;

Deeply concerned by the humanitarian situation as a result of the massive and forced displacement of thousands of civilian populations following the persistent insecurity and serious and massive human rights violations committed by armed groups operating in eastern DRC;

Strongly condemns the renewed fighting between the regular army and the M23 rebel group and the acts of violence committed against the civilian population by the various armed groups involved in the conflict in eastern DRC;
Reiterates its call for all the parties to the conflict to put an immediate end to fighting and to promote dialogue towards a peaceful resolution of the conflict and the peace, security and stability of the country;

Reminds the Congolese Government of its responsibility to guarantee security across its territory and to ensure the protection of its citizens;

Calls on the Congolese authorities to take the necessary measures to put an end to the persistent conflict towards fully restoring the authority of the State in eastern DRC;

Urges the Congolese Government to take the necessary measures to put an end to impunity, including by ensuring that perpetrators of acts of violence are brought to justice;

Calls on the countries of the sub-region to effectively implement the Peace, Security and Cooperation Framework Agreement signed in Addis Ababa on 24 February 2013, the main objective of which is to restore peace in eastern DRC;

Calls on the International Conference on the Great Lakes Region, the African Union and the international community to continue their efforts towards a return to lasting peace in the DRC;

Further calls on the Congolese authorities to expedite the ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention).

Nairobi, Kenya, 24 July 2013
ACHPR/Res 242 (EXT.OS/XIV) 2013: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF GUINEA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 14th Extraordinary Session held from 20 to 24 July 2013 in Nairobi, Kenya:

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling the obligations of the Republic of Guinea under the African Charter and other regional and international human rights instruments ratified by Guinea;

Bearing in mind the presidential decree of 10 July 2013 which set the date for the presidential election for 24 September 2013, in accordance with the proposal of the National Independent Electoral Commission;

Noting the comprehensive political agreement aimed at ending the crisis in Guinea of 3 July 2013 and the commitment demonstrated by political parties towards fair and democratic elections by the signing, on 5 July 2013, of a code of good conduct for the legislative elections;

Concerned by the degrading security situation and the several cases of human rights violations related to the legislative elections, a situation which may jeopardise the country’s development and stability;

Deeply concerned by the violent inter-ethnic clashes that occurred recently between members of the Konianké and Guerzé communities in the N’Nzérékoré and Beyla districts following the murder of a Konianké youth by Guerzé youths;

Particularly concerned by the several cases of death, high number of seriously injured people, and massive destruction of public and private property and buildings, including places of worship, as a result of these clashes;

Strongly condemns the acts of violence, killing and destruction of public and private property carried out in the N’Nzérékoré and Beyla districts in the Republic of Guinea;

Urges the parties to the conflict to put an immediate end to violence and to refrain from any act that may undermine public order and the peaceful coexistence of communities;
Urges the Government of Guinea to take the necessary measures to put an end to impunity and to ensure that the perpetrators and accomplices of these acts of violence are brought to justice;

Calls on the Government of Guinea to restore peace and national unity in the affected communities and to guarantee the right to life and human dignity of all citizens in accordance with Article 4 of the African Charter;

Reminds the people of Guinea of the need to preserve the achievements of peaceful cohabitation among the various communities;

Calls on the Guinean authorities to take the necessary measures to ensure the organisation of credible, free, transparent and peaceful elections and to ensure the necessary conditions for Guinean citizens to exercise their political right to vote and elect the leaders of their choice;

Urges all the parties to respect and effectively implement the comprehensive political agreement aimed at ending the crisis in Guinea and the code of good conduct for the legislative elections;

Calls on the African Union and the international community to closely monitor political developments in Guinea and to support the efforts of the Government and other political stakeholders towards a smooth conduct of the polls;

Further calls on all political stakeholders to engage in constructive dialogue, to exercise restraint, and to respect the results of the polls towards restoring lasting peace and security in the Republic of Guinea.

Nairobi, Kenya, 24 July 2013
ACHPR/Res. 243 (EXT.OS/XIV) 2013: Resolution on the Human Rights Situation in the Central African Republic

The African Commission on Human and Peoples’ Rights meeting at its 14th Extraordinary Session held in Nairobi, Kenya, from 20 to 24 July 2013

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the obligations of the Central African Republic under the African Charter and other regional and international human rights instruments ratified by the country;

Deeply concerned by the serious deterioration of the human rights situation in the Central African Republic especially in respect of the humanitarian situation since the military coup of 24 March 2013 by the Seleka rebels;

Deeply concerned by the unprecedented food crisis following the persistent insecurity which resulted in farmers abandoning their plantations and the systematic looting of food stocks by rebels;

Concerned by the serious human rights violations perpetrated by the Seleka group during their offensive against the civilian population, in particular summary execution, rape and other forms of sexual violence, acts of torture, looting and other serious violations of international human rights and humanitarian law;

Recalling its statements of 27 March 2013 and 21 April 2013 in which the Commission strongly condemned “the pillaging and armed violence experienced by the people of the Central African Republic and underscored that “the perpetrators of these acts must be brought before the competent courts”;

Recalling the Roadmap adopted by the 4th Extraordinary Summit of the Economic Community of Central African States (ECCAS) Heads of State and Government held in Ndjamena, on 18 April 2013;

Noting the establishment of a National Transition Council in charge of ensuring the democratic process;

Calls on the National Transition Council to take the necessary measures to ensure respect for the fundamental rights of citizens across the country;

Calls on the National Transition Council to take all necessary measures to ensure an immediate end to all acts of violence against the civilian population throughout the national territory, and bring the perpetrators to justice;
Further calls for the restoration of constitutional order through the organization of free, pluralistic, transparent and secured elections, and that the contesting parties, in particular parties of the opposition, are given equitable access to state controlled media and resources;

Appeals to the African Union and the international community to remain seized of the situation in the Central African Republic.

Done in Nairobi, Kenya, 24 July 2013
ACHPR/Res.244 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia;

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming the importance of observing the objectives and principles of the African Charter for the promotion and protection of the human rights of all, including those of detainees and prisoners;

Recalling its decision taken at its 20th Ordinary Session held in Grand Bay, Mauritius in October 1996 to establish the office and to appoint a Special Rapporteur on Prisons and Conditions of Detention in Africa, as a prison monitoring mechanism;

Further recalling its decision taken at its 38th Ordinary Session held in Banjul, The Gambia in November/December 2005 to appoint the Special Rapporteur on Prisons and Conditions of Detention in Africa;

Bearing in mind Resolution ACHPR/Res.126 (XXXII) 07 on the Appointment of the Special Rapporteur on Prisons and Conditions of Detention in Africa adopted at the 42nd Ordinary Session held from 15 – 28 November 2007, in Brazzaville, the Republic of Congo;

Considering Resolution ACHPR/Res.156 (XLVI) 09, adopted during the 46th Ordinary Session held from 11 to 25 November 2011 appointing Commissioner Catherine Dupe Atoki Special Rapporteur of Prisons and Conditions of Detention in Africa;

Further considering Resolution ACHPR/Res.206 (L) 11 on the appointment of Commissioner Med Kaggwa as the Special Rapporteur on Prisons and Conditions of Detention in Africa, adopted at the 50th Ordinary Session held from 24 October to 5 November 2011, in Banjul, The Gambia;

Bearing in mind the Resolution ACHPR/Res.228 (LII) 2012 on the need to develop guidelines on conditions of police custody and pre-trial detention in Africa adopted at the 52nd Ordinary Session held from 9 to 22 October 2012, in Yamoussoukro, Côte d’Ivoire, which authorize the Special Rapporteur on Prisons and Conditions of Detention in Africa (the Special Rapporteur) to develop a Guideline on the
Conditions of Police Custody and Pre-trial Detention in Africa (the Guidelines), including tools for its effective implementation;

Noting with appreciation the work done by Commissioner Med Kaggwa as Special Rapporteur on Prisons and Conditions of Detention in Africa;

Considering that the mandate of Commissioner Med Kaggwa as the Special Rapporteur on Prisons and Conditions of Detention in Africa has come to an end;

Decides to renew the mandate of Commissioner Med Kaggwa as the Special Rapporteur on Prisons and Conditions of Detention in Africa for a period of two years, effective from 5 November 2013.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.245 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia:

Recalling its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights;

Taking note of Resolution ACHPR/Res.38 (XXXVIII) 99, adopted at its 25th Ordinary Session, held from 26 April to 5 May 1999 in Bujumbura, Burundi, on the establishment of a Special Mechanism on the Rights of Women in Africa;

Further recalling its decision taken at its 30th Ordinary Session, held from 17 to 27 October 2001 in Banjul, The Gambia, to appoint the Special Rapporteur on the Rights of Women in Africa; the Resolution ACHPR/Res.63(XXXIV) 03, adopted at its 34th Ordinary Session, held in Banjul, the Gambia, from 6 to 20 November 2003; the Resolution ACHPR/Res.78(XXXVIII) 05, adopted at its 38th Ordinary Session, held from 21 November to 6 December 2005 in Banjul, the Gambia, on the renewal of the Mandate of the Special Rapporteur for a period of two years and its Resolution ACHPR/Res.112(XXXXII) 07 adopted at the 42nd Ordinary Session, held from 15 to 28 November 2007 in Brazzaville, Republic of Congo, on the renewal of the mandate of the Special Rapporteur on the Rights of Women in Africa;

Recalling its Resolution ACHPR/Res154 (XLVI) 09, on the renewal of the mandate of Commissioner Soyata Maiga as the Special Rapporteur, adopted at the 46th Ordinary Session, held from 11 to 24 November 2009 in Banjul, The Gambia;

Taking note of its Resolution ACHPR/Res.205 (L) 11 on the renewal of the mandate of the Special Rapporteur on the Rights of Women in Africa;

Bearing in mind the adoption and entry into force of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa;

Considering the launching of the General Comments on Article 14(1) (d) and (e) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, which provide a better understanding of the Protocol and facilitates its use as an instrument to mitigate the disproportionate effects of HIV/AIDS on women in Africa at the 53rd Ordinary Session, held from 9 to 23 April 2013 in Banjul, The Gambia;
Aware that many challenges confronting women on the African continent relate to the recognition, exercise and enjoyment of their human rights;

Recognizing the considerable amount of work done by Commissioner Soyata Maiga in her capacity as the Special Rapporteur on the Rights of Women in Africa;

Considering that the mandate of Commissioner Soyata Maiga has come to an end;

Decides to renew for two years the mandate of Commissioner Soyata Maiga as the Special Rapporteur on the Rights of Women in Africa, effective from 5 November 2013.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.246 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS, INTERNALLY DISPLACED PERSONS AND MIGRANTS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held from 22 October to 5 November 2013 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);


Mindful of the adoption in 2009 and entry into force in 2012 of the African Union Convention on Protection and Assistance to Internally Displaced Persons in Africa (the Kampala Convention);

Recalling its decision taken at its 35th Ordinary Session, held from 21 May to 4 June 2004 in Banjul, The Gambia, to establish a Special Mechanism on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Bearing in mind Resolution ACHPR/Res.72(XXXVI) 04 adopted at its 36th Ordinary Session, held from 23 November to 7 December 2004 in Dakar, Senegal, determining the mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Recalling Resolution ACHPR/Res. 95(XXXIX) 06, which extended the mandate of the Special Rapporteur to cover migration issues;

Recalling Resolution ACHPR/Res.180 (XLIX) 2011 on the Appointment of Commissioner KAYITESI Zainabo Sylvie as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Further recalling its Resolution ACHPR/RES.203 (I) 11 on the appointment of Commissioner Maya Sahli Fadel as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Concerned about the increase in the number of migrants seeking to leave the territory of their State Party and travel in dangerous and inhuman conditions;

Noting that the situation of Refugees, Asylum Seekers, Internally Displaced Persons and Migrants is worsening by the day;
Concluding the need to continue to advocate for the ratification of the Kampala Convention and its effective implementation by State Parties on the Continent;

Bearing in mind Resolution ACHPR/Res.234 (LIII) 2013 on the right to nationality adopted at its 53rd Ordinary Session, held from 9 to 23 April 2013, assigning the task of conducting an in-depth study on the right to nationality to the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Reaffirming the importance of the Mechanism of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Noting with appreciation the work done by Commissioner Maya Sahli Fadel as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Considering that the mandate of Commissioner Maya Sahli Fadel has come to an end;

Further considering the need for the Special Mechanism on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa to continue carrying out its mandate;

Decides to renew the mandate of Commissioner Maya Sahli-Fadel as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa for a period of two years, effective from 5 November 2013.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.247 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON FREEDOM OF EXPRESSION AND ACCESS TO INFORMATION IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia:

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Aware that in the exercise of its mandate, the Commission has established various mechanisms for the promotion and protection of human and peoples’ rights in Africa;

Recalling the Resolution on the Mandate and Appointment of the Special Rapporteur on Freedom of Expression in Africa adopted at its 36th Ordinary Session held from 23 November to 7 December 2004 in Dakar, Senegal;

Emphasizing that the right to freedom of expression and access to information is a fundamental human right guaranteed *inter alia* by Article 9 of the African Charter;

Recalling the adoption of the *Declaration of Principles on Freedom of Expression in Africa (the Declaration)*, at its 32nd Ordinary Session held from 17 - 23 October 2002, in Banjul, The Gambia, which elaborates the nature, content and extent of the right to freedom of expression and access to information provided for under Article 9 of the African Charter;

Reaffirming the commitment of the Commission to promote the right to freedom of expression and access to information and monitor the implementation of the *Declaration* within Member States of the African Union;

Recalling Resolution ACHPR/Res.84 ( XXXXV) 05, appointing Commissioner Faith Pansy Tlakula, as Special Rapporteur on Freedom of Expression in Africa adopted at the 38th Ordinary Session held from 21 November to 5 December 2005, in Banjul, The Gambia;

Recalling Resolution ACHPR/Res.122 ( XXXXII) 07 on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa adopted at the 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo;

Recalling Resolution ACHPR/Res161 (XLVI) 09, renewing the mandate of the Commissioner Faith Pansy Tlakula, as Special Rapporteur, adopted during the 46th Ordinary Session held from 11 to 24 November 2009 in Banjul, The Gambia;
Further recalling Resolution ACHPR/Res.199 (L) 11, renewing the mandate of the Commissioner Faith Pansy Tlakula, as Special Rapporteur, adopted during the 50th Ordinary Session held from 24 October to 5 November 2011 in Banjul, The Gambia;

Noting with appreciation the work done by Commissioner Faith Pansy Tlakula as Special Rapporteur of Freedom of Expression and Access to Information in Africa;

Considering that the mandate of Commissioner Faith Pansy Tlakula as Special Rapporteur on Freedom of Expression and Access to Information in Africa will end on 5 November 2013;

Further considering the need to allow the Special Rapporteur on Freedom of Expression and Access to Information in Africa to carry out her mandate as contained in Resolution ACHPR/Res.122 (XXXII) 07 on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa;

Decides to re-appoint Commissioner Faith Pansy Tlakula as Special Rapporteur on Freedom of Expression and Access to Information in Africa for a period of two years, effective from 5 November 2013.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.248 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session, held from 22 October to 5 November 2013, in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);


Bearing in mind its Resolution 83(XXXVIII) 05 of 5 December 2005 on the Appointment of the Special Rapporteur on Human Rights Defenders in Africa, adopted at the 38th Ordinary Session, held from 21 November to 5 December 2005, in Banjul, The Gambia;

Considering its Resolution ACHPR/Res.125 (XXXXII) 07 on the renewal of the mandate of the Special Rapporteur on Human Rights Defenders in Africa, adopted at its 42nd Ordinary Session, held in Brazzaville, Republic of Congo, from 13 to 28 November 2007;

Bearing in mind that in the Grand Bay Declaration and Action Plan (Mauritius), the Organisation of African Unity (African Union) called on Member States “to take all the necessary measures to implement the United Nations Declaration on Human Rights Defenders in Africa”;

Recalling Resolution ACHPR/Res.149 (XLVI) 09, on the appointment of Commissioner Lucy Asuagbor as the Special Rapporteur on Human Rights Defenders in Africa;

Further recalling Resolution ACHPR/Res.151 (XLVI) 09 on the need to conduct a study on Freedom of Association and Resolution ACHPR/Res.186(XLIX)11 on the Appointment of Members of the Study Group on Freedom of Association in Africa, which assigns oversight responsibility of the said study to the Special Rapporteur on Human Rights Defenders in Africa;

Bearing in mind Resolution ACHPR/Res.202 (L) 11 on the appointment of Commissioner Reine Alapini Gansou as the Special Rapporteur on Human Rights Defenders in Africa;
Noting with appreciation the work done by Commissioner Reine Alapini Gansou as the Special Rapporteur on Human Rights Defenders in Africa;

Considering the needs of the mandate;

Decides to renew the mandate of Commissioner Reine Alapini Gansou as the Special Rapporteur on Human Rights Defenders in Africa for a period of two (2) years, effective from 5 November 2013.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.249 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES IN AFRICA

The African Commission on Human and Peoples’ Rights (The Commission), meeting at its 54th Ordinary Session from 22 October to 5 November 2013 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (The African Charter);

Recalling that the Commission established a Working Group on Indigenous Populations/Communities in Africa composed of ten members, including three members of the Commission;

Recalling its Resolution ACHPR/Res.65 (XXXIV) 03 on the report of the Working Group on Indigenous Populations/Communities adopted at its 34th Ordinary Session held in Banjul, The Gambia from 6 to 20 November, 2003;

Mindful of Resolution ACHPR/Res.123 (XXXII) 07 on the composition and renewal of the mandate of the Working Group on Indigenous Populations/Communities in Africa for a period of two years, adopted at its 42nd Ordinary Session held from 15 to 28 November, 2007 in Brazzaville, Republic of Congo;

Recalling Resolution ACHPR/Res.155 (XLV1) 09 and Resolution ACHPR Res.193 (L) 11, adopted by the Commission during its 46th and 50th Ordinary Sessions respectively, renewing the mandate of the Working Group on Indigenous Populations/Communities in Africa;

Noting with satisfaction the work done by the Working Group under the leadership of Commissioner Soyata Maiga during the last two years in the discharge of its mission;

Further noting that the mandate of the Chairperson and members of the Working Group has come to an end;

Further recognizing the importance of the work of the Working Group in the promotion and protection of indigenous populations/communities in Africa and the need to allow the Working Group to continue to carry out its mandate;

Decides to renew for a period of two years, with effect from 5 November 2013, the mandate of:

xi. Commissioner Soyata Maiga as Chairperson of the Working Group;
xii. Commissioner Lucy Asuagbor and Commissioner Pacifique Manirakiza as members of the Working Group;

xiii. the following experts:

17. Mr Mohammed Khattali;
18. Ms Marianne Jensen;
19. Dr Melakou Tegegn;
20. Dr Naomi Kipuri;
21. Dr Albert Barume;
22. Mr Lesle Jansen; and
23. Ms Hawe Bouba.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.250 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON THE RIGHTS OF OLDER PERSONS AND PEOPLE WITH DISABILITIES IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session from 22 October to 5 November 2013, in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind the African Union Policy Framework and Plan of Action on Ageing in which “State Parties recognized the fundamental rights of older persons and committed themselves to abolishing all forms of discrimination based on age”, and undertook “to ensure that the rights of older persons are protected by appropriate legislation, including the right to organize themselves in groups and the right to representation in order to advance their interests”;

Recalling its Resolution ACHPR/Res.106 (XXXXI) 07 of 30 May 2007, on the Rights of Older Persons in Africa, adopted at the 41st Ordinary Session, held from 16 to 30 May 2007, in Accra, Ghana;

Further recalling its Resolution ACHPR/Res.118 (XXXXII), on the Appointment of a Focal Point on the Rights of Older Persons in Africa, that was adopted at the 42nd Ordinary Session, held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Further recalling its Resolution ACHPR/Res.143 (XXXXV) 09 transforming the Focal Point on the Rights of Older Persons in Africa into a Working Group on the Rights of Older Persons and People with Disabilities in Africa;

Considering that the African Charter makes specific provisions for the protection of these rights, under Article 18 (4), which stipulates that “the aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs”;

Considering further paragraph 20 of the Kigali Declaration which “calls upon Member States to develop a Protocol on the protection of the rights of people with disabilities and the elderly”;

Bearing in mind the mandate of the Focal Point which includes, among others, “leading the process of drafting a Protocol on the Rights of Older Persons for submission to the AU Policy Organs for consideration and adoption as soon as possible”;

Appreciating the work of the focal point in advocating for a rights-based approach towards protecting the rights of older persons;
Considering the mandate assigned to the Working Group on the Rights of Older Persons and People with Disabilities, and to facilitate the process of drafting the Protocol on Ageing, ensuring compliance by State Parties with the recommendations contained in the AU Policy Framework and Plan of Action on Ageing;

Recalling Resolution ACHPR/Res.189 (XLIX) 2011 adopted during the 49th Ordinary Session held in Banjul, The Gambia, from 28th April to 12th May 2011, increasing the number of Experts of the Working Group to effectively implement its mandate;

Further recalling Resolution ACHPR/Res.200 (L) 11 on the renewal of the mandate and appointment of the Chairperson and other Members of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa;

Recognizing the work and the outstanding achievements made by the Chairperson and Members of the Working Group, with specific reference to the draft Protocol on Older Persons, adopted by the Commission at the 52nd Ordinary Session, held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

Considering that the two-year mandate of the Chairperson and other Expert Members of the Working Group has come to an end;

Considering the need to allow the Working Group on Older Persons and People with Disabilities to continue to carry out its mandate and to address urgent related matters;

Decides to:

i. Re-appoint for a period of two years, with effect from 5 November 2013, the mandate of Commissioner Yeung Kam John Yeung Sik Yuen as Chairperson;

ii. Re-appoint Commissioner Reine Alapini Gansou and Commissioner Pansy Faith Tlakula as members of the Working Group for the same period;

iii. Appoint, for the same period, Commissioner Lawrence Murugu Mute as member;

iv. Renew for the same period the mandate of the following members:

24. Mr Tavengwa Machekano Nhongo;
25. Ms Nadia Abdel-Wahab El-Affy;
26. Dr Isabelle Anita Gbemisola Aboderin; and
27. Mr Kudakwashe Dube.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.251 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE CHAIRPERSON AND MEMBERS OF THE WORKING GROUP ON THE DEATH PENALTY, EXTRAJUDICIAL, SUMMARY AND ARBITRARY KILLINGS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session, held from 22 October to 5 November 2013, in Banjul, The Gambia;

Recalling its mandate to promote human rights and ensure their promotion in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.42 (XXVI) 99, adopted at its 26th Ordinary Session, held in Kigali, Rwanda, urging State Parties to envisage a moratorium on the death penalty;

Further recalling the decision of the African Commission at its 37th Ordinary Session to appoint two Commissioners to work with the Special Rapporteur on Prisons and Conditions of Detention in Africa to elaborate a concept paper on the Question of the Death Penalty in Africa;

Recalling its Resolution ACHPR/Res.79(XXXVIII) 05 on the composition and work of the Working Group on the Death Penalty, adopted at its 38th Ordinary Session to expand the composition of the Working Group to include two members of the Commission and five independent experts and to broaden its mandate;

Considering the trends in international law which encourage the abolition of the death penalty, in particular, the 2nd Optional Protocol to the International Covenant on Civil and Political Rights, the Statute of the International Criminal Court, the Resolution of the UN Commission on Human Rights, 2005/59, relating to the Death Penalty, the practices adopted by the State Parties to the UN Charter and the debates and initiatives undertaken by civil society and other stakeholders on the question of the death penalty;

Bearing in mind Resolution 62/149 of the General Assembly of the United Nations, adopted in 2007 calling on all States that still retain the death penalty to, inter alia, observe a moratorium on executions with a view to abolishing the death penalty;

Bearing in mind Resolution ACHPR/Res.113 (XXXXII) 07 on the renewal of the mandate and the appointment of Commissioner Kayitesi Zainabo Sylvie as the Chairperson of the Working Group on the Death Penalty, adopted at the 42nd Ordinary Session, held from 15 to 28 November 2007, in Brazzaville, Republic of Congo;
Recalling its Resolution ACHPR/Res.136(XXXXIIII) 08 calling on State Parties to observe the moratorium on the death penalty adopted at its 44th Ordinary Session, held from 10 to 24 November 2008, in Abuja, the Federal Republic of Nigeria;

Further recalling its Resolution ACHPR/Res.201 (L) 11 on the renewal of the mandate of the Chairperson and the appointment of members of the Working Group on the Death Penalty in Africa, adopted at its 50th Ordinary Session, held from 22 October to 5 November 2011 in Banjul, The Gambia;

Recalling further its Resolution ACHPR/Res.227 (LII) 2012 on the expansion of the mandate of the Working Group to questions on extrajudicial, summary or arbitrary killings, adopted at its 52nd Ordinary Session, held from 9 to 23 October in Yamoussoukro, Côte d’Ivoire;

Recognizing that seventeen (17) State Parties to the African Charter have already abolished the death penalty and twenty (20) others have declared a moratorium on its implementation;

Reaffirming the commitment of the African Commission to promote the right to life and to encourage State Parties to abolish the death penalty;

Considering the ongoing preparation of the draft Protocol to the African Charter on Human and Peoples’ Rights on the Abolition of the Death Penalty in Africa;

Noting with appreciation the work done by the working Group under the leadership of Commissioner Kayitesi Zainabo Sylvie during the last two years;

Further noting that the mandate of the Chairperson and Members of the Working Group has come to an end;

Further recognizing the importance of the work of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and the need to ensure continuity of the Working Group;

Decides to:

i. Re-appoint Commissioner Kayitesi Zainabo Sylvie as the Chairperson of the Working Group for a period of two years starting from 5 November 2013;

ii. Re-appoint Commissioner Maya Sahli Fadel and Commissioner Med Kaggwa as Members of the Working Group for the same period; and

iii. Renew for the same period the mandate of the following experts:

7) Ms Alice Mogwe;
8) Prof. Philip Francis Iya; and
9) Prof. Carlson E. Anyangwe.

Done in Banjul, The Gambia, 5 November 2013

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ACHPR/Res.252 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held from 22 October to 5 November 2013 in Banjul, The Gambia;

Recalling its mandate to promote human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.73 (XXXVI)04 to establish the Working Group on Economic, Social and Cultural Rights adopted at its 36th Ordinary Session held in Dakar, Senegal from 23 November to 7 December, 2004, and which also defines its mandate;

Recalling Resolution ACHPR/Res.147 (XLVI) 09, on the appointment of Commissioner Mohamed Bechir Khalfallah as Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;

Further recalling its Resolution ACHPR/Res.193 (L) 11 on the renewal of the mandate of the Working Group on Economic, Social and Cultural Rights in Africa;


Mindful of Resolution ACHPR/Res.236(LIII) 2013 on the illicit flight of capital from Africa which requires the Working Group and the Working Group on Extractive Industries, Environment and Violations of Human Rights in Africa to undertake an in-depth study on the impact of illicit capital flight on human rights in Africa;

Noting with appreciation the work carried out by the Working Group under the leadership of Commissioner Mohammed Béchir Khalfallah during the last two years;

Noting that the mandate of the Working Group has come to an end;

Considering the need to allow the Working Group to continue to carry out its mandate;

Decides to renew for a period of two years, with effect from 5 November 2013, the mandate of:

i. Commissioner Mohammed Bechir Khalfallah as Chairperson of the Working Group;
ii. Commissioner Soyata Maiga and Commissioner Maya Sahli-Fadel as members;

Further decides to renew, for an interim period of one year, the mandate of the following members:

- A Representative of the OHCHR;
- A Representative of the UNECA -GPAD;
- A Representative of INTERIGHTS;
- A Representative of the Institute for Human Rights and Development in Africa; and
- A Representative of the Centre for Human Rights of the University of Pretoria.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.253 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session in Banjul, The Gambia held from 22 October to 5 November 2013;

Recalling all the relevant regional and international human rights instruments, specifically Articles 21 and 24 of the African Charter on Human and Peoples’ Rights, on the right of all peoples to freely dispose of their wealth and natural resources and to a general satisfactory environment favourable to their development;

Recalling the unconditional responsibility of State Parties to prevent all forms of violations of human and peoples’ rights, including violations of human and peoples’ rights by non-state actors;

Concerned by the increasing rate of the destruction of the African environment and ecosystem by extractive industrial activities with impunity;

Convinced of the need for an improved protection of human rights, especially through the development of jurisprudence on holding non-state actors accountable for human rights violations in Africa;


Recalling Resolution ACHPR/Res198(L)2011 appointing Commissioner Pacifique Manirakiza as Chairperson of the Working Group for an initial period of two years, adopted at its 50th Ordinary Session held in Banjul, The Gambia, from 24 October to 5 November, 2011;


Mindful of Resolution ACHPR/Res.236 (LIII) 2013 on the illicit flight of capital from Africa, adopted during the 53rd Ordinary Session held from 9 to 23 April 2013 and which required the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa and the Working Group on Economic, Social and Cultural Rights in Africa to carry out an in-depth study on the impact of the illicit flight of capital on human rights in Africa;
Noting with appreciation the work undertaken during the past two years by the Working Group under the leadership of Commissioner Pacifique Manirakiza;

Considering that the mandate of the Chairperson and the members of the Working Group comes to an end on 5 November 2013;

Recognizing the importance of the Working Group and the need to allow the Working Group to continue to carry out its mandate;

Decides to:

28. Renew, for a period of 2 years and taking effect from 5 November 2013, the mandate of Commissioner Manirakiza Pacifique as Chairperson of the Working Group, and Commissioner Yeung Kam John Yeung Sik Yuen as a Member for the same period; and

29. Appoint Commissioner Lawrence Murugu Mute as a member of the Working Group for the same period.

Done in Banjul, The Gambia, 5 November 2013

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session, held in Banjul, The Gambia, from 22 October to 5 November 2013;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under Article 45 of the African Charter on Human and Peoples’ Rights (African Charter);

Considering the recognition by African States of the absolute and irrevocable nature of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment under Article 5 of the African Charter;

Recalling its Resolution on Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) adopted during its 32nd Ordinary Session, held in Banjul, The Gambia, from 17 to 23 October 2002;

Further recalling the establishment of the Robben Island Guidelines Follow-Up Committee in 2004 with the mandate to give effect to the promotion of Article 5 of the Charter;

Bearing in mind Resolution ACHPR/Res.120 (XXXII) 07 on the Appointment of the Chairperson and Members of the Committee for the Prevention of Torture in Africa adopted at its 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo;

Further recalling Resolution ACHPR/Res158 (XLVI) 09, that changed the name of the Robben Island Follow-up Committee to the Committee for the Prevention of Torture in Africa (CPTA);

Considering Resolution ACHPR/Res.192 (L) 2011, adopted during the 50th Ordinary Session of the Commission held in Banjul, The Gambia, from 24 to 5 November 2011, renewing the mandate of the Committee for the Prevention of Torture in Africa;

Noting with appreciation the work undertaken by the Committee for the Prevention of Torture in Africa under the leadership of the Chairperson of the Committee, Commissioner Catherine Dupe Atoki, since her appointment on 28 November 2007;

Noting that the mandate of the Chairperson and members of the Committee has come to an end;
**Considering** the need to allow the Committee for the Prevention of Torture in Africa to continue carrying out its mandate and address urgent issues falling within its mandate;

**Decides to:**

i. Appoint **Commissioner Lawrence Murugu Mute** as Chairperson of the Committee for a period of two years;

ii. Renew for the same period the mandate of **Commissioner Med Kaggwa** as member of the Committee;

iii. Appoint **Commissioner Lucy Asuagbor** as a member of the Committee for the same period; and

iv. Maintain for the same period, the membership of the following experts:
   - Mr Jean-Baptiste Niyizurugero – Vice Chairperson;
   - Ms Hannah Forster – Member; and
   - Mr Malick Sow – Member.

**Done in Banjul, The Gambia, 5 November 2013**
ACHPR/Res.255 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON COMMUNICATIONS

The African Commission on Human and Peoples’ Rights (The Commission), meeting at its 54th Ordinary Session held in Banjul, The Gambia, from 22 October to 5 November 2013;

Recognizing its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Noting its protection mandate which involves the consideration of Communications alleging human rights violations against State Parties to the African Charter, pursuant to Articles 47 and 55 of the African Charter;

Noting Resolution ACHPR/RES.194 (L) 11, adopted during its 50th Ordinary Session held in Banjul, The Gambia from 24 October to 5 November 2011 establishing a Working Group on Communications and appointing its members;

Noting also Resolution ACHPR/RES.212 (EXT.OS/XI) 12, adopted during its 11th Extra-Ordinary Session held in Banjul, The Gambia, from 21 February to 1 March 2012 defining the mandate of the Working Group on Communications;

Further recalling Resolution ACHPR/RES.255(LII)12 on the extension of the mandate and modification of the composition of the Working Group on Communications, adopted at the 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

Further recognizing the importance of the work of the Working Group on Communications;

Noting with satisfaction the work done by the Working Group under the leadership of Commissioner Kayitesi Zainabo Sylvie in her capacity as Chairperson of the Working Group;

Considering that the mandate of the Chairperson and the members of the Working Group comes to an end on 5 November 2013;

Recognizing the importance of the Working Group and the need to allow the Working Group to continue to carry out its mandate;

Decides to:

Appoint Commissioner Lucy Asuagbor as Chairperson of the Working Group for a period of two years, with effect from 5 November 2013;
Renew for the same period the mandate of Commissioner Reine Alapini Gansou and Commissioner Pacifique Manirakiza as members of the Working Group; and

Appoint Commissioner Yeung Kam John Yeung Sik Yuen as a member of the Working group for the same period;

Renew for the same period the mandate of the support team of the Working Group at the Secretariat as follows:
   i. The Secretary to the Commission as coordinator of the support team;
   ii. Two (2) Senior Legal Officers; and
   iii. Two (2) Legal Officers.

Done in Banjul, The Gambia, 5 November 2013

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held in Banjul, The Gambia from 22 October to 5 November 2013;

Recalling its mandate to promote and protect human and people’s rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Aware of the vital role of its Secretariat in ensuring the effective discharge of the mandate of the Commission and the importance of having an efficient Secretariat;

Further conscious of the difficulties the Commission faces in the preparation, presentation and execution of its budget, and desirous of facilitating its budgetary preparation process;

Welcoming the decision of the Executive Council of the African Union (AU) to strengthen the human resource capacity of the Commission, through the recruitment of 33 more staff members over a period of five years from 2010 to 2014;

Recalling its decision taken during the 6th Extra-Ordinary Session to establish an Advisory Committee on Budgetary and Staff Matters to work with the Secretariat to prepare the Programmes Budget of the Commission;

Further recalling AU Executive Council Decision EX.CL/Dec.529 (XV) by which the African Union Commission (AUC), in consultation with the Permanent Representatives’ Committee (PRC), is required to expedite the review of the honorarium and allowances of the members of the Commission, in accordance with AU financial rules and regulations;

Bearing in mind its Resolution ACHPR/Res 142 (XXXXV) 09, adopted at its 45th Ordinary Session, establishing an Advisory Committee on Budgetary and Staff Matters;

Mindful of Resolutions ACHPR/Res.188 (XLIX) 2011 and ACHPR/Res.191 (L)11 adopted respectively at its 49th and 50th Ordinary Session on the renewal and extension of the mandate of the Advisory Committee on Budgetary and Staff Matters;

Noting with appreciation the work undertaken during the past two years by the Advisory Committee under the leadership of Commissioner Reine Alapini Gansou;

Considering that the mandate of the Chairperson and the members of the Advisory Committee has come to an end;
Recognizing the importance of the Committee and the need to allow the Committee to continue to carry out its mandate;

Decides to:

30. Appoint Commissioner Med Kaggwa as Chairperson of the Committee for a period of 2 years with effect from 5 November 2013;

31. Renew the mandate of Commissioner Reine Alapini Gansou and Commissioner Soyata Maiga as Members of the Committee for the same period; and

32. Appoint Commissioner Mohammed Bechir Khalfallah as member of the Committee for the same period.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.257 (LIV) 2013: RESOLUTION CALLING ON THE REPUBLIC OF KENYA TO IMPLEMENT THE ENDOROIS DECISION

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session, held in Banjul, The Gambia, from 22 October to 5 November 2013;

Considering its mandate to promote and protect human and peoples’ rights in Africa as provided for in Article 45 of the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming the Commission’s commitment to the promotion and protection of the rights of indigenous populations or communities in Africa, as a result of which it resolved to establish a Working Group on Indigenous Populations/Communities in Resolution ACHPR/Res.51 (XXVIII) 00;


Recognising the importance of ensuring State Parties’ compliance with the decisions of the Commission on Communications to ascertain victims’ rights to effective redress;

Noting the Commission’s obligation to follow-up on the implementation of its decisions in accordance with Rule 112 of its Rules of Procedure;

Considering Rule 118 (1) of the Commission’s Rules of Procedure which allows the Commission to submit a case to the African Court on Human and Peoples’ Rights where a State has not complied, or is unwilling to comply, with its decisions;

Recalling the Commission’s decision in Centre for Minority Rights Development (Kenya) and Minority Rights Group International (on behalf of Endorois Welfare Council) v. the Republic of Kenya;

Further recalling the oral hearing at the 53rd Ordinary Session of the Commission, held from 9 to 23 April 2013, in Banjul, The Gambia, whereby the parties updated the Commission on the implementation of its decision in the Endorois case;

Recalling the Commission’s Note Verbale to the Republic of Kenya, dated 29 April 2013, in which the Commission reminded the State party of its pledge at the oral hearing to submit an interim report within 90 days of the hearing, and a comprehensive report, including a road map with timelines and commitments for implementation at the Commission’s 54th Ordinary Session;
Bearing in mind the non-compliance of the Republic of Kenya with its pledge to transmit an interim report within 90 days of the oral hearing, and a comprehensive report at the 54th Ordinary Session of the Commission, held in Banjul, The Gambia, from 22 October to 5 November 2013;

Taking into account the absence of the Kenyan Government representatives at the “Workshop on the Status of Implementation of the Endorois Decision of the African Commission on Human and Peoples’ Rights” organised by the Working Group on Indigenous Populations/Communities in collaboration with the Endorois Welfare Council held in Nairobi, Kenya on 23 September 2013;

Concerned by the lack of feedback from the Government of Kenya on the measures it has taken to implement the Endorois decision;

The Commission:

1. **Urges** the Government of Kenya, as State Party to the African Charter, to comply with its obligations under the Charter, including giving effect to the rights and freedoms guaranteed therein;

2. **Calls on** the Government of Kenya to inform the Commission of the measures proposed to implement the Endorois decision, and more particularly, the concrete steps taken to engage all the players and stakeholders, including the victims, with a view to giving full effect to the decision;

3. **Exhorts** the Government of Kenya to immediately transmit to the Commission, a comprehensive report, including a roadmap for implementation as pledged during the oral hearing at the 53rd Ordinary Session of the Commission.

**Done in Banjul, The Gambia, 5 November 2013**
ACHPR/Res.258 (LIV) 2013: RESOLUTION ON SUMMARY EXECUTION AND ENFORCED DISAPPEARANCE IN MALI

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held from 22 October to 5 November 2013 in Banjul, The Gambia,

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the obligations of the Republic of Mali under the African Charter and other regional and international human rights instruments ratified by Mali;

Considering Articles 1 and 23 of the African Charter which guarantee the security of peoples and their protection by State Parties;

Recalling its previous resolutions on the human rights situation in northern Mali and the relevant decisions of the Peace and Security Council of the African Union (AU) and the Economic Community for West African States (ECOWAS) on Mali;

Mindful of AU Peace and Security Council decision PSC/AHG/COMM/2 (CCCLIII) of 28 January 2013 and the AU Solemn Declaration on the Situation in Mali Assembly/AU/Decl.3 (XX) establishing the African-led International Support Mission to Mali (AFISMA), now the African Union Mission for Mali and the Sahel Region (MISAHEL);

Deeply concerned by the growing insecurity marked by cases of attacks and killings;

Further concerned by the cases of summary execution, enforced disappearance, arbitrary detention, inhuman and degrading treatment and the cases of torture recorded during investigations conducted by MISAHEL human rights observers, as well as the mutiny that occurred in the Kati military camp on 30 September 2013;

Strongly condemns the cases of summary execution and enforced disappearance which constitute human rights violations jeopardising peace and security in the country which is still weakened by conflict;

Calls on the Government of Mali to take the necessary measures to put an end to human rights violations and other acts of violence and to ensure the security of all persons in the country;

Urges the Government of Mali to take the necessary steps to put an end to impunity and to conduct an independent investigation in order to identify the perpetrators and bring them to justice;
Calls on ECOWAS, the AU and the international community to continue to support the people of Mali in their efforts to consolidate the gains of democracy and preserve the national security and territorial integrity of Mali.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.259 (LIV) 2013: RESOLUTION ON POLICE AND HUMAN RIGHTS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 54th Ordinary Session, held from 22 October to 5 November 2013 in Banjul, The Gambia,

Recalling its mandate to promote and ensure the protection of human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recognizing the central role of the police in the maintenance and enforcement of law and order and the promotion of citizen’s safety as well as the respect for human rights;

Further recognizing the growing demands placed on the police to combat national and transnational crime, terrorism and other emerging security challenges;

Concerned that effective policing in Africa is impeded by several factors including limited financial resources, inadequate training, poor working conditions and corruption;

Further concerned that this situation has led to non-compliance by the police with basic human rights standards in the execution of their duties, including the use of excessive and disproportionate force, extrajudicial killings and summary executions, arbitrary and illegal arrest, torture and mistreatment;

Noting the importance of human rights training for the police as well as efficient mechanisms to follow up on human rights compliance by the police;

Recalling its decision at the 40th and 41st ordinary sessions to organize seminars on Building the Culture of Peace and Human Rights for the Military / Police in Africa;

Reaffirms its commitment to continue to place police and human rights as a priority issue in the execution of its promotion and protection mandate;

Calls on State Parties to the Charter to ensure that in the execution of their duties, police fully comply with the respect for human rights and the rule of law;

Further calls on State Parties to the African Charter to take the appropriate measures in accordance with the relevant Articles of the African Charter and other regional instruments to ensure that police services respect the dignity inherent in the individual in the discharge of their duties.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.260 (LIV) 2013: RESOLUTION ON INvoluntary STERILISATION AND THE PROTECTION OF HUMAN RIGHTS IN ACCESS TO HIV SERVICES

The African Commission on Human and Peoples’ Rights, meeting at its 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia:

Reaffirming its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its previous Resolutions and General Comments, which recognise inter alia the rights of women and girls, the rights of people living with HIV, as well as the need to promote and protect women’s sexual and reproductive health rights and to realize access to health services for all individuals;

Underscoring in particular that women’s right to health and the principles of autonomy and non-discrimination are recognised under the African Charter and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol), and that Article 14 of the Maputo Protocol explicitly provides for sexual and reproductive health rights, and specifically protects women’s rights to “control their fertility, decide whether to have children, the number of children and the spacing of children [and] the right to choose any method of contraception”;

Noting that voluntary sterilisation is one of the most widely used contraceptive methods in the world and is part of a full range of contraceptive services that should be accessible and affordable to every individual who so chooses, including women living with HIV;

Noting that involuntary sterilisation refers to a procedure that is carried out in the absence of genuine informed consent or against the expressed will of the individual;

Further noting that coerced sterilisation is a form of involuntary sterilisation characterized by the use of financial or other incentives, misinformation, or intimidation tactics to compel an individual to undergo the procedure;

Mindful that access by women living with HIV to the enjoyment of sexual and reproductive health rights is generally and severely limited or denied, as a result of HIV-related discrimination, stigma, prejudices and harmful customary practices;

Deeply concerned by the numerous reports of involuntary sterilisation of women living with HIV in certain State Parties to the African Charter;

vi. Condemns all forms of discrimination and human rights violations relating to access to adequate health services;

vii. The Commission calls upon all state parties to the African Charter to:

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viii. **Reaffirms** that all medical procedures, including sterilisation, must be provided with the free and informed consent of the individual concerned in line with internationally accepted medical and ethical standards;

ix. **Firmly declares** that all forms of involuntary sterilisation violate in particular the right to equality and non-discrimination; dignity, liberty and security of person, freedom from torture, cruel, inhuman and degrading treatment, and the right to the best attainable state of physical and mental health; as enshrined in the regional and international human rights instruments, particularly the African Charter and the Maputo Protocol;

x. **Calls upon** State Parties to the African Charter to:

(i) Allocate adequate resources to HIV and reproductive health services;

(ii) Ensure that the existing international medical and ethical principles of free and informed consent with regards to all medical procedures, including sterilization are reflected in national laws and are enforced in the provision of healthcare services to women living with HIV;

(iii) Put in place mechanisms to ensure that women living with HIV are not subjected to coercion, pressure or undue inducement by healthcare providers and/or institutions in order to secure consent for sterilization or other medical procedures;

(iv) Ensure that women living with HIV are provided with all information on available HIV and reproductive health services in a language that they understand;

(v) Ensure regular training of medical personnel on the protection of human rights in the context of health care, including the principles of informed consent and non-discrimination;

(vi) Ensure meaningful involvement of women living with HIV in the drafting of laws, policies and guidelines concerning sexual and reproductive health and rights;

(vii) Investigate allegations of involuntary sterilisation conducted on women living with HIV and practices involving health practitioners, institutions and all persons involved in cases of involuntary sterilisations of women living with HIV; and

(viii) Put in place complaint mechanisms, legal assistance, and reparation for women living with HIV victims of involuntary sterilisation.

**Done in Banjul, The Gambia, 5 November 2013**
ACHPR/Res.261 (LIV) 2013: RESOLUTION ON THE EXTENSION OF THE DEADLINE FOR THE STUDY ON FREEDOM OF ASSOCIATION AND ASSEMBLY IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 54th Ordinary Session held from 22 October to 5 November 2013 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling Resolutions ACHPR/69(XXXV) 04 on the protection of human rights defenders in Africa, ACHPR/Res.119 (XXXII) 07 and ACHPR/Res.196 (L) 11 on the situation of human rights defenders in Africa;

Mindful of Resolutions ACHPR/Res151 (XLVI) 09 on the need to conduct a study on freedom of association, ACHPR/Res.179 (XLIX) 11 on the appointment of members of the Study Group on Freedom of Association in Africa and ACHPR/Res.229 (LII) 12 on the extension of the deadline for the study on freedom of association in Africa;

Conscious of the extension of the study to include freedom of assembly in Africa and the need to consolidate research on the study and gather as much information as possible;

Further conscious of the need to formulate guidelines on freedom of association and peaceful assembly;

Noting that the deadline set for the study is due to expire in October 2013, whereas the study report is being finalized;

Decides to extend the deadline for this study by one (1) year; and request that the report of the said study should be submitted for consideration by the Commission in October 2014.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.262 (LIV) 2013: RESOLUTION ON WOMEN’S RIGHT TO LAND AND PRODUCTIVE RESOURCES

The African Commission on Human and Peoples’ Rights, meeting at its 54th Ordinary Session held in Banjul, The Gambia, from 22 October to 5 November 2013,

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter) and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);

Mindful that women’s rights, based on the principles of equality and non-discrimination, are recognised and guaranteed by all regional and international instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, the African Charter and the Maputo Protocol;

Mindful of the relevant provisions of the Maputo protocol, in particular Articles 7, 15, 19 and 21;

Mindful of the Framework and Guidelines on Land Policy in Africa adopted by the African Union in 2009, in particular the provisions relating to strengthening women’s right to land;

Recalling the African Women Decade (2010-2020) launched by the AU to promote gender equality and women’s empowerment through expediting the implementation of the relevant regional and global decisions and commitments;

Considering that women’s access to, control over and use of land and productive resources contribute to promoting gender equality and constitute a solid basis for improving women’s social, political and economic status;

Recognising women’s invaluable contribution to the effective use of land and their role in developing strategies to ensure food security, community development and sustainable agricultural practices on the continent;

Concerned that even though most State Parties have ratified the Maputo Protocol and other international instruments on women’s rights women are still deprived of their right to own land and property and continue to experience discrimination and harmful social practices as a result of gender inequality;

Considering that women living in rural areas, women from poor and marginalized communities, women living with disabilities and women infected by HIV/AIDS are more affected by marginalisation;
Deeply concerned that women are disproportionately affected by poverty, climate change, forced evictions, dispossession of land and forced resettlement;

Conscious that State Parties have the primary responsibility to ensure and protect women’s right to land and property in Africa:

1. **Urges** State Parties that have not yet done so to ratify the Maputo Protocol and ensure its effective implementation;

2. **Urges** State Parties to fully comply with their obligations and commitments to ensure, protect and promote women’s right to land and property;

3. **Encourages** State Parties to repeal discriminatory laws and adopt legislative measures to sanction customary practices that limit or have a negative impact on women’s access to, use of and control over land and other productive resources;

4. **Calls on** State Parties to organise sustained public sensitisation, information and education campaigns for community and religious leaders in order to transform socio-cultural patterns of conduct that deprive women of their security of enjoyment of and equal access to property, land and adequate housing;

5. **Calls on** State Parties to undertake land and agrarian reforms to ensure equal treatment for women in rural development, land distribution and social housing projects;

6. **Further urges** State Parties to:

   i) provide legal protection to women against forced evictions and dispossession of land for use by public and private actors;

   ii) ensure widows’ right to inheritance, including the right to inherit the movable and immovable property of their husbands, as well as their right, irrespective of the matrimonial regime, to continue to live in the matrimonial house;

   iii) ensure access to public justice services for underprivileged women by providing effective remedies for violations of their right to land and property, and free legal assistance in order to ensure compensation and the restitution of land;

   iv) ensure that financial and microcredit institutions integrate the specific needs of women into their policies and practices, including access to credit and income-generating activities, especially for poor women and women heads of households;

   v) integrate into national HIV/AIDS control strategies, as well as farming and land policies, women’s right to land and property;

   vi) put in place special measures to protect the property rights of women with disabilities.
vii) allocate specific resources to investment programmes that support and strengthen initiatives by rural women, in particular small-scale farmers;

7. **Calls on** international institutions and regional economic communities to provide technical and financial support to African governments towards achieving women’s right to land and property, at all levels, in accordance with the Maputo Protocol and other relevant international instruments.

Done in Banjul, The Gambia, 5 November 2013
ACHPR/Res.263 (LIV) 2013: RESOLUTION ON THE PREVENTION OF ATTACKS AND DISCRIMINATION AGAINST PERSONS WITH ALBINISM

The African Commission on Human and Peoples’ Rights, meeting at its 54th Ordinary Session held from 22 October to 5 November 2013 in Banjul, The Gambia;

Recalling its mandate to promote and ensure the protection of human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Concerned at the widespread discrimination, stigma and social exclusion directed at persons with albinism;

Deeply concerned at reports of systematic attacks against persons with albinism, including against women and children;

Welcoming the steps taken and efforts made by the countries concerned, including initiating legal action against perpetrators of attacks against persons with albinism, public condemnation of attacks against persons with albinism, and public awareness-raising campaigns;

Aware of Resolution 23/13 of the Human Rights Council on attacks and discrimination against persons with Albinism;

Bearing in mind Article 2 of the African Charter which guarantees every individual the enjoyment of the rights and freedoms recognised in the Charter regardless of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

Mindful of the obligation of State Parties to the African Charter to promote and actualize the rights and freedoms enshrined in the African Charter;

Further bearing in mind Article 18 (4) of the African Charter which provides that the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs;

Bearing in mind its role under the African Charter to ensure the protection of human and peoples’ rights;

HEREBY:

1. Urges State Parties to take all measures necessary to ensure the effective protection of persons with albinism and members of their families;
2. **Calls upon** State Parties to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism, the prosecution of those responsible, and by ensuring that victims and members of their families have access to appropriate remedies;

3. **Also calls upon** State Parties to take effective measures to eliminate all forms of discrimination against persons with albinism, and to increase education and public awareness-raising activities;

4. **Requests** State Parties to include in their reports submitted to the African Commission under Article 62 of the African Charter information on the situation of persons with albinism including good practices in protecting and promoting the rights of persons with albinism;

5. **Invites** State Parties to promote, in collaboration with relevant regional and international organizations, bilateral, regional and international initiatives aimed at protecting persons with albinism;

6. **Invites** its special mechanisms, as part of their respective mandates, to address the relevant aspects of the safety and non-discrimination of persons with albinism; and


**Done in Banjul, The Gambia, 5 November 2013**
ACHPR/Res.264 (EXT.OS/XV) 2014: RESOLUTION ON ATTACKS AGAINST JOURNALISTS AND MEDIA PRACTITIONERS IN THE FEDERAL REPUBLIC OF SOMALIA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 15th Extraordinary Session held in Banjul, The Gambia, from 7 to 14 March 2014:

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that the Federal Republic of Somalia is a Party to the African Charter and has committed itself to ensuring respect for human and peoples’ rights within its territory;

Further considering the need to protect human life under Article 4 of the African Charter which provides that every human being shall be entitled to respect for his life and the integrity of his person;

Underscoring that freedom of expression and access to information are fundamental human rights guaranteed under Article 9 of the African Charter, and other international and regional human rights treaties;

Recalling Articles 10 and 11 of the African Charter which guarantee the right to freedom of association and assembly;

Recalling its Resolutions ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter; ACHPR/Res.178 (XLIX) 2011 on the safety of journalists and media practitioners in Africa; ACHPR/Res.221 (LI) 2012 on attacks against journalists and media practitioners in Somalia;

Highlighting that the right to life and freedom of expression, assembly and association constitute fundamental human rights enshrined in the provisional Constitution of the Federal Republic of Somalia;

Welcoming the ongoing efforts by the African Union Peacekeeping Mission in Somalia (AMISOM) to restore peace and stability in the Federal Republic of Somalia, and commending its efforts to protect human rights;

Stressing that promoting respect for human rights is vital to restoring peace, stability and democratic governance in the Federal Republic of Somalia;

Denouncing the serious violations of the right to life and freedom of expression that continue to prevail in the Federal Republic of Somalia;
Concerned about the restrictions and intimidations against the National Union of Somali Journalists (NUSOJ) such as negative labelling, prosecution as well as physical harassment and intimidation of its members;

Deeply concerned by the continued killing of journalists and media practitioners in the Federal Republic of Somalia, where several media workers were killed with total impunity, in Mogadishu and Galkayo in 2013;

The Commission:

**Strongly condemns** the serious violations of the right to life committed against journalists and media practitioners in the Federal Republic of Somalia;

**Calls on** the Somali authorities to respect, protect and promote the right to life, freedom of expression and freedom of association and assembly of journalists and media practitioners as provided in the African Charter and other international and regional human rights instruments;

**Calls on** the Somali authorities and AMISOM to investigate the killing of journalists and media practitioners, and bring the perpetrators to justice;

**Appeals** for the immediate cessation of harassment and intimidation aimed at independent media organisations, in particular the NUSOJ, in the Federal Republic of Somalia.

**Done in Banjul, The Gambia, on 14 March 2014**
ACHPR/Res.265 (EXT.OS/XV) 2014: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF SOUTH SUDAN

The African Commission on Human and Peoples’ Rights (the Commission), at its 15th Extra-Ordinary Session held from 7 – 14 March 2014 in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling that one of the objectives of the African Union, as stipulated in Article 3(f) of its Constitutive Act, is to promote peace, security, and stability in the continent;

Taking cognisance of Article 23 of the African Charter which also provides for the right of all peoples’ to national and international peace and security;

Bearing in mind that South Sudan is a Member State of the African Union and signatory to the African Charter;

Commending the efforts made by the African Union to promote dialogue among the various parties towards achieving peace, security and political stability in the Republic of South Sudan;

Concerned about recent developments in South Sudan, which have massive implications on regional peace, security and stability;

Further concerned about the humanitarian consequences of the situation in South Sudan;

Alarmed with reports of serious and massive human rights violations, including the extra-judicial killing of civilians and captured soldiers, massive displacements and arbitrary detentions, mostly on ethnic grounds;

Bearing in mind the attacks against the civilian population, and the discovery of mass graves in some parts of the country;

Denouncing the acts of warring factions against innocent civilians, contrary to basic regional and international human rights standards;

Welcoming the decision of the African Union Peace and Security Council to establish a Commission of Inquiry to investigate human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability and reconciliation among all South Sudanese communities;

Stressing the need for South Sudan to cooperate with the African Union Commission of Inquiry to identify perpetrators of the atrocities and hold them accountable, in line with the African Union’s firm commitment to fight impunity;
Noting the significance of effective redress for victims of human rights violations, not only at the domestic level, but also the regional and international level to end impunity;

Concerned by South Sudan’s delay in ratifying and thereafter domesticating the African Charter as well as other fundamental human rights instruments, which provide avenues of redress for victims of human rights violations;

The Commission:

Strongly condemns the attacks on the civilian population perpetrated by the parties to the conflict;

Requests the Government of South Sudan to ensure the full protection of the civilian population;

Calls on all parties to immediately halt the violence, peacefully resolve their differences and follow through on peace agreements;

Calls on the Government of South Sudan to ensure that perpetrators of the human rights violations are held accountable for their actions;

Urges the Government of South Sudan to cooperate with the African Union Commission of Inquiry; and

Calls on the Government of South Sudan to immediately ratify and domesticate the African Charter and other fundamental human rights instruments.

Done in Banjul, The Gambia on 14 March 2014
ACHPR/Res.266 (EXT.OS/XV) 2014: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE CENTRAL AFRICAN REPUBLIC

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 15th Extraordinary Session held in Banjul, The Gambia, from 7 to 14 March 2014:

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that one of the objectives of the African Union as stipulated in Article 3 (f) of its Constitutive Act is to “promote peace, security, and stability on the continent”;

Recalling the obligations of the Central African Republic under the African Charter and other regional and international human rights instruments;

Further recalling the road map adopted by the 4th Extraordinary Summit of Heads of State and Government of the Economic Community of Central African States (ECCAS) held in N’Djamena on 18 April 2013;

Recalling its Resolution ACHPR/Res. 243 (EXT.OS/XIV) 2013 and its statements issued on 27 March 2013, 21 April 2013 and 24 July 2013 in which the Commission strongly condemned the looting and armed violence perpetrated against the Central African population and emphasized that “the perpetrators of these acts should be prosecuted by the competent courts”;

Welcoming the efforts made by the transitional Government of the Central African Republic to put an end to the ongoing crisis;

Appreciating the efforts of the African Union and the international community to increase the number of soldiers deployed in the Central African Republic, in particular the activities of MISCA with the support of the French Operation Sangaris;

Concerned by the continuing violence and abuses carried out by the anti-Balaka militia against the Muslim civilian population, the regrouping of ex-Seleka forces in the towns of Vakaga, Batangafo and Kaga-Bandoro in the north and the new cycle of violence they cause in villages;

Deeply concerned by the continuing insecurity resulting in the forced and massive displacement of the civilian population, of nearly one million people both within and outside the country, and others seeking refuge in neighbouring countries;

Welcoming the commitment of countries such as the Republic of Cameroon, the Republic of Congo, the Democratic Republic of Congo and the Republic of Chad...
which have shown hospitality and solidarity with refugee populations from the Central African Republic;

The Commission:

**Strongly condemns** the killings called “cleansing operations” carried out by members of the anti-Balaka in the neighbourhoods of Miskine, Marinaka and Combattant, and in the 3rd, 5th and 8th districts of the capital Bangui, including murder, rape, looting and destruction of property;

**Also condemns** the atrocities committed by ex-Seleka rebels in the towns of Batangafo and Kaga-Bandoro in retaliation for the attacks against the Muslim civilian population by members of the anti-Balaka;

**Calls on** the transitional Government to take the necessary measures to stop all acts of violence against the civilian population throughout the national territory and to bring the perpetrators before the competent courts;

**Urges** the transitional Government to expedite the establishment of Government institutions and to reconstitute the police and security forces in order to ensure the security of persons and property;

**Calls on** the African Union and the international community to strengthen the peacekeeping force in the Central African Republic by increasing its human and material resources;

**Calls on** countries hosting refugee populations to take the necessary measures to ensure their security and humanitarian assistance despite the complexity of the task;

**Further calls on** States to work closely with the UN High Commissioner for Refugees and other international humanitarian organisations towards an effective protection, material assistance and management of refugee camps in order to meet the needs of refugee populations in their territories, paying special attention to women and children;

**Reiterates** its call for the mobilisation of adequate humanitarian support for the populations affected by the crisis;

**Calls on** the Government of the Central African Republic to take all necessary measures to allow and facilitate unfettered access for humanitarian assistance to reach internally displaced persons;
**Further calls on** the transitional Government to organise free, fair, transparent and peaceful elections and to ensure that all the parties, in particular opposition parties, enjoy equitable access to state-controlled media;

**Decides** to remain seized of the matter.

Done in Banjul, The Gambia, on 14 March 2014
ACHPR/Res.267 (EXT.OS/XV) 2014: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE FEDERAL REPUBLIC OF NIGERIA

The African Commission on Human and Peoples’ Rights, meeting at its 15th Extra-Ordinary Session, held in Banjul, The Gambia, from 07 to 14 March 2014;

Recalling its mandate to promote and protect human and peoples’ rights on the African Continent pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that the Federal Republic of Nigeria is a Party to the African Charter and has committed itself to securing human and peoples’ rights within its territory;

Further considering Article 1 of the African Charter which calls on Member States to adopt legislative or other measures to give effect to the rights and freedoms enshrined therein;

Further considering Article 4 of the African Charter by virtue of which human beings are inviolable, with every human being entitled to respect for their life and the integrity of their person;


Considering the consistent reports inter alia from UN Experts, Non-Governmental Organisations and the news media, of the deepening crisis of public safety and security being faced by the civilian population in the Nigerian north-eastern states of Borno, Adamawa and Yobe, arising from spates of attacks and various outrages on the civilian population by the militant Islamist group terrorising the region – jamā‘atu ahlus sunnah lid da‘awati wal jihad, popularly known as Boko Haram, which have further resulted in deaths, injuries and internal displacements amongst others;

Further concerned that such reports also document allegations of gross human rights abuse committed against the civilian population by personnel of the Nigerian military and other state agents, in their operations in combating the Boko Haram militants in the region;

Deeply concerned by the continued escalation in this extreme indiscriminate violence and killings of civilians which have continued unabated, resulting in more than 10,000 civilians killed and over 90,000 people displaced since the emergence of the Boko Haram group in 2002;

The Commission:
Strongly condemns the killings of the civilian population, and in particular, the recent acts of violence committed on 2 February 2014, in which about fifty-nine (59) pupils in the boarding school at the Federal Government College of Buni Yadi, in Yobe State, were shot or burnt alive;

Also condemns the instigators and perpetrators of these indefensible acts of violence, and demands that they immediately end their attacks on civilians;

Calls on the Government of the Federal Republic of Nigeria to take effective measures to guarantee the safety, security and protection of persons and their properties in the affected communities and States, and in the entire country at large, and urges it to increase efforts in securing the lives and integrity of the persons of the civilian population in accordance with its regional and international human rights obligations.

Further calls on the Government of the Federal Republic of Nigeria to ensure that military operations undertaken by its personnel and other agents in response to Boko Haram attacks comply with regional and international human rights standards;

Calls upon the relevant authorities of the Government of the Federal Republic of Nigeria to thoroughly investigate, and bring perpetrators of these gross human rights violations and killings to justice;

Also calls on the Government of the Federal Republic of Nigeria to guarantee the secure access of humanitarian actors and international human rights agencies to the affected communities and states; and

Further Calls on the Economic Community of West African States, the African Union, and the international community at large, to lend their full support to the Government of the Federal Republic of Nigeria in its efforts to end these acts of violence, and to closely monitor the human rights situation in the country.

Done in Banjul, The Gambia, 14 March 2014
ACHPR/Res.268 (LV) 2014: RESOLUTION APPOINTING EXPERT MEMBERS FOR THE WORKING GROUP ON EX extractive Industries, Environment and Human Rights Violations in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session, in Luanda, Angola, 28 April to 12 May 2014;

Considering its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind that the Commission established the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa (the Working Group) composed of eight members, amongst them, three Members of the Commission;


Further Recalling Resolution ACHPR/Res.198(L)11: Resolution Appointing the Chairperson and Members of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa, adopted during the 50th Ordinary Session of the Commission, held in Banjul, The Gambia, from 24 October to 5 November 2011,
appointing Commissioner Pacifique Manirakiza as Chairperson of the Working Group;


**Further Recalling Resolution ACHPR/Res.253(LIV)**: Resolution on the Renewal of the Mandate of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa, adopted during the 54th Ordinary Session of the Commission, held in Banjul, The Gambia, from 22 October to 5 November 2013, renewing the mandate of the Working Group for a period of two years taking effect from 05 November 2013;

**Convinced** of the necessity of improved human rights protection through development of jurisprudence on holding non-state actors accountable for human rights violations in Africa;

**Noting** the reduced number of members of the Working Group following the none active participation of two expert members, and *conscious* of the need to appoint two new members to replace them,

**Recognizing** that the success of the Working Group depends on the commitment of its members including their expertise to carry out its mandate and the importance for research, knowledge and capacity building to the Working Group;

**Conscious** of the need to ensure fair representation, taking into account the various geographical regions, languages, legal systems and gender;
1. **Decides to** appoint the following expert members of the Working Group for a period of two years: **Ms. Sheila Keetharuth** (Mauritius) in replacement of **Mr. Samuel Nguiffo** (Cameroun), and **Mr. Eric Kassongo Kalonji** (Democratic Republic of the Congo) in replacement of **Mr. Gilbert Maoundonodji** (Chad);

2. **Renews** the membership of the following experts:
   1. Mr. Clement Voulé;
   2. Professor James Gathii;
   3. Ms. Valerie Couillard; and
   4. Professor Michelo Hansungule.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.269 (LV) 2014: Resolution Appointing an Expert Member for the Working Group on the Rights of Older Persons and People with Disabilities in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session, in Luanda, Angola, 28 April to 05 May 2014;

Considering its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.106 (XXXXI) 07 of 30 May 2007, on the Rights of Older Persons in Africa, adopted at the 41st Ordinary Session, held from 16 to 30 May 2007, in Accra, Ghana;

Further recalling its Resolution ACHPR/Res.118 (XXXXII), on the Appointment of a Focal Point on the Rights of Older Persons in Africa, that was adopted at the 42nd Ordinary Session, held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Further recalling its Resolution ACHPR/Res.143 (XXXXV) 09 transforming the Focal Point on the Rights of Older Persons in Africa into a Working Group on the Rights of Older Persons and People with Disabilities in Africa;

Considering that the African Charter makes specific provisions for the protection of these rights, under Article 18 (4), which stipulates that “the aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs”;

Considering further paragraph 20 of the Kigali Declaration which “calls upon Member States to develop a Protocol on the protection of the rights of people with disabilities and the elderly”;

Further recalling its Resolution ACHPR/Res.143 (XXXXV) 09 transforming the Focal Point on the Rights of Older Persons in Africa into a Working Group on the Rights of Older Persons and People with Disabilities in Africa;
**Bearing in mind** the mandate assigned to the Working Group on the Rights of Older Persons and People with Disabilities, which include holding comprehensive brainstorming sessions to articulate the rights of older persons and people with disabilities, identifying good practices to be replicated in Member States; and to facilitate the process of drafting the Protocols on the rights of older persons and persons with disabilities;

**Further recalling** Resolution ACHPR/Res.250 (CCL) 13 on the renewal of the mandate and appointment of the Chairperson and other Members of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;

**Recognizing** the work and the outstanding achievements made by the Chairperson and Members of the Working Group, with specific reference to the Protocol on Older Persons, adopted by the Commission at the 52nd Ordinary Session, held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

**Considering** the need to allow the Working Group on Older Persons and People with Disabilities to continue to carry out its mandate and to address urgent related matters, in particular drafting the Protocol on the Rights of Persons with Disabilities;

**Decides to:**

Maintain the membership of the following experts:

1. Mr Tavengwa Machekano Nhongo,
2. Dr Nadia Abdel-Wahab El-Afify,
3. Dr Isabelle Anita Gbemisola Aboderin,
4. Mr Kudakwashe Dube.

Appoint for a period of two years:

5. Dr. Elly Macha

*Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014*
ACHPR/Res.270 (LV) 2014: RESOLUTION APPOINTING EXPERT MEMBERS OF THE WORKING GROUP ON DEATH PENALTY AND EXTRAJUDICIAL, SUMMARY OR ARBITRARY KILLINGS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its decision adopted at its 37th Ordinary Session to appoint two Commissioners to work with the Special Rapporteur on Prisons and Conditions of Detention in Africa to prepare a Discussion Paper on the Question of the Death Penalty in Africa;

Further recalling its Resolution ACHPR/Res.79(XXXVIII) 05 on the Composition and Operationalization of the Working Group on the Death Penalty adopted at its 38th Ordinary Session in order to increase the composition of the Working Group to include two members of the Commission and five independent experts and to broaden its mandate;

Recalling its Resolution ACHPR/Res.113(XXXXII) 07 on the Renewal of the Mandate and the Appointment of Commissioner Kayitesi Zainabo Sylvie as Chairperson of the Working Group on the Death Penalty, adopted at the 42nd Ordinary Session held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Recalling its Resolution ACHPR/Res.201 (L) 11 on the Renewal of the Mandate of the Chairperson and the Appointment of Members of the Working Group on the Death Penalty in Africa, adopted at its 50th Ordinary Session held from 22 October to 5 November 2011 in Banjul, The Gambia, renewing the mandate of the Working Group for two years;

Bearing in mind its Resolution ACHPR/Res.227 (LII) 2012 expanding the mandate of the Working Group to include extrajudicial, summary or arbitrary killings adopted at its 52nd Ordinary Session held from 9 to 23 October 2012 in Yamoussoukro, Côte d’Ivoire;

Further recalling its Resolution ACHPR/Res.251 (LIV) 2013 on the Renewal of the Mandate of the Chairperson and Members of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa, adopted at its 54th Ordinary Session held from 9 to 22 October 2013 in Banjul, The Gambia, renewing the mandate of the Working Group for two years;
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Noting the reduced number of members of the Working Group following the lack of active participation of two experts since October 2013 and conscious of the need to appoint two new members to replace them;

Recognising that seventeen (17) States Parties to the African Charter have already abolished the death penalty and that twenty (20) others have established a moratorium on the execution of the death penalty;

Recognising the importance of the work of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa and the need to enable the Working Group to continue to effectively implement its mandate;

Conscious of the need to ensure a fair representation taking into account the various geographical regions, languages and legal systems;

1. Decides to appoint the following expert members of the Working Group for a period of two years: Mr Bouzenia Fares (Algeria), in replacement of Ms Alya Cherif Chammari (Tunisia), and Mr Ségnitondji Isidore Clément Capo-Chichi (Benin), in replacement of Mr Moctar Diallo (Senegal);

2. Requests the African Union to provide the Working Group with the necessary resources, assistance and support for the implementation of this Resolution;

3. Calls upon other partners to continue to assist the Working Group in the implementation of its mandate.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 28 April to 12 May 2014 in Luanda, Angola
ACHPR/Res.271 (LV) 2014: RESOLUTION ON CLIMATE CHANGE IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Mindful of the provisions of Article 45(1)(b) of the African Charter which provides that the Commission shall “formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African governments may base their legislation;”

Considering the provisions of Article 24 of the African Charter on the right of all peoples to a satisfactory environment favourable to their development;

Recalling its Resolution ACHPR/Res.153(XLVI)09: Resolution on Climate Change and Human Rights and the Need to Study its Impact in Africa, adopted at the 46th Ordinary Session of the Commission held in Banjul, The Gambia, from 11 to 25 November 2009, in which the Commission decided to carry out a study on the impact of climate change on human rights in Africa;

Convinced that the conduct of an in-depth study on the impact of climate change in Africa will contribute to the development of effective human rights-based measures and solutions;

Requests the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa (the Working Group on Extractive Industries) to undertake an in-depth study on the impact of climate change on human rights in Africa;

Calls on civil society and other stakeholders to support the work of the Working Group on Extractive Industries.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Luanda, Angola, from 28 April to 12 May 2014
ACHPR/Res.272 (LV) 2014: Resolution on the 2014 Elections in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session, in Luanda, Angola from 28 April to 12 May 2014;

Recalling its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering the principles and objectives of the African Union enshrined in the Constitutive Act of the African Union;

Recalling further Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;”

Further Considering the African Charter on Democracy, Elections and Governance which emphasizes the importance of entrenching on the Continent, a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Bearing in mind its previous Resolutions on the Electoral Process and Participatory Governance in Africa including ACHPR/Res. 184 (EXT.OS/IX) 2011, ACHPR/Res. 232 (EXT.OS/XIII) 2013 and ACHPR/Res. 239 (EXT.OS/XIV) 2013;

Recalling its previous Resolutions on Freedom of Expression in Africa, Freedom of Association in Africa and Human Rights Defenders in Africa, including ACHPR/Resolution 62 (XXXII) 02, ACHPR /Res.99 (XXXX) 06, ACHPR/Res. 151 (XLVI) 09 and ACHPR/Res.196 (L) 11;

Reaffirming the importance of peaceful, free, fair and transparent elections and other political participation processes to the maintenance of peace and security on the Continent;

Noting with Satisfaction the successful conduct of the recent elections in the Republic of South Africa, The Peoples’ Democratic Republic of Algeria, and The Republic of Guinea-Bissau;

Conscious of the fact that further elections are due to be held in other States Parties to the African Charter, including amongst others: the Arab Republic of Egypt, The Islamic Republic of Mauritania, the Republic of Mozambique, the Republic of Namibia, the Republic of Senegal and the Tunisian Republic, in the year 2014;
**Reiterating** its deep concerns about the recurrent situations of election-related violence and other human rights violations, as well as irregularities in electoral processes in Africa;

**Noting in particular** that meaningful participation of citizens in electoral processes requires the guarantee of their fundamental freedoms of expression, association and assembly within the law;

**Acknowledging** the critical role that human rights defenders and civil society play in promoting and defending human rights in particular in an election context;

**Calls upon** State Parties to the African Charter holding elections and other forms of political participation processes to:

1. Ensure full compliance with their obligations under the African Charter and other regional and international human rights conventions, and take all necessary measures to preserve and protect the credibility of the electoral process;

2. Safeguard the human rights of all citizens including the freedom of movement, assembly, association and expression during the electoral processes, as well as equal access to media during campaign for all stakeholders;

3. Ensure that citizens exercise their right to vote in a peaceful environment free of intimidation, violence and any other impediment;

4. Respect and protect the rights of human rights defenders, journalists, civil society organisations and all stakeholders carrying out election-related activities;

5. Guarantee the independence of the institutions responsible for the organisation of elections and provide sufficient resources to them for the effective discharge of their mandates in the administration of efficient and transparent elections;

6. Allow the participation of national and international election observers in the entire electoral process;

7. Urge political parties to ensure that their supporters do not engage in or incite violence before, during or after the elections; and

8. Take all necessary measures to prevent and promptly investigate and prosecute any human rights violation which occurs within the framework of
the elections, including those committed by law enforcement agents, and provide prompt, adequate and effective redress to victims.

**Urges** the leaders of political parties and candidates participating in the elections due to hold in the State Parties to put the general interest of the people at the centre of the electoral processes.

**Reiterates** its appeal to all State Parties who have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation without delay.

**Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola on 28 April to 12 May 2014**
ACHPR/Res.273 (LV) 2014: Resolution on Extending the Scope of the Mandate of the Special Rapporteur on Human Rights Defenders in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session in Luanda, Angola, from 28 April to 12 May 2014

Recognizing its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling its Resolution ACHPR/Res.69 (XXXV) 04 on the protection of human rights defenders in Africa and its Resolutions ACHPR/Res. 119 (XXXXII) 07 and ACPHR/Res. 196 (L) 11 on the situation of human rights defenders in Africa;


Cognizant of the obligations of African Union member States under the African Charter and under other regional and international human rights instruments for the protection of human rights, the obligation to guarantee the security of persons living in their own country, as well as freedoms of assembly, of association, of expression of human rights defenders and their right to take part in the management and conduct of public affairs;

Further recognizing the importance of the work carried out by civil society stakeholders, in particular human rights defenders collaborating with the African human rights system, for the promotion and protection of human rights, democracy and the rule of law in Africa;

Deeply concerned about the hostile environment in which civil society stakeholders collaborating with the African human rights system operate, and the fact they are victims of various kind of human rights violations as reprisals for their activities in defense of human rights;

Concerned by the total impunity that continues to be enjoyed by the perpetrators of these acts of reprisals against those who collaborate with the African system of human rights;

Noting that the mandate of the Special Rapporteur on human rights defenders does not cover the specific issue of monitoring reprisals against human rights defenders collaborating with the African human rights system;
Determined to combat all obstruction of activities being conducted by those collaborating with the African human rights system and all forms of violence and reprisals against them;

Decides to extend the scope of the Special Rapporteur’s mandate to include issues relating to reprisals against human rights defenders;

Decides, in this regard, to give this mechanism the additional responsibility of:

I. Gathering information on and effectively addressing cases of reprisals against civil society stakeholders;
II. Documenting and maintaining a database on cases of reprisals brought to its attention;
III. Providing guidance to the Commission for the adoption of urgent measures to deal with specific cases of reprisals;
IV. Presenting reports on cases of reprisals at each Ordinary Session of the Commission in the Special Rapporteur’s activity report;
V. Ensuring a follow-up of registered cases.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Luanda, Angola, from 28 April to 12 May 2014.
ACHPR/Res.274 (LV) 2014: Resolution on the Drafting of Guidelines on Human Rights and the fight against Terrorism

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014, in Luanda, Angola,

Recalling its mandate to promote and protect human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling
- Articles 1 and 23 of the African Charter which guarantee the security of peoples and their protection by States Parties;
- Article 45(1) (b) of the African Charter under which the Commission is mandated to formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African Governments may base their legislation;


Stressing the urgent need for all African States to take the necessary measures to protect their populations against acts of terrorism and to implement all international and regional instruments relating to humanitarian law and human rights;

Convinced that terrorism constitutes a serious violation of human rights and a threat to peace, security, development and democracy;

Deeply concerned by the increase in terrorist acts on the continent and the growing risks of links between terrorism and, amongst others, mercenarism, transnational crime, drug trafficking, money laundering and illicit proliferation of small arms;

Considering the need to prepare guidelines and establish principles relating to human rights and the fight against terrorism, the causes of which are complex and require a comprehensive approach:

1. Decides to assign the task of preparing the Guidelines on the Fight against Terrorism to the Special Rapporteur on Human Rights Defenders in Africa;
2. Decides that the Guidelines should be presented to the Commission for consideration during its 56th Ordinary Session, to be held in October 2014.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.275 (LV) 2014: Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 55th Ordinary Session held in Luanda, Angola, from 28 April to 12 May 2014:

Recalling that Article 2 of the African Charter on Human and Peoples’ Rights (the African Charter) prohibits discrimination of the individual on the basis of distinctions of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status;

Further recalling that Article 3 of the African Charter entitles every individual to equal protection of the law;

Noting that Articles 4 and 5 of the African Charter entitle every individual to respect of their life and the integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment;

Alarmed that acts of violence, discrimination and other human rights violations continue to be committed on individuals in many parts of Africa because of their actual or imputed sexual orientation or gender identity;

Noting that such violence includes ‘corrective’ rape, physical assaults, torture, murder, arbitrary arrests, detentions, extra-judicial killings and executions, forced disappearances, extortion and blackmail;

Further alarmed at the incidence of violence and human rights violations and abuses by State and non-State actors targeting human rights defenders and civil society organisations working on issues of sexual orientation or gender identity in Africa;

Deeply disturbed by the failure of law enforcement agencies to diligently investigate and prosecute perpetrators of violence and other human rights violations targeting persons on the basis of their imputed or real sexual orientation or gender identity;
1. **Condemns** the increasing incidence of violence and other human rights violations, including murder, rape, assault, arbitrary imprisonment and other forms of persecution of persons on the basis of their imputed or real sexual orientation or gender identity;

2. **Specifically condemns** the situation of systematic attacks by State and non-state actors against persons on the basis of their imputed or real sexual orientation or gender identity;

3. **Calls on** State Parties to ensure that human rights defenders work in an enabling environment that is free of stigma, reprisals or criminal prosecution as a result of their human rights protection activities, including the rights of sexual minorities; and

4. **Strongly urges** States to end all acts of violence and abuse, whether committed by State or non-state actors, including by enacting and effectively applying appropriate laws prohibiting and punishing all forms of violence including those targeting persons on the basis of their imputed or real sexual orientation or gender identities, ensuring proper investigation and diligent prosecution of perpetrators, and establishing judicial procedures responsive to the needs of victims.

**Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014**
ACHPR/Res.276 (LV) 2014 : Resolution on Terrorist Acts in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering the importance of the protection of human lives under Article 4 of the African Charter which requires respect for the right to life and physical and moral integrity of human beings;

Further considering that respect for the right to life is a pre-condition for the enjoyment of other rights guaranteed by the African Charter;

Recalling that all Member States of the African Union committed themselves to adopting legislative and other measures to give effect to the rights guaranteed by the African Charter;

Further recalling that all persons are entitled to the enjoyment of the rights guaranteed by the African Charter;

Considering that State Parties to the OAU Convention on the Prevention and Combating of Terrorism committed themselves to cooperate towards the eradication of terrorism pursuant to Article 4 of the Convention;

Commending the efforts made by the international community, the African Union and regional economic communities to prevent and combat terrorism in different parts of the continent, particularly in Somalia, Kenya, Mali and Nigeria;

Noting with regret that terrorist groups benefit from illicit trade, take advantage of corrupt systems, and use the normal channels to engage in money laundering and continue to acquire weapons;

Concerned by the attacks carried out by Al Shabaab including the attack at the Westgate Mall in Nairobi on 21 September 2013 and the bombings in Mombasa and Nairobi on 3 and 4 April 2014 respectively;

Saddened by the abuses committed by the Al Qaeda in the Islamic Maghreb against innocent civilian populations;

Deeply concerned by the barbaric acts of Boko Haram, in particular the abduction of more than 200 girls from a school in Borno State, the bombing of a bus station in Abuja leading to the death of 71 people and 124 wounded persons on 14 April 2014,
and the killing of 150 people in a village in Borno State in northern Nigeria on 7 May 2014;

The Commission:

**Strongly condemns** these violations of the right to life and these abductions which are cases of serious human rights violations;

**Calls upon** the perpetrators of these terrorist acts to put an immediate end to these shameful acts and urges them to use peaceful means to make their claims through dialogue among the various protagonists;

**Urges** States to take the necessary measures to ensure that the perpetrators of the various terrorist activities are brought to justice;

**Further invites** all African States to take the necessary measures to combat terrorism particularly by initiating joint actions aimed at preventing all activities relating to the financing, sale and transfer of weapons to terrorist groups;

**Invites** States that are not yet parties to the OAU/AU Convention on the Prevention and Combating of Terrorism to take the necessary measures to ratify it;

**Urges** the African Union to strengthen its cooperation with the international community with a view to adopting a global strategy to stop the financing of these groups, and ensure that the alleged terrorists are prosecuted and punished in strict compliance with the right to a fair trial.

**Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Luanda, Angola, from 28 April to 12 May 2014**

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola;

Recalling the provisions of Article 45(1) (b) of the African Charter on Human and Peoples’ Rights which stipulates that the Commission shall “formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African Governments may base their legislation”;

Bearing in mind its Resolution ACHPR/Res.234 (LIII) 13 on the Right to Nationality adopted at its 53rd Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia;

Considering the roadmap for the implementation of Resolution ACHPR/Res.234 (LIII) 13 adopted in May 2013 in Addis Ababa, Ethiopia, and the meeting of various stakeholders held in Midrand, South Africa, in April 2014;

Considering the adoption of the Study on the Right to Nationality in Africa by the Commission during its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola;

Stressing the need to take new decisive steps towards identifying, preventing and reducing statelessness and protecting the right to nationality;

Considering the need to prepare a Protocol to the African Charter on Human and Peoples’ Rights on the Right to Nationality in Africa:

1. Decides to assign the task of drafting a Protocol to the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

2. Calls upon civil society organisations and other stakeholders to support the mechanism.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 28 April to 12 May 2014 in Luanda, Angola
ACHPR/Res.278 (LV) 2014: Resolution on the extension of the deadline for the Study on Transitional Justice in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session, in Luanda, Angola, 28 April to 12 May 2014;

Recalling its mandate to promote human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights;

Recalling further Resolution ACHPR/Res.235(LIII)13: Resolution on Transitional Justice in Africa, adopted during the 53rd Ordinary Session of the Commission, held in Banjul, The Gambia, from 9 to 23 April 2013, mandating Commissioner Pacifique Manirakiza to prepare a study on transitional justice in Africa;

Mindful of the need to consolidate and finalize the research undertaken as part of the study;

Considering that the one year deadline fixed for conducting the study will expire in May 2014;

Decides to:

I. Extend the deadline of the study by two years;

II. Request that the report of the study be submitted for consideration by the Commission in May 2016.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.279 (LV) 2014: Resolution on the Extension of the Mandate of the Committee on the Protection of the Rights of People living with HIV, and those at Risk, Vulnerable to and affected by HIV in Africa

The African Commission on Human and Peoples’ Rights (the Commission) at its 55th Ordinary Session held from 28 April to 12 May 2014, in Luanda, Angola;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Considering that as part of fulfilling its mandate, the African Commission established various mechanisms for the promotion and protection of human and peoples’ rights in Africa;

Recognizing that the Commission has the fundamental role to protect vulnerable groups in Africa from human rights violations;

Further Recalling its Resolution ACHPR/Res.163 (XLVII) 10, adopted at the 47th Ordinary Session of the Commission on the establishment of a Committee on the Protection of the Rights of People Living with HIV (PLHIV), and Those at Risk, Vulnerable to and Affected by HIV (the Committee);

Further Recalling its Resolutions ACHPR/172 (XLVIII) 10 and ACHPR/Res.195 (L) 11 on the appointment of Members of the Committee and Commissioner Lucy Asuagbor as the Chairperson of the Committee, as well as its Resolution ACHPR/Res.220 (LI) 12 renewing the mandate of the Committee;

Noting with satisfaction the work accomplished by the Committee;

Further noting that the mandate of the Committee and that of its Members came to an end during this Session, on 2 May 2014;

Bearing in mind the need for the Committee to continue carrying out its mandate and address the urgent issues falling within its mandate;

Decides to extend the mandate of the Committee and the following members for another term of two years with effect from 12 May 2014:

a.) Commissioner members of the Committee:

1. Honourable Commissioner Lucy ASUAGBOR, the Chairperson;
2. Honourable Commissioner Reine ALAPINI GANSOU, Member;
and
3. Honourable Commissioner Soyata MAIGA, Member;

b.) Experts Members of the Committee:

1. Mrs. Agnes ATIM APEA (Uganda);
2. Mr. Patrick Michael EBA (Côte d’Ivoire);
3. Mr. Patrick Le doux DUTZUE FOGUE (Cameroon);
4. Mr. Christian GARUKA NSABIMANA (Rwanda); and
5. Mr. Ebenezer TOPE DUROJAYIE (Nigeria).

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.280 (LV) 2014: Resolution on the Extension of the Mandate of the Working Group on Specific Issues relevant to the Work of the Commission

The African Commission on Human and Peoples’ Rights at its 55th Ordinary Session held from 28 April to 12 May 2014, in Luanda, Angola;

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further Recalling Resolution ACHPR/Res.77 (XXXVII) 05, adopted at its 37th Ordinary Session, on the establishment of a Working Group on Specific Issues Relevant to the Work of the Commission (Working Group);

Further Recalling Resolutions ACHPR/Res.124 (XXXXII) 07 and ACHPR/Res.150 (XLVI) 09 renewing the mandate of the Working Group, as well as Resolution ACHPR/Res.233 (EXT.OS/XIII) 13, reconstituting the Working Group and modifying its mandate and composition;

Noting with satisfaction the work accomplished by the Working Group since its reconstitution;

Further noting that the mandate of the Working Group and that of its Members came to an end on 23 February 2014;

Bearing in mind the need for the Working Group to continue carrying out its mandate and addressing the urgent issues falling within the same;

Decides to extend the mandate of the Working Group and the following members for another term of two years with effect from 12 May 2014:

(i) Honourable Commissioner Faith Pansy Tlakula (Chairperson);
(ii) Honourable Commissioner Med Kaggwa (Member);
(iii) Honourable Commissioner Soyata Maiga (Member); and
(iv) Honourable Commissioner Lucy Asuagbor (Member).

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.281 (LV) 2014: Resolution on the Right to Peaceful Demonstrations

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session held from 28 April to 12 May 2014, in Luanda, Angola;

Recalling its mandate to promote and ensure the protection of human and peoples’ rights in the African Charter on Human and Peoples’ Rights (the African Charter);

Considering the rights and freedoms guaranteed in Articles 4, 5, 6, 7 and 9 of the African Charter on Human and Peoples’ Rights;

Further Considering the provisions of the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials providing for conditions in which force may lawfully be used without violating human rights;

Concerned with the mass and arbitrary arrests and the continued detention of several people following peaceful demonstrations, with several reports of torture and ill-treatment in police stations;

Concerned also with the excessive use of force, live ammunition and tear gas to disperse peaceful demonstrators;

Concerned with the increasing level of sexual violence against female protesters, including cases of rape and sexual assaults in some countries;

Condemns serious restrictions imposed by some states to fundamental rights and freedoms specifically freedom of expression and the rights to information and peaceful demonstration;

Condemns the arbitrary arrests and detentions and killings of peaceful demonstrators;

Calls on States Parties:

- To refrain from conducting arbitrary arrests and detentions of demonstrators and calls for their immediate release;

- To refrain from disproportionate use of force against demonstrators whilst fully complying with international standards on the use of force and firearms by law enforcement officials;
• To Conduct impartial and independent investigations into all human rights violations to ensure that all perpetrators are held accountable;

• To protect peaceful protesters regardless of their political affiliation, and/or sex;

• to fully abide by their regional and international obligations to respect fundamental rights and freedoms;

• Uphold the right to a fair trial before an independent ordinary court of law and put an end to arbitrary arrests and detentions and to the use of special courts, including military tribunals for civilians;

• Ensure that any legislation governing the exercise of fundamental human rights fully complies with the relevant regional and international standards;

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.282 (LV) 2014: Resolution on the situation in the Sahrawi Arab Democratic Republic

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 55th Ordinary Session held from 28 April 2014 in Luanda, Angola:

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further the African Charter in its Article 20 paragraph 1 which stipulates that: “All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.”;

Recalling its Resolution ACHPR/Res.45 (XXVII) 00 on Western Sahara adopted at its 27th Ordinary Session held from 23 October to 6 November 2000, in Cotonou, Benin;

Considering its conclusions and recommendations made in its report on the fact-finding mission conducted in the Sahrawi Arab Democratic Republic (SADR) adopted by the Executive Council of the African Union at its meeting from 24 to 25 January 2013 in Addis Ababa, Ethiopia;

Commending the report of the United Nations Secretary General S/2014/258 published on 10 April 2014 on the situation in the Western Sahara, which emphasizes on the importance of the right to self-determination of the Sahrawi people;

Recalling the relevant United Nations Resolutions which recognize the status of Non-Self-Governing Territories in Western Sahara, making them the subject of decolonization;

Noting the adoption of Resolution 2152 by the United Nations Security Council on 29 April 2014, renewing the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO);

Further Noting and Commending the submission and consideration of the Periodic Report of the SADR pursuant to Article 62 of the African Charter;

Concerned by the persistence of acts of human rights abuses in the occupied territory of the SADR which take the form of a crackdown on peaceful demonstration, arrests, arbitrary detentions, enforced disappearances, acts of torture, inhuman and degrading treatment of Sahrawi prisoners and failure to respect the right to a fair trial;
Deeply concerned by the violence to which Sahrawi women and youth fall victim in the occupied territories, particularly regarding the excessive use of force to disperse demonstrators;

Deploring the growing number of Sahrawi victims of anti-personnel mines, the spread of which prevents freedom of movement across Western Sahara and continues to endanger the lives of the local population;

Denouncing the exploitation of natural resources by Morocco and some other members of the international community in the occupied parts of the territory and its territorial waters in violation of the principles of international law applicable to activities concerning natural resources of Non Self-Governing Territories;

Observing the vulnerable socio-economic situation in which the refugees have lived for the past thirty-nine years in the camps near Tindouf (Algeria);

The Commission:

Condemns the widespread human rights abuses perpetrated against the Sahrawi people in the occupied territories;

Urges the parties to the conflict to continue the negotiations in order to achieve a just, political, lasting and mutually-acceptable solution, leading to self-determination for the people of Western Sahara;

Invites the International Community to establish an international human rights monitoring mechanism in the occupied territories;

Calls on the competent authorities to guarantee the respect of the inalienable right of the Sahrawi people concerning the natural resources in the occupied territories;

Urges the parties to continue to cooperate with the United Nations High Commission for Refugees in the implementation of the updated Action Plan on the confidence-building measures adopted in January 2012;

Further calls for the return of the humanitarian agencies to the refugee camps to strengthen the protection and assistance to the refugees;

Calls on the States to offer their good offices to clear the mines from the areas where anti-personnel mines have been laid as they represent a continuing source of danger for the population; and

Decides to be seized of the matter.
Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights in Luanda, Angola, 28 April to 12 May 2014
ACHPR/Res.283 (LV) 2014: Resolution on the Situation of Women and Children in Armed Conflict

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held in Luanda, Republic of Angola, from 28 April to 12 May 2014

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);


Recalling the prohibition of violence against women and women’s rights to dignity, life, integrity, security and freedom from discrimination under the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (Maputo Protocol), in particular Articles 2, 3, 4, 5 and 11; as well as the right of access to justice and to equal protection of the law, under Article 8 of the same Protocol;

Further recalling the rights of children to life, survival, protection and development; as well as their rights to be protected from torture, discrimination, sexual abuse and particularly in situations of armed conflict, guaranteed under the African Charter on the Rights and Welfare of the Child, in particular Articles 3, 4, 5, 16, 22 and 27;


Recalling its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, in particular the provisions calling upon States to ensure that they respect equality of women and their dignity and the right not to be subjected to cruel, inhuman or degrading treatment or punishment;

Deeply concerned that multiple forms of human rights violations continue to take place in the context of armed conflict on the continent, in particular sexual and gender-based violence such as rape, sexual slavery, and sexual mutilations of women and children, mostly used as a tactic of war;

Concerned that crimes of sexual violence are often defined as “crimes against morality or honour”, rather than against the victim’s bodily integrity and that perpetrators may receive more lenient penalties if they are perceived to act to protect “honour”, and sometimes go unpunished;
Deploring the impunity enjoyed by the perpetrators of crimes of sexual and gender-based violence;

Concerned that laws aimed at protecting women and children from violence are insufficient, discriminatory or non-existent and that legal definitions of crimes of sexual and gender-based violence are inadequate, especially in conflict situations;

The Commission:

1. Calls on Member States to:

> Condemn and prevent violence against women and children in conflict and post-conflict situations, and ensure that survivors receive adequate support, affordable and accessible health-care services, including sexual and reproductive health;

> Adopt legislative, administrative, social and other measures to prevent and eradicate all forms of violence against women and children in conflict situations;

> Conduct independent and effective investigations into all crimes of sexual and gender-based violence, and prosecute and punish perpetrators to end impunity;

> Provide adequate training on investigating and prosecuting crimes of sexual and gender-based violence to personnel in the criminal justice system (police, forensic examiners, prosecutors, lawyers, judges);

> Guarantee the right to just and equitable reparation to victims in all forms (restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) and address the consequences of violence against women and children in a comprehensive manner;

> Ensure the rehabilitation of victims of sexual and gender-based violence, and their involvement throughout the post-conflict peacebuilding and consolidation processes;

> Ensure implementation of the Commission’s Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;

> Harmonize abortion laws with the Maputo Protocol to include access to safe abortion in cases of rape, incest and sexual assault;

> Ratify and ensure the effective implementation of the African Charter on the Rights and Welfare of the Child, the Maputo Protocol, the Convention
on the Elimination of All Forms of Discrimination against Women, as well as other regional and international human rights instruments that protect women’s and children’s rights.

2. Decides to:

- Initiate a study on the impact of armed conflicts on the rights of women and children in Africa;
- Mandate the Special Rapporteur on the Rights of Women in Africa and the Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons in Africa to conduct the study, the report of which will be submitted at the 57th Ordinary Session of the Commission; and
- Request the African Committee of Experts on the Rights and Welfare of the Child to support the study.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Luanda, Angola, from 28 April to 12 May 2014
ACHPR/Res.284 (LV) 2014 : Resolution on the Suppression of Sexual Violence against Women in the Democratic Republic of Congo

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling the obligations of the Democratic Republic of Congo (DRC) under the African Charter and other regional and international human rights instruments ratified by the DRC;

Bearing in mind its Resolution ACHPR/Res.103 (XXXX) 06 of 29 November 2006 on the situation of the rights of women in the DRC, Resolution ACHPR/Res.111(XXXXII) 07 of 28 November 2007 on the right to remedy and reparation of victims of sexual violence, and Resolution ACHPR/Re.139(XXXXIII) 08 of 24 November 2008 on the human rights situation in the DRC;

Welcoming the enactment in 2006, by the Government of the DRC, of two laws criminalising acts of sexual violence and other forms of gender-based violence;

Concerned by the persistence and increase in cases of sexual violence and other forms of gender-based violence, perpetrated by armed groups and members of the Congolese armed forces against women and girls, especially in the eastern part of the DRC;

Deeply concerned by the mass rape and other forms of gender-based violence perpetrated by members of the FARDC against hundreds of women and girls in and around Minova in November 2012;

Further concerned by the impunity still enjoyed by the perpetrators and accomplices of these crimes despite the existence of specific laws on sexual violence, in particular the recent court decision, in the first and last instance, of 5 May 2014 by the Goma Operational Military Court in North Kivu acquitting 36 of the 39 members of the DRC armed forces accused of committing sexual violence in Minova;

The Commission:

Condemns the several acts of sexual violence and other forms of gender-based violence committed by the various armed groups against Congolese women and girls;

Further condemns the decision delivered by the military court - whose decisions cannot be appealed against, which violates the victims’ right to a fair trial;
Urges the Congolese authorities to take the necessary measures to facilitate the effective access to justice of women and girls towards putting an end to impunity and ensuring that the perpetrators and accomplices of such acts are prosecuted before the competent courts within a reasonable time;

Calls upon the Congolese authorities to ensure the effective protection and safety of Congolese women, in particular victims of sexual violence and other forms of gender-based violence, by providing medical and psychological support, as well as adequate compensation;

Urges the Government of the DRC to take the necessary measures for the effective implementation of Law No. 06/18 and Law No. 06/19 of 2006 criminalising various forms of sexual violence;

Encourages the Congolese Government to take the necessary and urgent measures to domesticate the relevant provisions of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol);

Calls upon the international community to support efforts to protect women’s rights in the DRC.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 28 April to 12 May 2014 in Luanda, Angola
ACHPR Res. 285 (EXT.OS/XVI) 2014: Resolution Appointing an Expert Member for the Committee on the Protection of the Rights of People Living with HIV (PLHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa

The African Commission on Human and Peoples’ Rights (the Commission) at its 16th Extraordinary Session held from 20 to 29 July 2014, in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Bearing in mind that the Commission established the Committee on the Protection of the Rights of People Living with HIV (PLHIV), and Those at Risk, Vulnerable to and Affected by HIV (the Committee) composed of nine (9) members, amongst them, three (3) Members of the Commission;

Recalling its Resolution ACHPR/Res.163 (XLVII) 10, adopted at the 47th Ordinary Session of the African Commission on the establishment of a Committee on the Protection of the Rights of People Living with HIV (PLHIV), and Those at Risk, Vulnerable to and Affected by HIV;

Further Recalling its Resolutions ACHPR/172 (XLVIII) 10 and ACHPR/Res.195 (L) 11 on the appointment of Members of the Committee and that of Commissioner Lucy Asuagbor as the Chairperson 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 in Africa;

Recalling Further Resolution ACHPR/Res. 271 (LV) 14 on the Extension of the Mandate 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 in Africa, extending the mandate of the Committee and eight (8) of its members for a period of two years taking effect from 12 May 2014;

Noting the vacancy created by the decision of an expert member of the Committee not to renew her membership, and conscious of the need to appoint one (1) new member to replace her;

Recognising the importance of the work of the Committee and the need to enable it to continue to effectively implement its mandate, and also that its success depends on the commitment and expertise of its members;

Conscious of the need to ensure fair representation, taking into account the various geographical regions, languages, legal systems and gender;
1. **Decides** to appoint Ms Ann Strode as an expert member of the Committee for a period of two years; and

2. **Calls Upon** partners and other stakeholders to continue to assist the Committee in the implementation of its mandate.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda
ACHPR/Res.286 (EXT.OS/XVI) 2014: Resolution on Freedom of Expression in the Kingdom of Swaziland

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 16th Extraordinary Session held from 20 to 29 July 2014, in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Article 9 of the African Charter, which provides that every individual shall have the right to receive information and to express and disseminate his or her opinions within the law, as well as other international human rights instruments, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR);

Bearing in mind the Declaration of Principles on Freedom of Expression in Africa (the Declaration) which supplements Article 9 of the African Charter, in particular, Principles I (1) and II (2) of the Declaration which provides that freedom of expression and information is a fundamental and inalienable human right, whose restriction should be provided by law and serve a legitimate interest in a democratic society;

Recalling the Letter of Appeal of 24 March 2014 by the Special Rapporteur on Freedom of Expression and Access to Information in Africa regarding the alleged arrest of Mr. Thulani Rudolf Maseko and Mr. Bheki Makhubu;

Underlining Principle XI (1) of the Declaration, which provides that “…intimidation of, and threats to media practitioners and others exercising their right to freedom of expression…undermines independent journalism, freedom of expression and the free flow of information to the public,” and Principle XI (2) which puts an obligation on State Parties “to take effective measures to prevent such attacks and, when they do occur, to investigate them, to punish perpetrators and to ensure that victims have access to effective remedies;”

Recalling Resolutions on the Situation of Freedom of Expression in Africa, including: Resolution ACHPR/Res.54(XXIX)01, adopted during the 29th Ordinary Session, held in Tripoli, the Great Socialist Peoples’ Libyan Arab Jamahiriya, from 23 April to 07 May 2001; Resolution ACHPR/Res.99(XXXX)06, adopted during the 40th Ordinary Session, held in Banjul, The Gambia, from 15 to 29 November 2006; and Resolution ACHPR/Res.166(XLVII)10, adopted during the 27th Ordinary Session, held in Banjul, The Gambia, from 12 to 26 May 2010;

Further recalling Resolution ACHPR/Res.216(LI)2012: Resolution on the Human Rights Situation in the Kingdom of Swaziland, adopted during the 51st Ordinary Session, held in Banjul, The Gambia, from 18 April to 2 May 2012, which called on the Government of the Kingdom of Swaziland to respect the rights to freedom of expression, freedom of association, and freedom of assembly, and urged the Government to take all necessary measures to ensure the conduct of free, fair and credible elections in 2013;
Underscoring the fundamental importance of freedom of expression and information as an individual human right, as a cornerstone of democracy and as a means of ensuring respect for all human rights and freedoms;

Deeply concerned about continuous allegations of the violation of the right to freedom of expression in general and in particular the conviction and sentencing of Mr. Thulani Rudolf Maseko, a prominent human rights lawyer, and Mr. Bheki Makhubu, a journalist in the Kingdom of Swaziland, in relation to articles published in The Nation Magazine in February and March 2014;

The Commission:

i. Calls on the Government of the Kingdom of Swaziland to respect, protect and fulfill the rights to freedom of expression, freedom of association, and freedom of assembly as provided for in the African Charter, the UDHR, the ICCPR and other international and regional human rights instruments;

ii. Calls on the Government of the Kingdom of Swaziland to take the necessary measures to stop all acts of harassment and intimidation carried out against human rights defenders and media practitioners working in the Kingdom of Swaziland and to respect and guarantee their right to freedom of opinion and expression.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda
ACHPR/Res.287 (EXT.OS/XVI) 2014: Resolution on Human Rights Abuses in Egypt

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 16th Extraordinary Session held from 20 to 29 July 2014, in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that the Arab Republic of Egypt is a party to the African Charter and committed to ensuring respect for human and peoples’ rights within its territory;

Recalling Articles 4, 5, 6, 7, 9, 10, 11 and 26 of the African Charter which guarantees the right to life, the right to respect of the dignity of the person, the right to liberty and security of person, the right to fair trial, the right to freedom of expression, the right to freedom of association and assembly and independence of the judiciary respectively;

Recalling also its Resolutions ACHPR/Res.136(XXXXIV)08 calling on State Parties to observe a moratorium on the death penalty, ACHPR/Res.62(XXXII)02 on the adoption of the Declaration of principles on Freedom of Expression in Africa, ACHPR/Res.185 (XLIX)11 on the safety of journalists and media practitioners in Africa, ACHPR/Res.281(LV)2014 on the right to peaceful demonstration and ACHPR/Res. 111(XXXXII)07 on the Right to a remedy and reparation for Women and Girls victims of sexual violence;

Alarmed by the grave and rapid deterioration of the human rights situation in Egypt since the 2011 uprising, where human rights violations continue to occur such as arbitrary detention acts of torture and ill-treatment in detention centers, violations of rights of human rights defenders, sexual violence against women, violations of the right to freedom of expression, association and assembly and independence of the judiciary respectively;

Deploring the blatant disregard for the most basic guarantees of fair trial and due process by courts and tribunals as well as the lack of independence of the judiciary;

Concerned about the overall continuous impunity for human rights violations including security forces responsible for the excessive and often lethal use of force against demonstrators which led to the death of thousands from January 2011 to date;

Further concerned that the death penalty is still retained in the statute books of Egypt;

Deploring the fact that the Commission’s recommendations contained in its letter of Urgent Appeal in April 2014 urging the Government of Egypt to uphold its obligations under international human rights law, including granting those sentenced to death an opportunity to appeal against the sentence have not been
implemented to the letter;

**Further deploring** the attacks, harassment and arbitrary detention targeting human rights defenders and groups;

**Deeply concerned** by the high level of sexual violence including sexual violence perpetrated against arrested persons during pre-trial detention as well as the culture of impunity which prevents victims especially women, from obtaining justice for acts of sexual harassment, rape and sexual assault in public spaces and during protests.

**Strongly denouncing** the severe restrictions imposed on journalists and media practitioners and their arbitrary arrest, detention and killing for carrying out their work, and for having expressed dissenting views in violation of the right to freedom of expression and freedom of opinion;

**Deeply concerned by** the government's draft law on Associations which include the ban on cooperation or affiliation of local NGOs with international bodies, approval for foreign funding without the prior permission of the government; a situation which could hamper the work and independence of civil society organizations;

The Commission:

1. **Condemns** the flagrant violation of human rights such as harassments, arbitrary arrests and detentions, sexual violence against women and acts of torture;

2. **Calls** on the Egyptian authorities to take all necessary measures to put an immediate end to human rights violations;

3. **Further calls** on the Egyptian Government to uphold the right to a fair trial for all citizens before independent courts of law in accordance with international law and standards;

4. **Urges** the Egyptian authorities to guarantee the right to peaceful protest, association and assembly and to refrain from disproportionate use of force against protesters as well review its laws on demonstrations and public rallies on the use of firearms against protesters to bring them in line with international standards;

5. **Strongly urges** the authorities to observe an immediate moratorium on the death sentences and execution as a first step to abolishing the death penalty;

6. **Invites** the Government of Egypt to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of
the death penalty; the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa and the Optional Protocol to CEDAW; and to withdraw reservations to articles 2 and 16 of CEDAW;

7. **Calls** on the authorities to investigate and prosecute the perpetrators of human rights violations in order to end the culture of impunity in the country;

8. **Calls** on the Egyptian authorities to respect and uphold provisions of the African Charter and other regional and international human rights instruments which it has ratified.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda
ACHPR/Res.288 (EXT.OS/XVI) 2014: Resolution Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali, Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the obligations of the Arab Republic of Egypt under the African Charter and other regional and international human rights instruments;

Recalling its resolutions ACHPR/Res.111 (XXXII) 07 on the right to reparation for women and girls victims of sexual violence and ACHPR/Res.283 (LV) 2014 on the situation of women and children in armed conflict;

Mindful of its Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa;

Concerned by the persistent and widespread sexual violence and other forms of gender-based violence committed since the 2011 uprising against women in general and in particular women exercising their right to demonstrate in accordance with Article 11 of the African Charter;

Further concerned by the impunity enjoyed by the perpetrators of sexual assault and other violations of the rights of women in Egypt;

The Commission:

Condemns the ongoing acts of sexual violence and other forms of gender-based violence committed against hundreds of women while exercising their rights;

Welcomes the adoption, on 5 June 2014, of Decree No. 50 of 2014 to combat sexual harassment in Egypt;

Welcomes the ruling of 16 July 2014 by the Cairo court against nine (9) individuals, including seven (7) life imprisonment sentences against the perpetrators of sexual assault committed against several women during the assembly at the Tahrir Square, Cairo, in January 2013 and June 2014 on the occasion of the celebration of the 2nd anniversary of the 2011 revolution;

Welcomes with satisfaction this ruling which reflects the commitment of the Egyptian Government to combat sexual assault and violence against women;
Encourages the Egyptian authorities to strengthen efforts aimed at ending impunity regarding sexual violence and other forms of gender-based violence by ensuring that the perpetrators of these acts are brought to justice;

Urges the Government of Egypt to take the necessary measures to facilitate access to national courts for women victims of violence, and guarantee the right to reparation of the victims, including by providing adequate compensation;

Further urges the Egyptian authorities to provide medical and psychological support to victims of sexual violence and ensure greater protection and safety for women in exercising their right to assembly and peaceful demonstration;

Calls on the Government of Egypt to take the necessary measures to expedite the ratification and ensure the domestication of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol);

Calls on the international community to support the Egyptian authorities in their efforts to combat sexual violence and other forms of gender-based violence.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Rwanda
ACHPR/Res.289 (EXT.OS/XVI) 2014: Resolution on the Food Crisis in Somalia

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali, Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the obligations of the Government of Somalia under regional and international human rights instruments;

Considering the importance of the right to food which is implicitly included in the right to life and the right to health guaranteed in Articles 4 and 16 respectively of the African Charter;

Further considering that the enjoyment of the right to life and the right to health can only be attained if the right to food is guaranteed;

Recalling that AU Member States undertook to adopt legislative and other measures to give effect to the rights guaranteed by the African Charter;

Further recalling that all individuals are entitled to enjoy all the rights guaranteed by the African Charter;

Recalling that the issue of agriculture and food security is a fundamental issue for the African Union and that it was discussed during the 22nd and 23rd Summits of the African Union;

Mindful that sufficient food has to be acceptable, available, accessible and nutritionally adequate and healthy in accordance with General Comment No. 11 of the Committee on Economic, Social and Cultural Rights;

Considering that States Parties to the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) undertook, under Article 5 of the Convention, to cooperate in protecting and assisting internally displaced persons;

Considering the press release of the 2009 AU Extraordinary Summit recalling that the Kampala Convention tasks the African Commission on Human and Peoples’ Rights and its Special Rapporteur on the Rights of Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa with monitoring compliance with the Convention and ensuring the protection of the rights of displaced persons;
Concerned by the alert put out by several United Nations agencies and NGOs to inform about the early warning and alarming signs of a food crisis towards preventing Somalia from experiencing a similar food crisis like the one that affected the country in 2011;

Concerned by the lack of rapid and appropriate response to this warning at a time when there are already signs of a drought and increase in food prices;

Further concerned by the humanitarian situation of thousands of people, in particular the situation of malnutrition among children in camps for displaced persons;

The Commission:

Welcomes the measures taken and the efforts of United Nations specialized agencies and some NGOs to prevent and combat famine in several regions of Somalia, in particular areas affected by the activities of armed groups;

Urges the Somali authorities to take the necessary measures to address the crisis and achieve self-sufficiency and food security;

Further urges the warring parties to open humanitarian corridors to enable the unimpeded delivery of humanitarian assistance to the civilian population;

Calls on the international community and all African Union Member States to take the necessary measures to assist people affected by famine and those at risk;

Further calls on the African Union to strengthen its cooperation with the international community towards a comprehensive strategy for gathering the necessary funds to prevent another humanitarian crisis in Somalia caused by drought and the unstable security situation;

Calls on the Government of Somalia to expedite its ratification of the AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

Done at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Rwanda
ACHPR Res. 290 (EXT.OS/XVI) 2014: Resolution on the Need to Conduct a Study on HIV, the Law and Human Rights

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Noting that Article 45(1)(a) of the African Charter gives the Commission the mandate to “collect documents, undertake studies and researches on African problems in the field of human and peoples’ rights” with a view to promoting and protecting human and peoples’ rights on the continent;

Further noting, inter alia: the Continental Framework for Harmonization of Approaches among Member States and Integration of Policies on Human Rights and People Infected and Affected by HIV/AIDS in Africa (2005); the Brazzaville Commitment on Scaling up Towards Universal Access to HIV and AIDS Prevention, Treatment, Care and Support in Africa by 2010; and the Roadmap on Shared Responsibility and Global Solidarity for AIDS, Tuberculosis and Malaria Response in Africa (2012);

Recalling its previous Resolutions: ACHPR/Res.53 (XXIX) 01, on the HIV/AIDS Pandemic – Threat Against Human Rights and Humanity; ACHPR/Res.141(XLIV)08, on access to health and needed medicines in Africa; ACHPR/Res.163(XLVII)10 on the establishment 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; and ACHPR/Res.260(LIV)13, on Involuntary Sterilisation and the Protection of Human Rights in Access to HIV Services;

Considering the obligations of States Parties under the African Charter and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol) among others, to protect and promote the rights of people living with HIV (PLHIV);

Concerned that PLHIV continue to be victims of discrimination, stigma, prejudices, status-engendered violence and harmful customary practices in many States Parties;

Further concerned about the numerous obstacles faced by PLHIV in accessing HIV prevention, treatment, care and support services, as well as other forms of health and psycho-social services, and the punitive legal environment which prevents effective responses to the HIV pandemic in many States Parties;
Conscious that this situation which is a violation of their human rights has a significant impact on their ability to participate actively in the socio-economic and political processes of their countries and the continent in general;

Determined to ensure the promotion and protection of the rights of PLHIV, focusing on best practices and opportunities for a rights-based approach to HIV for the effective protection of the rights of PLHIV;

Noting in particular the mandate 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 (the Committee) to “recommend concrete and effective strategies to better protect the rights of people living with HIV and those at risk”;

Convinced that the conduct of a study on HIV, the legislative/legal frameworks and human rights will contribute to the promotion and protection of the human rights of PLHIV; Decides to:

(i) Undertake a study on “HIV, the Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-based Responses to HIV”;

(ii) Assign the Committee the task of conducting the study and to present a report, for consideration and adoption, during its 57th Ordinary Session; and

(iii) Call on stakeholders in the promotion and protection of the rights of PLHIV to support the Committee in conducting the study.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda
ACHPR/Res.291 (EXT.OS/XVI) 2014: Resolution on the UN World Conference on Indigenous Peoples

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling its Resolution ACHPR/Res.65 (XXXIV) 03 on the Report of the ACHPR Working Group on Indigenous Populations/Communities adopted at its 34th Ordinary Session held in Banjul, The Gambia, from 6 to 20 November 2003, which was later endorsed by the African Union;

Noting with appreciation the work done by the ACHPR Working Group on Indigenous Populations/Communities (the Working Group) and its role in articulating the Commission’s position on the rights of indigenous populations in Africa;

Recognizing the positive developments in some countries with regard to the promotion and protection of indigenous peoples’ rights;

Noting with satisfaction that all States Parties to the African Charter adhered to the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) when it was adopted by the UN General Assembly on 13 September 2007;

Recalling its Resolution ACHPR/Res.121 (XXXXII) 07 on the United Nations Declaration on the Rights of Indigenous Peoples adopted at its 42nd Ordinary Session held from 15 to 28 November 2007 in Brazzaville, Republic of Congo, in which the Commission welcomed the adoption of the instrument and recognized its importance for the promotion and protection of indigenous peoples’ rights all over the world, including on the African continent;

Taking note of UN Resolution 65/198 of 21 December 2010, in which the UN decided to organize a high-level plenary meeting of the General Assembly, known as the World Conference on Indigenous Peoples, to be held in New York from 22 to 23 September 2014, in order to discuss the challenges, best practices and perspectives regarding the realization of the rights of indigenous peoples in accordance with the objectives of the Declaration;

Recalling UN Resolution 66/296 of 17 September 2012, also known as the ‘modalities resolution’, which calls on Member States of the UN, indigenous peoples and civil society organizations to participate fully and actively at the World Conference, and encourages Member States to include indigenous peoples’ representatives in their delegations;
Welcoming the election of the Republic of Uganda, a country which has adopted a consistent and progressive approach to indigenous peoples’ issues, to preside over the next UN General Assembly during which the World Conference on Indigenous Peoples (WCIP) will be held;

Strongly convinced that Uganda will seize this opportunity to encourage African States to show greater commitment in preparing for this important event in order to contribute to its success;

Recognizing the active participation and the important contribution made by indigenous peoples in the WCIP process since the adoption of UN Resolution 65/198, including the Alta outcome document (official UN document A/67/994);

Mindful of the various consultation meetings that the President of the General Assembly has organized and is planning to organize in accordance with the modalities resolution;

Welcoming with satisfaction the publication of the zero draft of the outcome document of the World Conference on Indigenous Peoples on 8 July 2014;

Calls on AU Member States to:

I. participate fully and actively in the preparation and deliberations of the World Conference;

II. support the full and active participation of indigenous peoples and civil society organizations in the preparation and deliberations of the World Conference;

III. ensure that the drafting of the WCIP outcome document is done with the participation of indigenous peoples;

IV. engage in constructive dialogue with the Working Group and civil society organizations working on indigenous issues;

V. ensure that the outcome document of the WCIP recognizes the work of regional human rights mechanisms, including the work of the Commission in promoting and protecting the rights of indigenous peoples in Africa;

Urges indigenous peoples’ representatives of State Parties and civil society organizations to continue to:

I. participate actively in the consultations to be organized by the General Assembly; and
II. engage in constructive dialogue with State Parties throughout the preparatory process.

Adopted at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held in Kigali, Republic of Rwanda, from 20 to 29 July 2014
ACHPR/Res.292 (EXT.OS/XVI) 2014: Resolution on the Need to Conduct a Study on Child Marriage in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 16th Extraordinary Session held from 20 to 29 July 2014 in Kigali, Republic of Rwanda;

Recalling its mandate to promote and protect human rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Noting Article 45(1)(a) of the African Charter which gives the Commission the mandate to inter alia “collect documents, undertake studies and researches on African problems in the field of human and peoples’ rights”;

Recalling the obligations of States Parties to the African Charter, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), and the African Charter on the Rights and Welfare of the Child to protect and promote children’s rights, in particular the rights of girls in Africa;

Noting in particular Article 6 of the Maputo Protocol which requires States to enact appropriate legislative measures to guarantee the full and free consent of both parties before marriage and set the age of 18 as the minimum age of marriage for women;

Concerned that despite the ratification by the majority of African States of these relevant legal instruments child marriage remains a common practice in many countries, in violation of the rights and welfare of the child, denying their basic rights to education, health, the right not to be separated from parents against their will, right to dignity, right to life, and protection against all forms of abuse and exploitation, including sexual exploitation;

Concerned that even where a minimum age of 18 is legislated, child marriage is still practiced in many countries as a result of harmful customary and religious practices;

Recalling the objectives of the African Union Campaign launched on 29 May 2014 in Addis Ababa, Ethiopia, to end child marriage, focusing on policy action and raising continental awareness on child marriage which will run for an initial period of two years;

Convinced of the need to strengthen the African Union Campaign through the conduct of a study which will provide an overview of the situation of child marriage in some countries by identifying the root causes, prevalence, practices, customs and beliefs that perpetuate child marriage, the level of compliance with international and regional obligations, legislative and policy framework, including best practices in addressing the same in selected countries;
**Further convinced** that such a study will assist State Parties and other stakeholders in strengthening implementation mechanisms and adopting appropriate plans of action and strategies for eradicating child marriage and protecting children’s human rights and in particular the rights of girls;

**Recalling** the mandate of the Special Rapporteur on the Rights of Women in Africa (the Special Rapporteur) to *inter alia:* follow up on the implementation of the African Charter and the Maputo Protocol by State Parties;

Decides to:

(i) Conduct a study on child marriage in Africa which will cover the following countries where the level of child marriage is considered to be very high: Burkina Faso, Cameroon, Chad, Ethiopia, Mauritania, Malawi, Mozambique, Niger, Sierra Leone and Zambia;

(ii) Task the Special Rapporteur to conduct the study and submit a report at its 57th Ordinary Session;

(iii) Request the African Committee of Experts on the Rights and Welfare of the Child and the Centre for Human Rights of the University of Pretoria to contribute their support and expertise to the conduct of the study; and

(iv) Call on all stakeholders to support the work of the Special Rapporteur.

Done at the 16th Extraordinary Session of the African Commission on Human and Peoples’ Rights held from 20 to 29 July 2014 in Kigali, Republic of Rwanda
ACHPR/Res.103a (XXXX) 06: Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa

The African Commission on Human and Peoples’ Rights at its 40\textsuperscript{th} Ordinary Session held in Banjul, The Gambia, from 15\textsuperscript{th} to 29\textsuperscript{th} November, 2006,

\textbf{Being aware} that police forces throughout Africa play a critical role in the maintenance of law and order, the administration of justice, the respect for the rule of law and enhancing peace and the security of persons and property in every state,

\textbf{Noting}, that policing is increasingly recognized as a basic foundation in building democracy, promoting human and peoples’ rights, without which democratic practices, economic, and social development and the promotion of human rights are constrained and even jeopardized,

\textbf{Recognizing}, that the establishment and existence of many police forces in Africa trace their history from laws and practices which originate from the past colonial experience of our continent,

\textbf{Concerned} that in many of the African States, there exist no independent policing mechanisms, to which members of the public may report police misconduct and abuse of their powers for redress and that where they do, they are directly under the police authorities,

\textbf{Recognizing} that Police forces in African states, which do not have independent oversight mechanisms require reform in order to become effective instruments of security, safety, justice, and respect for human and peoples’ rights across the continent,

\textbf{Further recognizing}, that a wealth of local knowledge and experience on policing reform in Africa is available to inform emerging reform initiatives,

\textbf{Noting} that accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in police; to develop a culture of human rights, integrity and transparency within the police forces; and to promote a good working relationship between the police and the public at large,

\textbf{Encouraged} by the initiative taken in the formation of the African Policing Civilian Oversight Forum (APCOF), through the collaboration of Civil Society and State Civilian Police Oversight agencies, as an African initiative to promote police reform and with it the building and strengthening of civilian police oversight in Africa,

The African Commission on Human and Peoples’ Rights:

1. Calls on State Parties to the African Charter to take measures in terms of Articles 1 and 5 of the African Charter, to ensure that police forces respects the dignity inherent in the individual during
the discharge of their duties in the maintenance of law and order;

2. Calls on State Parties to the African Charter to adopt laws and regulations implementing the guidelines contained in the Resolutions of the African Commission on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman and Degrading Treatment or Punishment in Africa, otherwise known as the Robben Island Guidelines, as far as they relate to Policing in Africa;

3. Urges State Parties to the African Charter to establish independent civilian policing oversight mechanism, where they do not exist, which shall include civilian participation.
ACHPR/Res.293 (EXT.OS/XVII) 2015: Resolution on 2015 Elections in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 17th Extraordinary Session held from 19 to 28 February 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering the principles and objectives of the African Union guaranteed by the Constitutive Act of the African Union;

Considering the political, institutional and global framework for the advancement of governance and human rights in Africa, promoted by the African Governance Architecture (AGA);

Recalling Article 13 (1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives, in accordance with the provisions of the law”;

Further recalling the African Charter on Democracy, Elections and Governance which emphasizes the importance of consolidating on the continent, the political culture of change of power, based on the holding of regular, free, fair and transparent elections, conducted by national, independent, competent and impartial electoral bodies;


Recalling its previous Resolutions on freedom of expression, freedom of association and of assembly and human rights defenders in Africa, in particular Resolutions ACHPR/Res. 62 (XXXII) 02, ACHPR/Res.99 (XXXX) 06, ACHPR/Res. 151 (XLVI) 09 and ACHPR/Res.196 (L) 11;

Reaffirming the importance of holding peaceful, transparent, free, fair and equitable elections organized by independent institutions;

Affirming that this fundamental right has to be exercised in a peaceful environment and in a responsible manner in order to preserve peace, security and stability on the continent.
Noting with satisfaction the successful holding of presidential elections in the Republic of Zambia;

Considering that general elections are scheduled in 2015, in particular in the Republic of Burundi, the Kingdom of Lesotho, the Federal Republic of Nigeria, the Republic of Sudan, the Federal Democratic Republic of Ethiopia, Burkina Faso, the United Republic of Tanzania, the Republic of Guinea (Conakry); presidential elections in the Togolese Republic, the Republic of Côte d’Ivoire, the Central African Republic and the State of Libya; and parliamentary elections in the Republic of Benin, the Arab Republic of Egypt, the Republic of Chad and the Republic of Niger;

Noting with concern the recurrent election-related human rights violations and irregularities that mar the electoral processes;

Recognizing that the credibility of an electoral process and the legitimacy of the elected authorities strongly depend on the effective participation of citizens in a transparent and fair process, as well as respect for their fundamental freedoms of expression, of association and of assembly;

Further recognizing the crucial role played by the civil society, including human rights defenders and journalists in the context of elections;

The Commission:

Calls on States Parties to the African Charter organizing elections to:

1. Guarantee, in accordance with their obligations under relevant regional and international conventions, the fundamental rights of citizens, in particular the right to participate in a free, democratic and transparent electoral process, freedom of assembly and of expression as well as equal access to the media for all stakeholders;

2. Guarantee the rights of civil society organizations, including those of human rights defenders and journalists to enable them to conduct election-related activities in a conducive and reprisal-free environment;

3. Take the necessary measures to preserve social harmony to guarantee a credible and inclusive electoral process;
4. Guarantee the independence of institutions in charge of organizing elections and provide them with adequate resources for the effective implementation of their mandate;

5. Promote the participation of national and international observers throughout the electoral process;

6. Take the necessary measures to prevent, investigate and identify authors of election-related human rights violations, and guarantee immediate, fair and equitable redress for victims;

**Urges** political party leaders and candidates participating in the elections to place the general interest of the people at the core of the electoral process and to call on their members to exercise their rights in a civic and responsible manner;

**Calls on** Sub-Regional Organizations, the African Union and the International Community to support governments and other political actors of countries concerned in order to promote the smooth conduct of elections, in particular, by training election officials and sending election observation missions;

**Lastly renews** its call on all States Parties that have not yet done so, to ratify the African Charter on Democracy, Elections and Governance, and to ensure its effective implementation.

**Done in Banjul, The Gambia on 28 February 2015**
ACHPR/Res.294 (EXT.OS/XVI) 2015: Resolution on Good Governance at the African Commission on Human and Peoples’ Rights and its Secretariat

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extraordinary Session held from 19 to 28 February 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the Commission’s Rules of Procedure, in particular Rules 13, 14, 15, 17 and 18, and the various Decisions of the Executive Council of the African Union;

Conscious of the need for the African Union to make available to the Commission the resources it needs to accomplish the mandate entrusted to it under Article 45 of the Charter;

Bearing in mind Resolution ACHPR/Res.77(XXXVII)05 on the establishment of the Working Group on Specific Issues related to the work of the Commission adopted at its 37th Ordinary Session held from 27 April to 11 May 2005 in Banjul, The Gambia;

Bearing in mind its resolution ACHPR/Res. 142 (XXXXV) 09 on the establishment of an Advisory Committee on budgetary and staff matters, adopted at its 45th Ordinary Session held from 13 to 27 May 2009 in Banjul, The Gambia;

Conscious of the vital role played by the Secretariat in effectively carrying out the mandate of the Commission and the importance of having an effective Secretariat;

Conscious also of the difficulties encountered by the Members of the Commission in the execution of their respective mandates and the need to ensure that the Secretariat provides it with full support in the execution of its mandate in conformity with the relevant provisions of its Rules of Procedure;

Conscious of its responsibilities as the principal organ responsible for promoting and protecting human rights in Africa;

The Commission decides as follows:

1. The Commission’s Rules of Procedure shall apply to all the staff of the Secretariat without prejudice to the general rules of the African Union relating to administrative and financial matters;

2. The Bureau of the Commission shall monitor, supervise and assess the performance of the Secretariat in accordance with the provisions of Article 13 (1 and 3) of the Rules of Procedure;
3. The Secretariat shall, with the support of the Bureau of the Commission, collaborate with the host Government in addressing the challenges faced by the Secretariat in its work, in terms of equipment, internet access, telecommunications and on the construction of the Commission’s head office;

4. The Secretariat shall take the necessary measures for Commissioners to be assisted by their respective legal officers in the implementation of their mandate;

5. The Secretariat shall ensure that recruitment policies and the regular management of staff and administration are conducted in total transparency with the effective involvement of the Bureau, this in accordance with established practice and the Rules of Procedure of the African Union;

6. The Secretariat shall ensure the follow up of the decisions adopted by the Commission, and ensure that all the documents adopted by the Commission are published on the Commission’s Website as soon as they are adopted;

7. The Secretariat should take all the necessary measures to foster the best possible conditions for the Sessions of the Commission and to ensure that all the working documents are available in good time;

8. The Secretariat shall provide reasonable accommodations, as necessary, to commissioners on the basis of the decisions of the Commission;

9. The Commission commits to deploy all efforts to enhance its visibility;

10. The Advisory Committee on Budgetary and Staff Matters is involved in the execution of the Budget and should monitor the assessment of the Secretariat staff.

11. The Bureau shall monitor the implementation of this resolution and report to the Commission at each session.

Done in Banjul, The Gambia on 28 February 2015
ACHPR/Res.295 (EXT.OS/XVII) 2015: Resolution on Meetings of the Working Group on Communications

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extraordinary Session held in Banjul, The Gambia, from 19 to 28 February 2015;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering Rule 23 (1) of the Commission’s Rules of Procedure which provides that the Commission may create subsidiary mechanisms such as special rapporteurs, committees and working groups;

Considering Rules 26 and 27 of the Rules of Procedure which provide that the Commission shall hold Ordinary and Extraordinary Sessions;

Recalling its Resolution ACHPR/Res.194 (L) 11 on the establishment of the Working Group on Communications and the appointment of its members;

Recalling Resolution ACHPR/Res.212 (EXT.OS/XI) 2012 on the mandate of the Commission’s Working Group on Communications;

Recalling Resolution ACHPR/Res.225 (LII) 2012 on the renewal of the mandate and modification of the composition of the Working Group on Communications;

Considering the technical nature of the work of the Working Group on Communications;

Considering the need to create favourable conditions for members of the Commission to properly implement their protection mandate;

1- Decides that the meetings of the Working Group on Communications shall be considered as extraordinary sessions;

2- Grants Commissioners participating in sessions of the Working Group on Communications the same entitlements as those given during ordinary and extraordinary sessions;

3- Tasks the Secretariat with ensuring the implementation of this Resolution and to report to the Commission.

Done in Banjul, The Gambia on 28 February 2015
ACHPR/Res.296 (EXT.OS/XVII) 2015: RESOLUTION ON THE APPOINTMENT OF EXPERT MEMBERS OF THE WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extraordinary Session held from 19 to 28 February 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.73 (XXXVI) 04 on the creation of the Working Group on Economic, Social and Cultural Rights adopted at its 36th Ordinary Session held from 23 November to 7 December 2004, in Dakar, Senegal;

Further recalling its Resolution ACHPR/Res.147 (XLVI) 09, appointing Commissioner Mohammed Bechir Khalfallah Chairman of the Working Group on Economic, Social and Cultural Rights in Africa;

Bearing in mind its Resolutions ACHPR/Res.193 (L) 11 and ACHPR/Res.252 (LIV) 2013 relative to the renewal of the mandate of the Working Group on Economic, Social and Cultural Rights in Africa;

Considering the Principles and Guidelines on the implementation of the Economic, Social and Cultural Rights in the African Charter (Tunis Principles and Guidelines) and the Guidelines on the submission of Reports of States Parties on Economic, Social and Cultural Rights in Africa (Nairobi Principles);

Further noting that the mandate of the Expert Members has expired and cognizant of the fact that the success of the Working Group also depends on the commitment and expertise of these Experts;

Convinced of the need to appoint Expert Members acting on an individual basis to guarantee the continuity and smooth operation of the Working Group;

Concerned about the need to guarantee equal representation, taking into account in particular gender balance and the diversity of the geographical regions, languages and legal systems;

1. Decides to appoint the following persons as Expert Members of the Working Group for a period of one year:

   i. Pr. Frans Viljoen
   ii. Mr. Ibrahima Kane
   iii. Mr. Chafi Bakari
iv. Mr. Gaye Sowe  
v. Mrs. Salima Namusobya  
vi. Mrs. Nadia Ait-Zai  
vii. Mr. Martial Jeugue Doungue  
viii. Mr. Sidi Tidiane Gueye  
ix. Mrs. Helene Ramos dos Santos  

2. **Calls on** the partners and other stakeholders to continue providing support to the Working Group to enable it accomplish its mandate.

Done in Banjul, The Gambia on 28 February 2015
ACHPR/Res.297 (EXT. OS/XVI) 2015: Resolution on the Deteriorating Human Rights Situation in the Arab Republic of Egypt

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 17th Extra-Ordinary Session held from 19 to 28 February 2015, in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind that the Arab Republic of Egypt is a Member State of the African Union and State Party to the African Charter with the obligation to ensure respect for human and peoples’ rights in its territory;

Recalling that one of the objectives of the African Union is to promote and protect human and peoples’ rights in accordance with the African Charter, as well as to promote democratic principles and institutions, popular participation and good governance;

Reaffirming Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 18, and 26 of the African Charter which enshrine the right to freedom from discrimination, the right to equal protection of the law, the right to life, the right to freedom from torture and cruel, inhuman and degrading treatment, the right to personal liberty and protection from arbitrary arrest, the right to fair trial, the right to freedom of conscience, the right to receive information and freedom of expression, the right to freedom of association and assembly, the right to participate in government, the duty to protect vulnerable groups, and the duty to ensure the independence of the judiciary respectively;

Reiterating the standards stipulated in the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (the Principles and Guidelines on Fair Trial), adopted by the Commission in 2001; Recalling Article 7 of the African Charter which stipulates that every individual shall have the right to have his cause heard by a competent, independent and impartial judicial body;

Noting that the right to defence is an essential component of a fair trial;

Recalling its Resolution ACHPR/Res.287(EXT.OS/XVI)2014 on Human Rights Abuses in Egypt, adopted at the 16th Extra-Ordinary Session, held in Kigali, Rwanda, in July 2014, calling on the Government of the Arab Republic of Egypt to uphold the right to fair trial for all citizens before independent courts of law in accordance with international law and standards;
Drawing attention to Resolutions ACHPR/Res.136(XXXXIV)08 calling on State Parties to observe a moratorium on the death penalty, ACHPR/Res.62(XXXII)02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa (the Declaration on Freedom of Expression) and ACHPR/Res.185 (XLIX)11 on the safety of journalists and media practitioners in Africa;

Mindful of the Final Report of the African Union High-Level Panel of Egypt dated 17 June 2014, in which the Panel expressed concern on the human rights situation in Egypt, particularly given the continued detention, without trial, of thousands of political activists and the mass sentencing to death meted out by courts without proper due process.

Deeply concerned about the deteriorating human rights conditions in the Arab Republic of Egypt following the 2011 popular uprising, particularly the blatant disregard to fair trial standards, including the conduction of summary/mass trials that lasted only a few hours, whereby individual guilt was not assessed;

Stressing that in countries which have not abolished the death penalty, sentence of death may only be imposed for the most serious crimes in accordance with the law in force at the time of the commission of the crime;

Disturbed by reports of mass death sentences imposed on 529, 683, 188, and 183 persons in March, April and December 2014, as well as February 2015;

Noting that of the 529 death sentences imposed in March 2014, 492 have been commuted to life imprisonment and 37 have been ordered for retrial by an appeals court;

Further noting the confirmation of 150 death sentences from the 683 persons sentenced in April 2014, the sentence to life imprisonment of 4 persons, the Court of Cassation’s order for the retrial of 33 persons, and the acquittal of 496 persons;

Concerned about the ongoing restrictions on freedom of expression and access to information, as well as the harassment, arbitrary arrest and detention of human rights defenders, journalists, and other individuals who express dissenting views;

The Commission:

1. Condemns the Arab Republic of Egypt’s disregard to regional and international fair trial standards, the unlawful imposition of mass death sentences, and the persecution of journalists and human rights defenders;
2. **Calls upon** the Government of the Arab Republic of Egypt to comply with the African Charter, the Principles and Guidelines on Fair Trial, the Declaration on Freedom of Expression, and other instruments to which Egypt is a party;

3. **Urges** the Government of the Arab Republic of Egypt to put an end to the harassment, arbitrary arrest, detention and sentencing of journalists, human rights defendants, and individuals who express dissenting views regarding the Government’s actions;

4. **Strongly urges** the Government of the Arab Republic of Egypt to observe an immediate moratorium on the death sentences and to reflect on the possibility of abolishing capital punishment;

5. **Invites** the Government of the Arab Republic of Egypt to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty; and

6. **Calls on** the Government of the Arab Republic of Egypt to investigate all human rights violations perpetrated in the country and prosecute authors of these violations.

**Done in Banjul, The Gambia on 28 February 2015**
ACHPR/Res.298 (EXT.OS/XVII) 2015: Resolution on the Human Rights Situation in the Federal Republic of Nigeria

The African Commission on Human and Peoples’ Rights (the African Commission), meeting at its 17th Extraordinary Session held in Banjul, The Gambia, from 19 to 28 February 2015;

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further its Resolutions, in particular Resolutions ACHPR/RES. 211 (EXT.OS/XI) 2012, ACHPR/RES.214(OS/LI)2012 and ACHPR/RES.267(EXT.OS)2014 on the human rights situation condemning the numerous and recurrent acts of violence committed in the Federal Republic of Nigeria by the group commonly known as Boko Haram which have resulted, inter alia, in loss of lives, injuries, destruction of property, internal displacements which have generally disrupted the lives of citizens, particularly in the North Eastern States of Borno, Yobe and Adamawa;

Reiterating its condemnation of these atrocities attributable to Boko Haram;

Deeply concerned by the protracted reign of terror by Boko Haram since July 2009 characterised by bomb attacks, shootings in public places, places of worship such as churches and mosques, prisons, police stations and schools as well as the abduction of women and children;

Further concerned by the escalating frequency and severity of the attacks which is reported to have resulted in the deaths of not less than 4,000 civilians in 2014 and more than 2,000 deaths so far in 2015, and also that these acts of violence now threaten the peace and security of neighboring countries of the Federal Republic of Nigeria;

Recalling the Declaration of the Assembly of Heads of State and Government of the African Union (Doc.Ass/AU/Decl.3(XXIV)) during the 24th Ordinary Session held in January 2015 in Addis Ababa, Ethiopia, expressing its support to the countries of the Lake Chad Basin Commission (LCBC) and Benin in the fight against Boko Haram;

The Commission:

1. Strongly reiterates its condemnation of these acts of violence against the civilian population, and in particular the recent Baga incident in Nigeria in January 2015, in which Boko Haram militants assaulted the town, killing about 2,000 people and forcibly displacing hundreds of other individuals both internally and to neighbouring States;
2. **Further condemns** the spiralling use of female and children suicide bombers;

3. **Welcomes** the efforts of the Economic Community of West African States, the African Union, the African Union and the entire international community towards coordinated and collective action against terrorism and transnational organized crime on the Continent, and in particular, in the fight against Boko Haram;

4. **Supports** the initiatives taken by Member States of the Lake Chad Basin Commission (LCBC) and Benin in particular, to launch a cross-border military operation, the Multinational Joint Task Force (MJTF) to combat Boko Haram in the region;

5. **Calls Upon** the Federal Republic of Nigeria, the LCBC Member States and Benin in their sustained efforts to curb the Boko Harm insurgency to:
   (i) Continue to guarantee the safety, security and protection of civilians in the affected countries and communities, and to strengthen their collaboration in securing the lives of the civilian population and the protection of public and private property, in accordance with their regional and international human rights obligations;
   (ii) Ensure that the operations of the MJTF in response to Boko Haram are conducted in a transparent manner, in compliance with human rights and international humanitarian law;
   (iii) Adopt rules of engagement of security staff encompassing the principles of human rights;
   (iv) Take all necessary measures during evacuations of civilian populations to safer areas, informing them beforehand of possible risks and dangers;
   (v) Take all appropriate and specific measures for the management of victims of violence, in particular women and child soldiers.

6. **Urges** the authorities of the Federal Republic of Nigeria to investigate, prosecute and bring to trial the perpetrators of abuses committed by the parties in conflict.
7. **Calls upon** the Economic Community of West African States, the African Union and the international community to consolidate the actions and initiatives launched in the fight against terrorism, in particular Boko Haram.

**Done in Banjul, The Gambia on 28 February 2015**
ACHPR/Res.299 (EXT.OS/XVII) 2015: Resolution on the Human Rights Situation in the Republic of The Gambia

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extra-Ordinary Session from 19 – 28 February 2015 in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind that The Gambia is a Member State of the African Union, State Party to the African Charter and signatory to the African Charter on Democracy, Elections and Governance;

Noting the provisions of the African Charter on Democracy, Elections and Governance and the ECOWAS Protocol on Democracy and Good Governance;

Recalling that amongst the objectives of the African Union are the promotion and protection of human and peoples’ rights, in accordance with the African Charter, and the promotion of democratic principles and institutions, popular participation and good governance;

Underscoring the right of citizens to freely participate in the government of their country, through freely chosen representatives as enshrined under Article 13 of the African Charter;

Reiterating the principles stipulated in its Resolution ACHPR/Res.213 (CCXIII) 12 on the Unconstitutional Changes of Government, adopted on 2 May 2012, during its 51st Ordinary Session held in Banjul, The Gambia from 18 April to 2 May 2012 which condemns attempts to institute autocratic regimes and the unconstitutional change of Government on the Continent, acts which it considers to be a serious threat to stability, peace, security and development;

Deploring the attempted unconstitutional change of Government in The Gambia, on 30 December 2014;

Mindful of the need to ensure that due process is observed for all persons, including those who may have participated in those events, as well as their families;

Drawing attention to Articles 6 and 7 of the African Charter on the rights to personal liberty, protection from arbitrary arrest and respect for fair trial standards;

Concerned about the deteriorating human rights situation in The Gambia, particularly following the attempted unconstitutional change of government;

The Commission:
1. **Condemns** the attempted unconstitutional change of government on 30 December 2014;
2. **Requests** the Government of the Republic of The Gambia to ensure due process for any suspects detained on allegations of participating in the attempted unconstitutional change of government;
3. **Urges** the Government of the Republic of The Gambia to ratify the African Charter on Democracy, Elections and Governance; and
4. **Calls on** the Government of the Republic of The Gambia to invite the Commission to undertake a fact-finding mission to The Gambia.

   **Done in Banjul, The Gambia on 28 February 2015**
ACHPR/Res.300 (EXT.OS/XVII) 2015: RESOLUTION ON THE OBLIGATIONS ON THE RIGHT TO WATER

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extraordinary Session held from 19 to 28 February 2015 in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the Commission’s Guidelines on Economic, Social and Cultural Rights adopted in Tunis in 2011 which explicitly require States to protect water resources from pollution, to prioritize the provision of water for personal and domestic use and to protect the right to water and other related rights, the realization of which directly depends on water resources management;

Recalling its Resolution ACHPR/Res.224 (LI) 2012 on a human rights-based approach to the governance of natural resources which requires States to strengthen natural resources governance, in particular water resources, using a human rights approach, and to implement the principle of sovereignty over natural resources with the participation and in the interest of the population as interpreted by the Commission in its jurisprudence;

Recalling also the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) adopted in 2009 which calls for the protection of the right to water;

Recalling Article 15 of the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) which calls on States to take the necessary measures to guarantee access to clean drinking water for women;

Recalling the principles of international law on fresh water, namely the principle of cooperation with other bordering States, the principle of fair and reasonable use and the obligation to refrain from causing significant harm as stipulated in the relevant conventions;

Recalling Resolution 64/292 of the United Nations General Assembly and Resolution 15/9 of the United Nations Human Rights Council recognizing the right to water and sanitation;

Mindful of General Comment no. 15 (2002) of the United Nations Committee on Economic, Social and Cultural Rights on the right to water which requires States

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Parties to prevent their own citizens and companies from violating the right to water of individuals and communities in other countries; and depending on the availability of resources, to facilitate realization of the right to water in other countries;

*Welcoming* the 2002 Senegal River Water Charter, the 2008 Niger Basin Water Charter and the 2012 Water Charter for the Lake Chad Basin, explicitly recognizing the right to clean drinking water;

*Concerned* that 2 out of 5 Africans do not have access to clean drinking water, that among water-borne diseases diarrhea alone accounts for more than 8.8% of mortality on the continent, and conscious of the link between water, food and energy;

*Concerned* about the negative effects of overuse and pollution of water resources and other development activities threatening the rights of present and future generations, the realization of which depends on access to water;

*Further concerned* by the absence of a regional legal framework for greater human rights-based cooperation in the management of trans-border waters, whereas Africa is the continent with the highest number of watersheds;

**The Commission:**

*Urges* African Union Member States to meet their obligations in providing clean drinking water for all their populations and to conscientiously cooperate in the management and protection of water resources, and to:

i. protect the quality of national and international water resources and the entire riverine ecosystem, from watersheds to oceans;

ii. ensure the rational and equitable use of water resources through the distribution of water resources to meet, in priority, the vital human needs of the populations concerned, in particular access to drinking water in sufficient quantity for personal and domestic use, sanitation, agriculture and other means of subsistence;

iii. recognize, protect and develop traditional and local water management systems for indigenous populations on their ancestral lands as well as local communities, and protect water resources from abusive use and pollution;

iv. establish mechanisms for the participation of individuals and communities in decision-making on the management of water resources;
v. guarantee the justiciability of the right to water;

vi. build the capacity of populations in human rights education, including the right to water and protection mechanisms; and

vii. comply with the principle of non-discrimination within and among riparian populations, and take into account the needs of vulnerable persons, in particular women and children, persons with disabilities, elderly persons, rural populations living in geographically inaccessible areas, displaced persons, refugees and persons deprived of their liberty.

The Commission requests the Working Group on Economic, Social and Cultural Rights to prepare principles and guidelines on the right to water to assist States in the implementation of their obligations.

Done in Banjul, The Gambia on 28 February 2015
ACHPR/Res.301 (EXT.OS/XVII) 2015: Resolution on the World Bank’s draft Environmental and Social Policy (ESP) and associated Environmental and Social Standard (ESS)

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 17th Extraordinary Session held from 19 to 28 February 2014 in Banjul, The Gambia:

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering Article 21 of the African Charter, which recognizes that all peoples shall freely dispose of their wealth and natural resources, a right that shall be exercised in the exclusive interest of the people and shall not be denied under any circumstances;

Considering further Article 22 of the African Charter, which guarantees peoples right to their economic, social and cultural development and States’ duty to ensure the exercise of the right to development;

Recalling its Resolution ACHPR/Res.65(XXXIV)/03 on the adoption of the “Report of the Working Group on Indigenous Populations/Communities” adopted at its 34th Ordinary Session held from 6 to 20 November 2003 in Banjul, The Gambia;

Recognizing the positive advance in recent years in the promotion and protection of indigenous populations in several African countries both at the normative level and with regard to the development of relevant plans, policies and programmes;

Recalling the United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007 and reaffirming the African Commission’s commitment to foster the principles enshrined in this Declaration by African States;

Noting with appreciation the endorsement by African States of the Outcome Document of the World Conference on Indigenous Peoples’ that was adopted by the UN General Assembly on 23 September 2014 in New York;

Noting the proposed Environmental and Social Safeguard Policy (ESP) and associated Environmental and Social Standards (ESS) of the World Bank released for public consultation on 30 July 2014, and in particular, Environmental and Social Standard 7 (ESS7) on Indigenous Peoples;

Further noting the objective of ESS7 wherein the World Bank acknowledges that the
purpose of the policy provisions is to “ensure that the development process fosters full respect for the human rights, dignity, aspirations, identity, culture, and natural resource-based livelihoods of Indigenous Peoples”;

Concerned however that ESS7, in paragraph 9, provides governments with the possibility of opting out of applying ESS7 in its entirety where a project is judged to potentially “create a serious risk of exacerbating ethnic tension or civil strife; or where the identification of culturally-distinct groups as envisioned in this ESS is inconsistent with the provisions of the national constitution”;

Further concerned that opting out of ESS7, for countries choosing to do so, would have the effect of removing all the safeguard obligations designed to protect the fundamental human rights of indigenous peoples provided therein;

Concerned that the opt-out option would encourage States not to comply with their international and regional obligations and commitments, and discourage the evolving State practice for the enhanced protection of indigenous peoples in Africa.

Further concerned that the ‘opt-out’ option would infringe the African Union Vision 2063 adopted by the Heads of States and Government, which calls for ‘a prosperous Africa based on inclusive growth and sustainable development’;

Encouraged by the constructive discussion that the Working Group on Indigenous Populations/Communities had on 6 February 2015 with the World Bank Safeguards Review Team at the Headquarters of the Institution, where the Working Group highlighted its concerns with regard to the potential negative impact of the opt-out option on the legal recognition of indigenous peoples in Africa and the promotion and protection of their rights;

The Commission:

Calls on the World Bank to align its Environmental and Social Safeguards Policy and associated Environmental and Social Standards (ESS) with international and regional legal frameworks for the protection of indigenous peoples;

Urges the World Bank to undertake the revision of the safeguards policy by removing the ‘opt-out’ clause included in Environmental and Social Standard 7 (ESS7) and consult all stakeholders, including the indigenous communities and the African Commission on Human and Peoples’ Rights in the entire revision process;
Further urges the World Bank to ensure that the revised safeguard policy contribute to supporting the development of a relevant legal framework for the indigenous peoples in Africa;

Calls on the States Parties to support the revision of proposed Environmental and Social Standard 7 (ESS7) to fully reflect the realization of the rights and duties guaranteed by the African Charter and other relevant regional and international legal instruments;

Encourages States Parties to adopt legislative and other measures to protect the rights of indigenous peoples and to develop and strengthen positive action measures in their favour;

Urges international organizations to further promote human rights on the continent and abstain from taking initiatives that could have a negative impact on policies for the promotion and protection of the rights of indigenous peoples in particular.

Done in Banjul, The Gambia on 28 February 2015
ACHPR/Res.302 (LVI) 2015 : Resolution on terrorist acts in the Republic of Kenya


Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling Article 3(f) of the Constitutive Act of the African Union which encourages promotion of peace, security, and stability on the continent;

Recalling further its Resolution: ACHPR/RES. 276 (LV) 2014, on terrorist acts in Africa, which condemned various attacks committed by the Al-Shabaab terrorist group in the Republic of Kenya;

Recalling the Decision of the Assembly of Heads of State and Government of the African Union, Assembly/AU/Dec.536 (XXIII), at its 23rd Ordinary Session held in June 2014 in Malabo, Equatorial Guinea, expressing concern over the continued threat of terrorism in the Horn of Africa;

Deeply Concerned by the escalation of terror by the Al-Shabaab group since the year 2011 characterised by armed attacks on public places, places of worship, prisons, police stations and schools;

Further Concerned by the frequency and severity of terrorist attacks reported to have resulted in the deaths of hundreds of people in the recent attack on Garissa University College in North-eastern Kenya, which caused the death of 147 civilians;

Recognizing the role played by Kenya in the fight against terrorism in Africa, particularly as part of the African Union Mission in Somalia (AMISOM) and the establishment of a legal framework on prevention of terrorism;

Noting, however, the frequent use of retaliatory measures such as collective punishment, expulsion of refugees in the urban areas and members of the Somali community, freezing of funds, suspension of various civil society organizations and the threat of closure of refugee camps suspected of having links with terrorism;

Desirous of strengthening cooperation among Member States in the region in order to prevent and combat terrorist attacks which have multiple repercussions and constitute a serious violation of human rights, in particular, the rights to physical integrity, life, freedom and security, and impede socio-economic development;
Welcoming the expressed solidarity and support to the Republic of Kenya by various Member States and various regional, intergovernmental and international organizations, and the entire international community;

The Commission:

8. Reiterates its strong condemnation of acts of violence by the Al-Shabaab group in the Republic of Kenya and the use of youths and children in the terror attacks;

9. Deplores legislative and executive measures that were alleged to violate other basic human rights, including the right to a fair trial;

10. Calls Upon the Republic of Kenya to:

   (vi) Continue to guarantee the safety, security and protection of civilians in the affected communities, and to strengthen the protection of public and private property, in accordance with its regional and international human rights obligations;

   (vii) Ensure that the operations of AMISOM, and the Kenya Defence Forces in response to the Al-Shabaab group are conducted in accordance with relevant regional and international human rights obligations and international humanitarian law;

   (viii) Ratify the Protocol to the OAU Convention, which among other things, commits Member States to take all necessary measures to protect the fundamental human rights of their populations against all acts of terrorism and outlaw torture and other degrading and inhumane treatment against alleged perpetrators of terrorism;

   (ix) Take all necessary measures to protect refugees in conformity with regional and international commitments that Kenya has entered into;

   (x) Take all necessary measures to ensure prior and impartial investigation in the event of the freezing and suspension of assets of individuals and various Civil Society Organizations suspected of supporting terrorist groups;

   (xi) Investigate, prosecute, and bring to trial the perpetrators of human rights violations allegedly committed by the different groups and individuals including members of the terrorist groups.
11. **Calls upon** the African Centre for the Study and Research on Terrorism, the Intergovernmental Authority on Development, the African Union and its Members States as well as the international community in their sustained efforts to curb the acts of terrorism of the Al-Shabaab group, consolidate the actions and initiatives launched in the fight against terrorism in Kenya, and the continent in general.

**Done in Banjul, the Gambia, 7 May 2015**
ACHPR/Res.303 (LVI) 2015 Resolution on the Right to Rehabilitation for Victims of Torture

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 56th Ordinary Session held from 21 April to 7 May 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter):

Recalling Article 5 of the African Charter which enshrines the right to the respect of the dignity inherent in a human being and prohibits all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment;

Further recalling its Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (The Robben Island Guidelines), in particular the obligation to ensure that all victims of torture and their dependants are offered appropriate medical care, have access to appropriate social and medical rehabilitation and are provided with appropriate levels of compensation and support;

Bearing in mind that while reparation components including restitution, compensation, satisfaction and guarantees of non-repetition are well defined, the concept of rehabilitation lacks clarity;

Mindful that rehabilitation includes medical and psychological care as well as available and adequate legal and social services;

Recognising that rehabilitation services are inadequate and unable to reach all potential victims of torture, primarily due to financial constraints;

Noting the persisting acts of torture with impunity and the lack of understanding with regards to the needs of victims of torture, particularly rehabilitation;

Concerned about lengthy court processes which adversely affect the rehabilitation of torture victims;

Mindful that the traumatic experiences of victims of torture makes it difficult for their proper reintegration into society;

Further mindful that torture affects not only direct victims, but also families and communities;
Noting that there is an urgent need for effective institutional mechanisms to ensure that victims of torture are able to access appropriate rehabilitation services;

The Commission:

1. **Calls on** State Parties to implement domestic laws prohibiting torture and to include clear provisions on the obligation to provide rehabilitation for victims of torture, in line with regional and international standards;

2. **Urges** State Parties to ensure that all victims of torture and their dependants are offered appropriate medical care, have access to appropriate social rehabilitation and are provided with adequate compensation;

3. **Encourages** State Parties which are undergoing transitional justice processes to include explicit provisions on the rehabilitation of victims of torture;

4. **Calls on** State Parties to guarantee the right to justice and ensure that perpetrators of torture are brought to justice;

5. **Calls on** regional and international organisations, civil society and other actors to provide State Parties with the necessary support to meet the needs of victims of torture;

6. **Encourages** State Parties to put into practice the provisions of the Robben Island Guidelines;

7. **Urges** State Parties which have not done so to ratify and implement the United Nations Convention against Torture (CAT) and its Optional Protocol (OPCAT);

8. **Undertakes** to work with State Parties and other relevant actors to ensure rehabilitation for victims of torture, in particular through the adoption and implementation of national strategies.

**Done in Banjul, The Gambia, on 7 May 2015**
ACHPR/Res.304 (LVI) 2015: RESOLUTION CONDEMNING THE XENOPHOBIC ATTACKS IN THE REPUBLIC OF SOUTH AFRICA

The African Commission on Human and Peoples’ Rights meeting at its 56th Ordinary Session held in Banjul, The Gambia, from 21 April to 7 May 2015;

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the obligations of the Republic of South Africa under the African Charter and other international and regional human rights instruments;

Recalling the xenophobic attacks of 2008, which took place in South Africa, killing more than 60 people and its Resolution ACHPR/Res.131(XXXXIII) 08, condemning the attacks and violence perpetrated against migrants in various townships in South Africa;

Further recalling Article 3 (a) and (f) of the Constitutive Act of the African Union, which encourages greater unity and solidarity between African States and African people, as well as the promotion of peace, security, and stability on the continent;

Reaffirming Articles 3, 4, 5, 12, 14 and 28 of the African Charter and noting, in particular Article 4 which provides that: “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right”;

Deeply concerned by the recent xenophobic attacks perpetrated on foreign nationals in the province of KwaZulu Natal in South Africa, resulting in the killing of at least 5 people and the displacement of thousands of foreign nationals;

The Commission:

1. **Strongly condemns** the attacks and violence perpetrated against foreign nationals in South Africa;

2. **Welcomes** the measures taken by the South African Government, including the establishment of an Inter-Ministerial Committee to engage with the local communities affected, as well as the deployment of hundreds of police officers to provide security in the affected areas;

3. **Calls upon** the Government of the Republic of South Africa to:

   (a) Immediately stop the attacks on foreign nationals in the country, and put measures in place to ensure that this does not recur in future;
(b) Fully investigate the circumstances leading to the xenophobic attacks and other acts of violence perpetrated against foreign nationals;

(c) Ensure that all the perpetrators of the attacks are brought to justice and held accountable for their actions in accordance with the law;

(d) Take appropriate measures to ensure that the rights of all immigrants are protected in accordance with the applicable international and regional human rights instruments;

(e) Comply with its obligations under the African Charter and all other international and regional human rights obligations; and

(f) Take immediate steps to sign, ratify and domesticate the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa.

Done in Banjul, The Gambia, on 7 May 2015
ACHPR/Res.305 (EXT.OS/XVIII) 2015: RESOLUTION ON ACCESSIBILITY FOR PERSONS WITH DISABILITIES

The African Commission on Human and Peoples’ Rights, meeting at its 18th Extraordinary Session held from 29 July to 7 August 2015 in Nairobi, Republic of Kenya:

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming Article 2 of the African Charter on the entitlement of every individual to enjoy the rights and freedoms recognised in the African Charter without distinction of any kind;

Reaffirming Article 18 (4) of the African Charter which provides persons with disabilities with the right to special measures of protection;

Further reaffirming Article 13 (3) of the African Charter on the Rights and Welfare of the Child which stipulates that States shall use their available resources with a view to achieving progressively the full convenience of the mentally and physically disabled person to movement and access to public highway buildings and other places to which the disabled may legitimately want to have access to;

Considering Article 23 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa which provides women with disabilities with the right to special protection to facilitate their access to employment, professional and vocational training and their participation in decision-making;

Recalling the Continental Plan of Action for the African Decade of Persons with Disabilities (2010-2019) which underscores the importance of ensuring equality of opportunities for persons with disabilities, and requires that the inclusion of persons with disabilities in all spheres of life be guaranteed;

Noting that accessibility is one of the core principles established in the United Nations Convention on The Rights of Persons with Disabilities;

Gravely concerned that facilities and services across all spheres of life remain grossly inaccessible to persons with disabilities, thereby undermining their full and equal participation in society;
Recognising the importance of enabling persons with disabilities to live independently and participate fully in all aspects of life;

The Commission:

1. **Calls on** States Parties, the African Union and its Organs to take immediate and effective measures to ensure that all facilities and services open or provided to the public are accessible to persons with disabilities;

2. In particular, **calls on** States Parties, the African Union and its Organs to ensure that meetings in which the public participate are held in places accessible to persons with disabilities;

3. **Urges** States Parties, the African Union and its Organs to ensure that all information intended for the general public is disseminated in accessible formats and technologies appropriate to different kinds of disabilities;

4. **Urges** those States Parties that have not done so to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

5. Calls on States Parties, the African Union and its Organs to recognise and promote the use of sign language at the national, sub-regional and continental levels; and

6. **Requests** the Working Group on Older Persons and People with Disabilities in Africa to remain seized of this matter and to provide any further advice or guidance as it may deem appropriate.

**Adopted on 7 August 2015 during the 18th Extraordinary Session held in Nairobi, Republic of Kenya**
ACHPR/Res.306 (EXT.OS/ XVIII) 2015: RESOLUTION ON THE EXPANSION OF THE MANDATE OF THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 18th Ordinary Session, held from 29 July to 7 August 2015 in Nairobi, Kenya;

Recalling its mandate to promote human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its decision taken at its 20th Ordinary Session held in Grand Bay, Mauritius in October 1996 to establish the office and to appoint a Special Rapporteur on Prisons and Conditions of Detention in Africa, as a prison monitoring mechanism;

Recalling its Resolutions ACHPR/Res.103a (XXXX) 06 and ACHPR/Res.259 (LIV) 2013; on Police Reform, Accountability and Civilian Police Oversight in Africa, and on Police and Human Rights adopted at its 40th and 54th Ordinary Sessions respectively;

Further Recalling the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, adopted by the Commission during its 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola;

Recognising the central role of the police in the maintenance and enforcement of law and order, promotion of citizen’s safety as well as the respect for human rights and the growing demands placed on the police to combat national and transnational crime, terrorism and other emerging security challenges;

Concerned that effective policing in Africa is impeded by several factors including limited financial resources, inadequate training, poor working conditions, corruption, political interference, and weak governance structures; contributing to widespread cases of non-compliance by the police with basic human rights standards in the execution of its duties, including the use of excessive and disproportionate force, extrajudicial killings and summary executions, arbitrary and illegal arrest, torture and mistreatment;

Noting the importance of a good working relationship between the Police, the State and the public at large; and the need to work with all interested parties, including, National Human Rights Institutions, Civil Society Organisations and other stakeholders to promote effective human rights compliant policing;
Further noting that policing and human rights is a crosscutting issue with all the Special Mechanisms of the Commission, in particular, the mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa;

Reaffirming the commitment of the Commission to promote the right to liberty and security of the person as guaranteed under Article 6 of the African Charter; and to continue to place police and human rights on its agenda;

Noting with appreciation the work already carried out by the Special Rapporteur on Prisons and Conditions of Detention in Africa in the area of policing and human rights;

Decides to expand the mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa with the following amended title: The Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;

Further decides to entrust the Rapporteur with the additional mandate to:

I. Undertake studies on issues of relevance to policing and human rights in Africa and develop best practices on issues relating to policing and human rights;

II. Take steps to ensure that issues related to policing and human rights are taken into account and reflected in the working methods of the Commission;

III. Ensure implementation of the Commission’s Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa;

IV. Work with the other Special Mechanisms of the Commission on cross-cutting issues relating to policing and human rights.

Adopted on 7 August 2015 during the 18th Extraordinary Session held in Nairobi, Republic of Kenya

The African Commission on Human and Peoples’ Rights meeting at its 18th Extra-Ordinary Session held in Nairobi, Kenya from 29 July to 07 August 2015;

Recalling its mandate to promote human and peoples’ rights in accordance with Article 45 of the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Article 13(1) of the African Charter which provides that ‘every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;’

Underscoring its previous resolutions on elections and participatory governance in Africa, in particular: Resolutions ACHPR/Res.23(XIX)1996; ACHPR/Res.184(EXT.OS/IX)2011; ACHPR/Res.232(EXT.OS/XIII)2013; ACHPR/Res.239(EXT.OS/XIV)2013; ACHPR/Res.272(LV) 2014; and ACHPR Res. ACHPR/Res.293(EXT.OS/xvii)2015;

Reaffirming the importance of peaceful, free, fair and transparent elections and referenda, for the maintenance of peace and security in Africa;

Recognizing the right of access to information as enshrined in Article 9 of the African Charter, as further elaborated by Resolution ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa of 2002;

Mindful of the importance of the right of access to information as an essential tool for strengthening democracy, good governance and citizen participation in public affairs, which are in themselves, indispensable to the creation of a conducive environment for free, fair and transparent elections;

Cognizant that the African Charter on Democracy, Elections and Governance recognizes the need to promote best practices in the management of regular, transparent, free and fair elections for the purposes of political stability and good governance in Africa;

Concerned that there exists no regional standard on the role of access to information in the electoral process, as a means of guaranteeing the credibility of elections in Member States and the overall strengthening of democratic governance in Africa;

The Commission:
i. Calls on the Special Rapporteur on Freedom of Expression and Access to Information (the Special Rapporteur) to develop Guidelines on Access to Information and Elections;

ii. Requests the Special Rapporteur to report on the progress;

iii. Urges Member States, civil society and other stakeholders, to collaborate with the Special Rapporteur by contributing to the process of drafting the Guidelines.

Adopted, on 07 August 2015, during the 18th Extra-Ordinary Session, in Nairobi, Republic of Kenya
ACHPR/Res.308 (EXT.OS/ XVIII) 2015: RESOLUTION ON THE EXTENSION OF THE DEADLINE FOR THE STUDY ON HIV, THE LAW AND HUMAN RIGHTS

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 18th Extra-Ordinary Session held from 29 July to 7 August 2015 in Nairobi, Republic of Kenya;

Recalling its mandate to promote and protect human rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further, inter alia, Resolution ACHPR/Res.53 (XXIX) 01, on the HIV/AIDS Pandemic – Threat Against Human Rights and Humanity, and Resolution ACHPR/Res.163 (XLVII) 10 on the establishment of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and affected by HIV (the Committee);

Recalling also Resolution ACHPR/Res.290 (EXT.OS/XVI) 2014 on the Need to conduct a study on HIV, the Law and Human Rights, which mandated the Committee to prepare the referenced study and to present a report for consideration and adoption by the Commission, during its 57th Ordinary Session;

Mindful that the research on the study is currently being undertaken despite a lack of adequate resources, which is stalling its progress;

Noting that the deadline fixed for the study is due to expire in November 2015, whereas the study is yet to be finalized;

Aware of the need to give the Committee sufficient time to conduct a thorough study on the subject, and also of the significance of the potential contribution of the study to the promotion and protection of the human rights of people living with HIV, and those at risk, vulnerable to and affected by HIV;

Decides to:

i) Extend the deadline for presenting the report of the study by one (1) year, and accordingly requests that the report should be submitted for consideration at its 59th Ordinary Session; and

ii) Reiterates its call on all stakeholders to support the Committee in conducting the study.

Adopted, on 7 August 2015, during the 18th Extraordinary Session, in Nairobi, Republic of Kenya
ACHPR/Res.309 (EXT.OS/XVIII) 2015: Resolution on the Human Rights Situation in Burundi

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 18th Extraordinary Session held from 29 July to 7 August 2015 in Nairobi, Republic of Kenya;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the provisions of Article 13 (1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law”;

Reaffirming its Resolution ACHPR/Res.293 (EXT.OS/XVII) 2015 on elections in Africa which calls on States Parties to protect the fundamental rights of all citizens, including the rights to freedom of movement, assembly, association and expression as well as equal access to the media for all stakeholders;

Bearing in mind its Statement of 3 May 2015 adopted at its 56th Ordinary Session held from 21 April to 7 May 2015 in Banjul, The Gambia, on the human rights situation in Burundi calling on the Government of Burundi to take all necessary measures to ensure a credible electoral process, in accordance with international and regional standards, and collaborate with all stakeholders for the realization of human rights in the country;


Concerned about the deteriorating political and security situation during and after the elections, which resulted in the loss of human lives, destruction of property, police
brutality against citizens and the forced displacement of populations within the country and to neighbouring countries;

Further concerned about restrictions on press freedom, and freedom of expression, association and assembly of opposition political parties and of representatives of the media and civil society organizations;

Mindful of the need to restore the rule of law and allow for the protection and full enjoyment of the rights guaranteed under the African Charter and other relevant instruments;

Conscious of the on-going efforts of the Government to restore public order in the country;

Welcoming the efforts of the Economic Community of East African States towards resolving the situation, including the appointment of a Mediator;

Taking note of the determination of the African Union and the international community to work towards restoring the rule of law, including the deployment of military experts and human rights observers;

The Commission:

1. Strongly condemns the various acts of human rights violations perpetrated, including violations of the right to life, acts of torture and all use of force against peaceful protesters;

2. Invites the Government to urgently investigate human rights violations perpetrated during this period of crisis and to prosecute the alleged perpetrators;

3. Calls on the Government to make every effort to restore security and the rule of law in order to enable the exercise of the fundamental rights and freedoms of populations;
4. **Further calls on** the Government of Burundi to continue dialogue with all stakeholders involved in the current crisis for a negotiated and lasting solution;

5. **Invites** the African Union and the international community to continue their efforts in support of the Government of Burundi to restore order and security throughout the country.

*Adopted on 7 August 2015 at the 18th Extraordinary Session held in Nairobi, Republic of Kenya*
**ACHPR/Res.310 (LVII) 2015**: Resolution on the urgency for undertaking Fact-finding Mission to Burundi

The African Commission on Human and Peoples’ Rights at its 57th Ordinary Session held in Banjul, the Gambia from 4 November to 18 November 2015:

**Considering** its mandate to promote and protect human and people’s rights in Africa envisaged under Article 45 of the African Charter on Human and Peoples’ Rights (the African Charter);

**Recalling** its resolution ACHPR/Res.309 (EXT.OS/XVIII) 2015 on the human rights situation in Burundi;

**Cognizant** of the AU Peace and Security Council’s communiqué PSC/PR/COMM.(DLI) adopted at the 551st meeting of the Council held in Addis Ababa on 17 October 2015 requesting the African Commission to undertake an in-depth investigation into the human rights violations and other abuses in Burundi;

**Further noting** the AU Peace and Security Council’s communiqué PSC/PR/COMM.(DLVII) adopted at the 557th meeting of the Council held in Addis Ababa on 13 November 2015 recalling its request for investigation into the human rights violations in Burundi and expressing deep concern about reports of human rights violations in Burundi;

**Equally** concerned about the human rights situation and the loss of life and human suffering as well as the worsening humanitarian situation resulting in unabating displacement of people and the ensuing flow of refugees into neighboring countries;

**Taking into account** the right of all peoples to peace and security guaranteed under Article 23 of the African Charter and expressing its deep concern about the threat the current situation poses to the peace and security of the people of Burundi and neighboring countries;

**Expressing** its full support for the initiatives of the East African Community (EAC) for mediating in the Burundi crisis and welcoming the call of the Peace and Security Council for the prompt convening of open and constructive dialogue among Burundian stakeholders;

**Recognizing** the urgent need for instituting measures for averting further violations of human rights;

**The Commission:**
1. **Expresses** its readiness to undertake a fact-finding mission into the human rights situation in Burundi as a matter of urgency;

2. **Calls on** the Government of Burundi to cooperate with the Commission and authorize the fact finding mission urgently;

3. **Urges** the EAC and the AU to facilitate the mission of the Commission and to take the necessary steps ensure, as part of the mediation efforts, that all violations of human rights are halted forthwith;

4. **Calls on** the Government of Burundi and all concerned political stakeholders to positively respond to the request for dialogue and avail themselves for engaging in the dialogue in order to bring about peace and stability to the people of Burundi and the wider region.

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission held in Banjul, the Gambia
ACHPR/Res.311 (LVII) 2015: Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Specific Issues Related to the Work of the Commission

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Considering its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.77 (XXXVII) 05 on the establishment of a Working Group on Specific Issues Related to the Work of the Commission (Working Group) adopted at its 37th Ordinary Session;

Further recalling its Resolution ACHPR/Res.233 (EXT.OS/XIII) 13 reconstituting the Working Group and modifying its mandate and composition and Resolution ACHPR/Res.280 renewing the mandate of the Working Group for a further period of two years adopted at its 55th Ordinary Session held in May 2014;

Recognizing the need to reconstitute the Working Group;

Bearing in mind the need for the Working Group to continue carrying out its mandate and addressing the urgent issues falling within the same;

Decides to reconstitute the Working Group as follows:

1. Honourable Commissioner Faith Pansy Tlakula (Chairperson);
2. Honourable Commissioner Soyata Maiga (Member);
3. Honourable Commissioner Med Kaggwa (Member);
4. Honourable Commissioner Lawrence Murugu Mute (Member); and
5. Honourable Commissioner Solomon Ayele Dersso (Member).

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res.312 (LVII) 2015: Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on the Rights of Older Persons and People with Disabilities in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind the African Union Policy Framework and Plan of Action on Ageing in which “States Parties recognized the fundamental rights of older persons and committed themselves to abolishing all forms of discrimination based on age” and undertook “to ensure that the rights of older persons are protected by appropriate legislation, including the right to organize themselves in groups and the right to representation in order to advance their interest”;

Recalling its Resolution ACHPR/Res.106 (XXXXI) 07 of 30 May 2007 on the Rights of Older Persons in Africa adopted at its 41st Ordinary Session held from 16 to 30 May 2007 in Accra, Ghana;

Recalling its Resolution ACHPR/Res.118 (XXXXII) 07 on the Appointment of a Focal Point on the Rights of Older Persons in Africa adopted at its 42nd Ordinary Session held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Further recalling its Resolution ACHPR/Res.143 (XXXXV) 09 transforming the Focal Point on the Rights of Older Persons in Africa into a Working Group on the Rights of Older Persons and People with Disabilities in Africa;

Considering Article 18(4) of the African Charter which stipulates that: “The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs”;

Further considering paragraph 20 of the Kigali Declaration which “calls upon States Parties to develop a Protocol on the protection of the rights of people with disabilities and the elderly”;

Bearing in mind the mandate of the Focal Point, including to “lead the process of drafting a Protocol to the African Charter on the Rights of Older Persons in Africa to be submitted to African Union policy organs for consideration and adoption as soon as possible”;

Appreciating the work of the Focal Point in advocating for a human rights approach for the protection of the rights of older persons;
Considering the mandate of the Working Group, and in order to facilitate the process of drafting a Protocol on Ageing towards ensuring compliance, by States Parties, with the recommendations made in the AU Policy Framework and Plan of Action on Ageing;

Recalling its Resolution ACHPR/Res.189 (XLIX) 11 adopted at its 49th Ordinary Session held in Banjul, The Gambia, from 28 April to 12 May 2011 to increase the number of Experts of the Working Group in order for the Working Group to effectively carry out its mandate;

Further recalling its Resolution ACHPR/Res.250 (CCL) 13 on the renewal of the mandate and appointment of the Chairperson and other members of the Working Group;

Recognising the work and the outstanding achievements of the Chairperson and members of the Working Group, in particular regarding the draft Protocol on the Rights of Older Persons adopted by the Commission during its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire; and the well advanced process of the preparation of a draft Protocol on the Rights of People with Disabilities in Africa;

Considering that the two-year mandate of the Chairperson and other expert members of the Working Group has come to an end;

Considering the need to allow the Working Group on the Rights of Older Persons and People with Disabilities to continue to carry out its mandate and to address urgent related matters;

Decides to:

i. Re-appoint Commissioner Yeung Kam John Yeung Sik Yuen as Chairperson of the Working Group for a period of two years as from 5 November 2015;

ii. Renew for the same period the mandate of Commissioner Reine Alapini Gansou and Commissioner Lawrence Murugu Mute as members of the Working Group;

iii. Appoint for the same period Commissioner Zainabo Sylvie Kayitesi and Commissioner Jamesina E.L. King as members of the Working Group;

iv. Renew for the same period the mandate of the following expert members:

   ▪ Dr Tavengwa Machekano Nhongo;

   ▪ Ms Nadia Abdel-Wahab El-Afify;
- Mr Kudakwashe Dube; and
- Dr Elly Macha

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res.313 (LVII) 2015: Resolution on the Renewal of the Mandate and Reconstitution of the Advisory Committee on Budgetary and Staff Matters

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Conscious of the essential role played by the Secretariat in ensuring the effective implementation of the mandate of the Commission and the importance of having an efficient Secretariat;

Further conscious of the difficulties faced by the Commission in the preparation, presentation and execution of its budget, and desirous of facilitating its budgetary preparation process;

Welcoming the decision of the Executive Council of the African Union (AU) to strengthen the human resources capacity of the Commission by recruiting 33 new staff members over a period of five years from 2010 to 2014;

Recalling the decision of its 6th Extraordinary Session to establish an Advisory Committee on Budgetary and Staff Matters in order to assist the Secretariat in preparing the programmes budget of the Commission;

Further recalling AU Executive Council Decision EX.CL/Dec.529 (XV) by which the African Union Commission, in consultation with the Permanent Representatives’ Committee (PRC), is required to expedite the review of the honorarium and allowances of the members of the Commission in accordance with AU financial rules and regulations;

Bearing in mind its Resolution ACHPR/Res.142 (XXXXV) 09 adopted at its 45th Ordinary Session establishing an Advisory Committee on Budgetary and Staff Matters;

Mindful of its Resolutions ACHPR/Res.191 (L) 11 and ACHPR/Res.256 (CCLVI) 13 adopted respectively at its 50th and 54th Ordinary Sessions on the renewal and expansion of the mandate of the Advisory Committee on Budgetary and Staff Matters;

Noting with appreciation the work undertaken during the past two years by the Committee under the leadership of Commissioner Med Kaggwa;

Considering that the mandate of the Chairperson and the members of the Committee has come to an end;
Recognising the importance of the Committee and the need to allow the Committee to continue to carry out its mandate;

Decides to:

i. Re-appoint Commissioner Med Kaggwa as the Chairperson of the Committee for a period of 2 years as from 5 November 2015;

ii. Renew for the same period the mandates of Commissioner Reine Alapini Gansou and Commissioner Soyata Maiga as members of the Committee; and

iii. Appoint Commissioner Solomon Ayele Dersso as a member of the Committee for the same period.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res.314 (LVII) 2015: Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Communications

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Noting its protection mandate which involves the consideration of Communications alleging human rights violations against States Parties to the African Charter, pursuant to Articles 47 and 55 of the African Charter;

Noting its Resolution ACHPR/RES.194 (L) 11 adopted at its 50th Ordinary Session held in Banjul, The Gambia, from 24 October to 5 November 2011 establishing a Working Group on Communications and appointing its members;

Noting also its Resolution ACHPR/RES.212 (EXT.OS/XI) 12 adopted at its 11th Extraordinary Session held in Banjul, The Gambia, from 21 February to 1 March 2012 defining the mandate of the Working Group on Communications;

Further recalling its Resolution ACHPR/RES.255 (LII) 12 on the extension of the mandate and modification of the composition of the Working Group on Communications adopted at its 52nd Ordinary Session held from 9 to 22 October 2012 in Yamoussoukro, Côte d’Ivoire;

Further recognising the importance of the work of the Working Group on Communications;

Noting with satisfaction the work done by the Working Group under the leadership of Commissioner Lucy Asuagbor in her capacity as Chairperson of the Working Group;

Considering that the mandate of the Chairperson and the members of the Working Group comes to an end on 5 November 2015;

Recognising the importance of the Working Group and the need to allow the Working Group to continue to carry out its mandate;

Decides to:

Re-appoint Commissioner Lucy Asuagbor as the Chairperson of the Working Group for a period of two years, with effect from 5 November 2015;
Renew for the same period the mandate of Commissioner Reine Alapini Gansou and Commissioner Yeung Kam John Yeung Sik Yuen as members of the Working Group;

Appoint for the same period Commissioner Jamesina E.L. King and Commissioner Solomon Ayele Dersso as members of the Working Group;

Renew for the same period the mandate of the support team of the Working Group at the Secretariat as follows:

i. The Secretary to the Commission as Coordinator of the support team;

ii. Two (2) Senior Legal Officers; and

iii. Two (2) Legal Officers.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res.315 (LVII) 2015: Resolution on the Renewal of the Mandate of the Special Rapporteur on Human Rights Defenders in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia; Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights;

Recalling its Resolution ACHPR/Res.69 (XXXV) 04 on the protection of human rights defenders in Africa adopted at its 35th Ordinary Session held from 21 May to 4 June 2004 in Banjul, The Gambia;

Bearing in mind its Resolution ACHPR/Res.83(XXXVIII) 05 on the appointment of the Special Rapporteur on Human Rights Defenders in Africa adopted at its 38th Ordinary Session held from 21 November to 5 December 2005 in Banjul, The Gambia;

Further recalling its Resolutions ACHPR/Res.119 (XXXXII) 07 and ACHPR/Res.192 (L) 11 on the Situation of Human Rights Defenders in Africa;

Considering its Resolutions ACHPR/Res.125 (XXXXII) 07 and ACHPR/Res.248 (LIV) 13 on the renewal of the mandate of the Special Rapporteur on Human Rights Defenders in Africa;

Bearing in mind its Resolutions ACHPR/Res.83 (XXXVIII) 05, ACHPR/Res.149 (XLVI) 09, ACHPR/Res.171 (XLVII) 10 and ACHPR/Res.202 (L) 11 appointing the various Special Rapporteurs on Human Rights Defenders in Africa;

Bearing in mind also that in the Grand Bay Declaration and Plan of Action (Mauritius), the Organisation of African Unity (African Union) called on Member States “to take appropriate measures to implement the United Nations Declaration on Human Rights Defenders”;

Recalling its Resolution ACHPR/Res.273 (LV) 14 on the expansion of the mandate of the Special Rapporteur on Human Rights Defenders in Africa to include reprisals, adopted at the 55th Ordinary Session held from 28 April to 12 May 2014 in Luanda, Angola;

Noting with appreciation the work undertaken by Commissioner Reine Alapini Gansou as the Special Rapporteur on Human Rights Defenders in Africa;
Considering the new responsibilities of the Special Rapporteur as the focal person for cases of reprisals against human rights defenders in Africa;

Decides to renew the mandate of Commissioner Reine Alapini Gansou as the Special Rapporteur on Human Rights Defenders in Africa for a period of two (2) years, with effect from 18 November 2015.

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.316 (LVII) 2015: Resolution on the Appointment of the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa and Renewal of the Mandate of its Members

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.73 (XXXVI) 04 establishing and defining the mandate of the Working Group on Economic and Social Rights adopted at its 36th Ordinary Session held in Dakar, Senegal, from 23 November to 7 December 2004;

Further recalling Resolution ACHPR/Res.147 (XLVI) 09 appointing Commissioner Mohammed Bechir Khalfallah as the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa (the Working Group);

Mindful of its Resolutions ACHPR/Res.193 (L) 11 and ACHPR/Res.252 (LIV) 13 on the renewal of the mandate of the Working Group, and ACHPR/Res.296 (EXT.OS/XVI) 14 on the appointment of expert members of the Working Group;


Recalling its Resolution ACHPR/Res.236 (LIII) 13 on illicit capital flight from Africa requesting the Working Group and the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa to undertake an in-depth study on the impact of illicit capital flight on human rights in Africa;

Further recalling its Resolution ACHPR/Res.300 (EXT.OS/XVI) 14 on the right to water obligations requesting the Working Group to develop principles and guidelines on the right to water in order to assist States in implementing their obligations in relation to the right to water;

Noting with appreciation the work done by the Working Group on Economic, Social and Cultural Rights in Africa under the leadership of Commissioner Mohamed Béchir Khalfallah since his appointment on 25 November 2009;

Noting that the mandate of the Chairperson and members of the Working Group is coming to an end;
Further recognising the importance of the work of the Working Group in promoting and protecting economic, social and cultural rights in Africa and the need to enable the Working Group to continue to implement its mandate;

Decides to:

- Appoint Commissioner Jamesina E.L. King as Chairperson of the Working Group for an initial period of two years, with effect from 18 November 2015;

- Renew for the same period the mandate of Commissioner Maya Sahli Fadel and Commissioner Soyata Maiga as members of the Working Group;

- Renew for the same period the mandate of the following expert members:

  i. Prof. Frans Viljoen
  ii. Mr Ibrahima Kane
  iii. Mr Chafi Bakari
  iv. Mr Gaye Sowe
  v. Ms Salima Namusobya
  vi. Ms Nadia Ait-Zai
  vii. Dr Martial Jeugue Doungue
  viii. Mr Sidi Tidiane Gueye
  ix. Ms Helene Ramos dos Santos

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.317 (LVII) 2015: Resolution on the Renewal of the Mandate of the Chairperson and Members of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session held from 4 to 18 November 2015 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling its Resolution ACHPR/Res.42 (XXVI) 99 adopted at its 26th Ordinary Session held in Kigali, Rwanda, urging States Parties to envisage a moratorium on the death penalty;

Further recalling the decision of the African Commission at its 37th Ordinary Session to appoint two Commissioners to work with the Special Rapporteur on Prisons and Conditions of Detention in Africa to prepare a concept paper on the Question of the Death Penalty in Africa;

Recalling its Resolution ACHPR/Res.79(XXXVIII) 05 on the composition and work of the Working Group on Death Penalty adopted at its 38th Ordinary Session to expand the composition of the Working Group to include two members of the Commission and five independent experts and to broaden its mandate;

Considering the trends in international law which encourage the abolition of the death penalty, in particular, the 2nd Optional Protocol to the International Covenant on Civil and Political Rights, the Statute of the International Criminal Court, the Resolution of the UN Commission on Human Rights 2005/59 relating to the Death Penalty, the practices adopted by the States Parties to the UN Charter and the debates and initiatives undertaken by civil society and other stakeholders on the question of the death penalty;

Bearing in mind Resolution 62/149 of the General Assembly of the United Nations adopted in 2007 calling on all States that still retain the death penalty to, inter alia, observe a moratorium on executions with a view to abolishing the death penalty;

Bearing in mind its Resolution ACHPR/Res.113 (XXXXII) 07 on the renewal of the mandate and the appointment of Commissioner Kayitesi Zainabo Sylvie as the Chairperson of the Working Group on Death Penalty adopted at the 42nd Ordinary Session held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Recalling its Resolution ACHPR/Res.136(XXXXIIII) 08 calling on States Parties to observe the moratorium on the death penalty adopted at its 44th Ordinary Session held from 10 to 24 November 2008 in Abuja, Federal Republic of Nigeria;

Further recalling its Resolution ACHPR/Res.201 (L) 11 on the renewal of the mandate of the Chairperson and the appointment of members of the Working Group
on Death Penalty in Africa adopted at its 50th Ordinary Session held from 22 October to 5 November 2011 in Banjul, The Gambia;

Recalling further its Resolution ACHPR/Res.227 (LII) 2012 on the expansion of the mandate of the Working Group to include questions on extrajudicial, summary or arbitrary killings adopted at its 52nd Ordinary Session held from 9 to 23 October 2012 in Yamoussoukro, Côte d’Ivoire;

Recognizing that eighteen (18) States Parties to the African Charter have already abolished the death penalty and twenty-four (24) others have declared a moratorium on its implementation;

Reaffirming the commitment of the African Commission to promote the right to life and to encourage States Parties to abolish the death penalty;

Considering the need to continue to advocate for the abolition of the death penalty in Africa;

Considering the importance to continue to work with States Parties to the African Charter towards the adoption of the draft Protocol to the African Charter on Human and Peoples’ Rights on the Abolition of the Death Penalty in Africa;

Noting with appreciation the work done by the Working Group under the leadership of Commissioner Kayitesi Zainabo Sylvie during the last eight years;

Further noting that the mandate of the Chairperson and Members of the Working Group has come to an end;

Further recognizing the importance of the work of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and the need to ensure continuity of the Working Group;

Decides to:

i. Re-appoint Commissioner Kayitesi Zainabo Sylvie as the Chairperson of the Working Group for a period of two years starting from 18 November 2015;

ii. Re-appoint Commissioner Maya Sahli Fadel and Commissioner Med Kaggwa as Members of the Working Group for the same period; and

iv. Renew for the same period the mandate of the following Experts:

- Ms Alice Mogwe;
- Prof. Philip Francis Iya;
- Prof. Carlson E. Anyangwe;
- Mr Fares Bouzenia; and
- Mr Clement Capo-Chichi.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.318 (LVII) 2015: Resolution on the Renewal of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 57th Ordinary Session held in Banjul, The Gambia from 4 to 18 November 2015;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);


Also bearing in mind the adoption in 2009 and the coming into force in 2012 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);

Recalling the decision adopted at its 35th Ordinary Session held from 21 May to 4 June 2004 in Banjul, The Gambia, establishing a Special Mechanism on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Mindful of Resolution ACHPR/Res. 72(XXXVI) 04 adopted at its 36th Ordinary Session held from 23 November to 7 December 2004 in Dakar, Senegal, and which defined the mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Recalling Resolution ACHPR/Res. 95(XXXIX) 06 expanding the mandate of the Special Rapporteur to also include migrant issues;

Recalling Resolution ACHPR/Res.180(XLIX) 11 appointing Commissioner KAYITESI Zainabo Sylvie as Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Recalling Resolution ACHPR/Res. 230 (L) 11 appointing Commissioner Maya Sahli Fadel as Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Recalling further Resolution ACHPR/Res. 246 (LIV) 13 of 5 November 2013 renewing the mandate of Commissioner Maya Sahli Fadel as Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Concerned about the increase in the number of migrants trying to leave their countries, and travelling in dangerous and inhuman conditions;
Taking into account the constantly worsening situation of refugees, asylum seekers, internally displaced persons and migrants;

Considering the need to continue to advocate for the ratification of the Kampala Convention and its effective implementation on the continent by States Parties;

Considering the need to continue to work with States Parties to the African Charter on Human and Peoples' Rights towards the adoption of the draft Additional Protocol to the African Charter on the Right to Nationality and the Eradication of Statelessness in Africa;

Reiterating the importance of the mechanism of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Noting with satisfaction the work accomplished by Commissioner Maya Sahli Fadel as Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Considering that the mandate of Commissioner Maya Sahli Fadel has expired;

Considering also the need for the mechanism of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa to continue to carry out its mandate;

Decides to renew the mandate of Commissioner Maya Sahli-Fadel as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa for a two-year period, with effect from 18 November 2015.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.319 (LVII) 2015: Resolution on the drafting of Guidelines on Freedom of Association and Assembly in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session, held from 4 to 18 November 2015, in Banjul, The Gambia

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);


Further recalling its Resolutions ACHPR/Rés.119 (XXXXII) 07, ACHPR/ Rés.196 (L) 11, ACHPR/ 125 (XXXXII) 07 and ACHPR/Rés.248 (LIV) 13 relevant to the mandate and the situation of human rights defenders in Africa;

Bearing in mind its Resolution ACHPR/ 273 (LV) 14 on the extension of the scope of the mandate of the Special Rapporteur on Human Rights Defenders in Africa to include reprisals against human rights defenders, adopted at its 55th Ordinary Session from 28 April to 12 May 2014, in Luanda, Angola;

Considering Resolution ACHPR/Res.151 (XLVI) 09 of 25 November 2009 on the need for the conduct of a study on freedom of association in Africa, adopted at its 46th Ordinary Session, in Banjul, The Gambia;


Further considering Resolution ACHPR/Res.229 (LII) 12 of 22 October 2012 on the extension of the deadline for the study on freedom of association and extension of the scope of the study to include freedom of peaceful assembly in Africa, adopted at its 52nd Ordinary Session, held from 9 to 22 October 2012 in Yamoussoukro, Ivory Coast;

Recalling Resolution ACHPR/Res.261 (LIV) 13 of 5 November 2013 on the extension of the deadline for the study on freedom of association and assembly in Africa, adopted at its 54th Ordinary Session, held from 22 October to 5 November 2013 in Banjul, The Gambia;

Bearing in mind that during the 56th Ordinary Session, held from 21 April to 7 May 2015 in Banjul, The Gambia, the Commission launched the Report of the Study Group on Freedom of Association and Assembly in Africa;
Further considering that the Report of the Study Group on Freedom of Association and Assembly in Africa, among others, recommends drafting and disseminating guidelines on the freedom of association and assembly;

Bearing in mind the interest of relevant stakeholders on the adoption of guidelines on freedom of association and assembly, by the African Commission on Human and Peoples’ Rights;

1. Decides to draft guidelines on freedom of association and assembly within a period of one (1) year, starting from 18 November 2015;

2. Decides to assign the task of drafting the said guidelines to the Study Group on Freedom of Association and Assembly, under the supervision of the Special Rapporteur on Human Rights Defenders in Africa;

3. Decides accordingly, to renew the mandate of the Study Group on Freedom of Association and Assembly for one (1) year, starting from 18 November 2015.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.320 (LVII) 2015: Resolution on the Renewal of the Mandate of the Special Rapporteur on Freedom of Expression and Access to Information in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 57th Ordinary Session held from 04 to 18 November 2015, in Banjul, The Gambia:

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Aware that in the exercise of its mandate, the Commission has established various mechanisms for the promotion and protection of human and peoples’ rights in Africa;

Recalling the Resolution on the Mandate and Appointment of the Special Rapporteur on Freedom of Expression in Africa adopted at its 36th Ordinary Session held from 23 November to 07 December 2004 in Dakar, Senegal;

Emphasizing that the right to freedom of expression and access to information is a fundamental human right guaranteed inter alia by Article 9 of the African Charter;

Recalling the adoption of the Declaration of Principles on Freedom of Expression in Africa (the Declaration), at its 32nd Ordinary Session held from 17 to 23 October 2002, in Banjul, The Gambia, which elaborates the nature, content and extent of the right to freedom of expression and access to information provided for under Article 9 of the African Charter;

Reaffirming the commitment of the Commission to promote the right to freedom of expression and access to information and monitor the implementation of the Declaration within Member States of the African Union;

Recalling Resolution ACHPR/Res.84 (XXXXV) 05, appointing Commissioner Faith Pansy Tlakula, as Special Rapporteur on Freedom of Expression in Africa adopted at the 38th Ordinary Session held from 21 November to 05 December 2005, in Banjul, The Gambia;

Recalling Resolution ACHPR/Res.122 (XXXXII) 07 on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa adopted at the 42nd Ordinary Session held from 15 to 28 November 2007, in Brazzaville, Republic of Congo;

Recalling Resolution ACHPR/Res161 (XLVI) 09, renewing the mandate of the Commissioner Faith Pansy Tlakula, as Special Rapporteur, adopted during the 46th Ordinary Session held from 11 to 24 November 2009 in Banjul, The Gambia;

Recalling Resolution ACHPR/Res.199 (L) 11, renewing the mandate of the Commissioner Faith Pansy Tlakula, as Special Rapporteur, adopted during the 50th Ordinary Session held from 24 October to 05 November 2011 in Banjul, The Gambia;
Further recalling Resolution ACHPR/Res.247 (LIV) 2013 on renewing the mandate of the Commissioner Faith Pansy Tlakula, as Special Rapporteur, adopted during the 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia;


Noting with appreciation the work done by Commissioner Faith Pansy Tlakula as Special Rapporteur of Freedom of Expression and Access to Information in Africa during the past ten (10) years;

Considering that the mandate of Commissioner Faith Pansy Tlakula as Special Rapporteur on Freedom of Expression and Access to Information in Africa will end on 18 November 2015;

Further considering the need to allow the Special Rapporteur on Freedom of Expression and Access to Information in Africa to carry out her mandate as contained in Resolution ACHPR/Res.122 (XXXII) 07 on the Expansion of the Mandate and Re-appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa;

Decides to re-appoint Commissioner Faith Pansy Tlakula as Special Rapporteur on Freedom of Expression and Access to Information in Africa for a period of two years, effective from 18 November 2015.

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights, held from 4 to 18 November 2015 in Banjul, The Gambia

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session in Banjul, The Gambia held from 4 to 18 November 2015:

Recalling all the relevant regional and international human rights instruments, specifically Articles 21 and 24 of the African Charter on Human and Peoples’ Rights, on the right of all peoples to freely dispose of their wealth and natural resources and to a general satisfactory environment favourable to their development;

Recalling the unconditional responsibility of State Parties to prevent all forms of violations of human and peoples’ rights, including violations of human and peoples’ rights by non-state actors;

Concerned by the increasing rate of the destruction of the African environment and ecosystem by extractive industrial activities with impunity;

Convinced of the need for an improved protection of human rights, especially through improving the regulatory framework of the activities of the extractive industries including mining, oil, gas, and timber extraction, developing effective continental mechanisms for monitoring the human rights impact of the activities of the extractive industries and the development of jurisprudence on holding non-state actors accountable for human rights violations in Africa;


Recalling Resolution ACHPR/Res.98(L) 2011 appointing the Chairperson and Commission members of the Working Group for an initial period of two years, adopted at its 50th Ordinary Session held in Banjul, The Gambia, from 24 October to 5 November, 2011;


Mindful of Resolution ACHPR/Res.236 (LIII) 2013 on the illicit flight of capital from Africa, adopted during the 53rd Ordinary Session held from 9 to 23 April 2013 and which required the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa and the Working Group on Economic, Social and Cultural Rights in Africa to carry out an in-depth study on the impact of the illicit flight of capital on human rights in Africa;
Noting with appreciation the work undertaken during the past years by the Working Group under the leadership of Commissioner Pacifique Manirakiza;

Considering that the mandate of the Chairperson comes to an end;

Recognizing the importance of the Working Group and the need to allow the Working Group to continue to carry out its mandate;

DECIDES:

(i) to appoint the following for an initial period of two years taking effect as of 18 November 2015: Commissioner Solomon Ayele Dersso as Chairperson of the Working Group; Commissioner Yeung Kam John Yeung Sik Yuen, and Commissioner Jamesina E.L King as Members for the same period; and

(ii) To maintain the current Expert Membership composition of the Working Group, as applicable, in line with its ACHPR/Res.268 (LV) 2014: On Appointing Expert Members for the Working Group as follows:

- Mr. Clement Voulé;
- Professor James Gathii;
- Ms. Valerie Couillard;
- Professor Michelo Hansungule;
- Ms. Sheila Keetharuth; and
- Mr. Eric Kassongo Kalonji

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights, held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.322 (LVII) 2015: Resolution on the Renewal of the Mandate and Reconstitution of the Committee for the Prevention of Torture in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session, held in Banjul, The Gambia, from 4 to 18 November 2015;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under Article 45 of the African Charter on Human and Peoples’ Rights (African Charter);

Bearing in mind Article 5 of the African Charter which enshrines the right to the respect of the dignity inherent in a human being and prohibits all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment;

Recalling the Guidelines and Measures for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (the Robben Island Guidelines) adopted at the Commission’s 32nd Ordinary Session, held in Banjul, The Gambia, from 17 to 23 October 2002;

Further recalling the establishment of the Robben Island Guidelines Follow-Up Committee in 2004 with the mandate to give effect to the implementation of Article 5 of the Charter and the Robben Island Guidelines;

Considering Resolution ACHPR/Res158 (XLVI) 09, that changed the name of the Robben Island Follow-up Committee to the Committee for the Prevention of Torture in Africa;

Taking account of Resolution ACHPR/Res.254 (LIV) 13 on the Appointment of the Chairperson and Renewal of the Mandate of the Members of the Committee for the Prevention of Torture in Africa, adopted at its 54th Ordinary Session held from 22 October to 5 November 2013, in Banjul, The Gambia;

Noting with appreciation the work undertaken by the Committee for the Prevention of Torture in Africa under the leadership of the Chairperson of the Committee, Commissioner Lawrence Murugu Mute, since his appointment on 5 November 2013;

Noting that the mandate of the Chairperson and members of the Committee has come to an end;
Considering the need to allow the Committee for the Prevention of Torture in Africa to continue carrying out its mandate and address urgent issues falling within its mandate;

The Commission decides to:

i. Renew the appointment of Commissioner Lawrence Murugu Mute as Chairperson of the Committee for a period of two years;

ii. Renew for the same period the mandate of Commissioner Med. S. K. Kaggwa and Commissioner Lucy Asuagbor as members of the Committee;

iii. Appoint Commissioner Solomon Ayele Dersso as a member of the Committee for the same period; and

iv. Maintain for the same period, the membership of the following experts:

- Mr Jean-Baptiste Niyizurugero – Vice Chairperson;
- Ms Hannah Forster – Member; and
- Mr Malick Sow – Member.

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights, held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.323 (LVII) 2015: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES IN AFRICA

The African Commission on Human and Peoples’ Rights (the African Commission) meeting at its 57th Ordinary Session held from 4th to 18th November 2015, in Banjul, The Gambia;

Considering its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling that the African Commission established a Working Group on Indigenous Populations/Communities (the Working Group) composed of ten members, amongst them, three Members of the African Commission;

Further recalling its Resolution ACHPR/Res.65 (XXXIV) 03 on the Report of the African Commission’s Working Group adopted at its 34th Ordinary Session held in Banjul, The Gambia, from 6 to 20 November 2003;

Recalling Resolutions ACHPR/Res.123 (XXXXII) of 2007; ACHPR/Res.155 (XLV1) of 2009; ACHPR/Res.204 (L) of 2011; and ACHPR/Res.249 of 2013 all renewing the mandate of the Working Group for consecutive two years;

Bearing in mind ACHPR/Res.237 of 2013 appointing two new expert members for the Working Group;

Noting with appreciation the work undertaken by the Working Group under the leadership of Commissioner Soyata Maiga during the past two years in the discharge of its mandate;

Noting further that the term of the Chairperson and members of the Working Group has come to an end;

Recognizing further the importance of the work of the Working Group in the promotion and protection of the rights of indigenous populations/communities in Africa and the necessity to allow the Working Group to continue to carry out its mandate;

Decides to:

ix. Renew the mandate of Commissioner Soyata Maiga as Chairperson of the Working Group;

x. Renew the mandate of Commissioner Lucy Asuagbor as a member of the Working Group;
xi. Appoint Commissioner Reine Alapini-Gansou as a member of the Working Group;

xii. Maintain the membership of the following experts:

- Mr. Mohammed Khattali
- Ms. Marianne Jensen
- Dr. Melakou Tegegn
- Dr. Naomi Kipuri
- Dr. Albert Barume
- Ms Lesle Jansen
- Ms Hawe Bouba

The mandate of the Working Group is 2 years and shall take effect on 18 November 2015.

ACHPR/Res.324 (LVII) 2015: Resolution on the Renewal of the Mandate of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 57th Ordinary Session held from 4 to 18 November 2015, in Banjul, The Gambia;

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming the importance of observing the objectives and principles of the African Charter for the promotion and protection of the human rights of all, including those of detainees and prisoners;

Recalling its decision taken at its 20th Ordinary Session held in Grand Bay, Mauritius in October 1996 to establish the office and to appoint a Special Rapporteur on Prisons and Conditions of Detention in Africa, as a prison monitoring mechanism;

Further recalling its decision taken at its 38th Ordinary Session held in Banjul, The Gambia, in November/December 2005 to appoint the Special Rapporteur on Prisons and Conditions of Detention in Africa;

Bearing in mind Resolution ACHPR/Res.126 (XXXXII) 07 on the Appointment of the Special Rapporteur on Prisons and Conditions of Detention in Africa adopted at the 42nd Ordinary Session held from 15 – 28 November 2007, in Brazzaville, the Republic of Congo;


Bearing in mind Resolution ACHPR/Res.228 (LII) 2012 on the need to develop guidelines on conditions of police custody and pre-trial detention in Africa adopted at the 52nd Ordinary Session held from 9 to 22 October 2012, in Yamoussoukro, Côte d’Ivoire, which authorize the Special Rapporteur on Prisons and Conditions of Detention in Africa to develop ‘Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa’ including tools for its effective implementation;

Considering the adoption of the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa during the 55th Ordinary Session of the Commission held from 28 April to 12 May 2014, in Luanda, Angola;

Recalling Resolution ACHPR/Res.306 (EXT.OS/ XVIII) 2015 Expanding the Mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa to include issues relating to Policing and human rights with the following amended
title: The Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;

Noting with appreciation the work already carried out by Commissioner Med S.K. Kaggwa as the Special Rapporteur on Prisons and Conditions of Detention in Africa and subsequently as the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;

Considering that the mandate of Commissioner Med S.K. Kaggwa as the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa has come to an end;

Decides to renew the mandate of Commissioner Med S.K. Kaggwa as the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa for a period of two years, effective from 18 November 2015.

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights, held from 4 to 18 November 2015 in Banjul, The Gambia
ACHPR/Res.325 (LVII) 2015: Resolution on the Appointment of the Chairperson 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

The African Commission on Human and Peoples’ Rights, meeting at its 57th Ordinary Session held in Banjul, The Gambia, from 4 to 18 November 2015;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recognising that the African Commission on Human and Peoples’ Rights (the Commission) has a fundamental role to protect the most vulnerable groups in Africa against human rights abuses;

Recognising also that a unique feature of the HIV pandemic is the overwhelming nature of the accompanying stigma;

Noting that in circumstances where the rule of law and human rights are not respected as an integrated part of society, the most vulnerable groups within that society are often denied the level of protection they require and hence, are exposed to increased vulnerability;

Recognising that people living with HIV and those at risk are currently one of the most vulnerable groups exposed to serious violations of human rights in Africa;

Recalling its previous Resolutions: ACHPR/Res.53 (XXIX) 01, on the HIV/AIDS Pandemic – Threat Against Human Rights and Humanity; ACHPR/Res.141 (XLIV)08, on access to health and needed medicines in Africa; ACHPR/Res.163(XLVII)10 on the establishment 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 (the HIV Committee); and ACHPR/Res.260(LIV)13, on Involuntary Sterilization and the Protection of Human Rights in Access to HIV Services;

Considering the obligations of States Parties under the African Charter and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol) among others, to protect and promote the rights of people living with HIV (PLHIV);

Concerned that Africa continues to bear the greatest burden of the HIV epidemic, and also that despite commitments undertaken by State parties and regional bodies, PLHIV and those at risk continue to face serious violations of their basic human rights;

Recalling further Resolution ACHPR/Res. 290 (EXT.OS/XVI) 14, adopted during the 16th Extra-Ordinary Session, mandating the HIV Committee to Conduct a Study on HIV, the Law and Human Rights;
Mindful that the research on the study is currently being undertaken and Aware of the significance of the potential contribution of the study to the promotion and protection of the human rights of people living with HIV, and those at risk, vulnerable to and affected by HIV;

Recognising the considerable amount of work done by Commissioner Lucy ASUAGBOR in her capacity as the Chairperson of the Committee;

Decides:

(i) To appoint Commissioner Soyata MAIGA as Chairperson of the Committee, and Commissioner Lucy ASUAGBOR as a Member of the HIV Committee, effective 18 November 2015; and

(ii) To maintain the remaining membership composition of the HIV Committee, as follows, in line with its Resolution 279 (LV)14, on the Extension of the Mandate of the Committee on the Protection of the Rights of People living with HIV, and those at Risk, Vulnerable to and affected by HIV in Africa, and Resolution 285 (EXT.OS/XVI) 14 Appointing an Expert Member for the Committee on the Protection of the Rights of People Living with HIV (PLHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa:

a) Commissioner Members of the Committee:

1. Honourable Commissioner Reine ALAPINI GANSOU, Member; and

b) Expert Members of the Committee:

1. Mrs. Agnes ATIM APEA (Uganda);
2. Mr. Patrick Michael EBA (Côte d’Ivoire);
3. Mr. Patrick Le doux DUTZUE FOGUE (Cameroon);
4. Mr. Christian GARUKA NSABIMANA (Rwanda);
5. Mr. Ebenezer TOPE DUROJAYE (Nigeria); and
6. Ms. Ann STRODE (South Africa)

Adopted on 17 November 2015 at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights, held from 4 to 18 November 2015, in Banjul, The Gambia
ACHPR/Res.326 (LVII) 2015: RESOLUTION ON THE APPOINTMENT OF A NEW COMMISSIONER FOR THE TRANSITIONAL JUSTICE STUDY IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 57th Ordinary Session in Banjul, The Gambia held from 4 to 18 November 2015:

Recalling its mandate to promote human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights;

Recalling Resolution ACHPR/Res.235 (LIII) 2013: on Transitional Justice in Africa, adopted by the Commission at its 53rd Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia, mandating Commissioner Pacifique Manirakiza to prepare a study on transitional justice in Africa;

Further recalling Resolution ACHPR/Res.278 (LV) 2014: on the extension of the deadline for the Study on Transitional Justice in Africa, adopted by the Commission at its 55th Ordinary Session, in Luanda, Angola, 28 April to 12 May 2014, extending the deadline of the study by two years and requesting the report of the study in May 2016;

Considering that the mandate of Commissioner Pacifique Manirakiza as the Focal Person for the Study has come to an end;

Recognizing the importance of the work of the Focal Person and the need to consolidate and finalize the research;

Decides to task Commissioner Solomon Ayele Dersso as Focal person for the Study;

Further Decides that a Report on the Study be presented to the Commission for consideration in May 2016.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res.327 (LVII) 2015: RESOLUTION ON THE APPOINTMENT OF THE
SPECIAL RAPPORTEUR ON THE RIGHTS OF WOMEN IN AFRICA

The African Commission on Human and Peoples’ Rights (the Commission) meeting
at its 57th Ordinary Session held from 04 to 18 November 2015, in Banjul, The
Gambia:

Recalling its mandate to promote human and peoples’ rights under the African
Charter on Human and Peoples’ Rights;

Taking note of Resolution ACHPR/Res.38 (XXXVIII) 99, adopted at its 25th Ordinary
Session, held from 26 April to 5 May 1999 in Bujumbura, Burundi, on the
establishment of a Special Mechanism on the Rights of Women in Africa;

Further recalling its decision taken at its 30th Ordinary Session, held from 17 to 27
October 2001 in Banjul, The Gambia, to appoint the Special Rapporteur on the Rights
of Women in Africa; the Resolution ACHPR/Res.63(XXXIV) 03, adopted at its 34th
Ordinary Session, held in Banjul, the Gambia, from 6 to 20 November 2003; the
Resolution ACHPR/Res.78(XXXVIII) 05, adopted at its 38th Ordinary Session, held
from 21 November to 6 December 2005 in Banjul, the Gambia, on the renewal of the
Mandate of the Special Rapporteur.

Recalling also its Resolution ACHPR/Res.112(XXXXII) 07 adopted at the 42nd
Ordinary Session, held from 15 to 28 November 2007 in Brazzaville, Republic of
Congo, on the appointment of Commissioner Soyata Maiga as the mandate of the
Special Rapporteur on the Rights of Women in Africa;

Further taking note of its Resolutions ACHPR/Res.154 (XLVI) 09, ACHPR/Res.205
(L) 11 and ACHPR/Res.245 (LIV) 13 on the renewal of the mandate of Commissioner
Soyata Maiga as the Special Rapporteur on the Rights of Women in Africa;

Bearing in mind the adoption and entry into force of the Protocol to the African
Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the
Maputo Protocol);

Considering General Comments on Article 14(1) (d) and (e) of the Maputo Protocol
and General Comments No.2 on Article 14.1.a), b), c) et f) and Article 14.2.a) et c) of
the Maputo Protocol;

Aware that many challenges confronting women on the African continent relate to
the recognition, exercise and enjoyment of their human rights;

Considering the need to continue advocating for the ratification and implementation
of the Maputo Protocol by States Parties on the Continent;
Recognizing the considerable amount of work done by Commissioner Soyata Maiga in her capacity as the Special Rapporteur on the Rights of Women in Africa since her appointment in 2007;

Considering that the mandate of Commissioner Soyata Maiga has come to an end;

Reaffirming the importance of the mechanism of the Special Rapporteur on the Rights of Women in Africa;

Considering the need for the Special Mechanism to continue the implementation of its mandate;

Decides to appoint for two years Commissioner Lucy Asuagbor as the Special Rapporteur on the Rights of Women in Africa, effective from 5 November 2015.

Adopted at the 57th Ordinary Session of the African Commission on Human and Peoples’ Rights held in Banjul, The Gambia, from 4 to 18 November 2015
ACHPR/Res. 328 (EXT.OS/XIX) 2016: Resolution on the Modification of the Mandate of the Working Group on Specific Issues relevant to the Work of the Commission

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 19th Extra-Ordinary Session held in Banjul, The Islamic Republic of The Gambia, from 16 to 25 February 2016;

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights;

Recalling also Resolution ACHPR/Res.77 (XXXVII) 05 on the creation of a Working Group on Specific Issues Relevant to the Work of the Commission (the Working Group);

Recalling further its previous: Resolution ACHPR/Res.124 (XXV) 07 and Resolution ACHPR/Res.150 (XLV) 09 renewing the mandate of the Working Group; Resolution ACHPR/Res.233 (EXT.OS/XIII) 13 reconstituting the Working Group and modifying its mandate and composition; Resolution ACHPR/Res.280 renewing the mandate of the Working Group; and Resolution ACHPR/Res.311 (LVI) 15 reconstituting the membership of the Working Group;

Noting with appreciation the accomplishments of the Working Group since its establishment;

Bearing in mind that the Working Group has in recent years been tasked with additional responsibilities pertaining to current matters relevant to the work of the Commission;

Also bearing in mind the establishment of a Legal Aid Fund for all African Union Human Rights Organs, as a result of which the mandate of the Working Group to establish a Voluntary Fund for Human Rights in Africa has become redundant;

Recognizing the need therefore, to modify the mandate of the Working Group;

The Commission:

Decides that the mandate of the Working Group be modified as follows, to:

i. Deal as a matter of priority with the monitoring and evaluation of the implementation of the Strategic Plan of the Commission for the years 2015 – 2019, and the associated resource mobilization strategy;

ii. Deal with the mechanism and procedure for the follow-up on the recommendations and decisions of the Commission other than those relating to Communications or those provided for under the Commission’s Rules of Procedures;

iv. Advise the Commission on the governance and functioning of the Commission and its Secretariat in close collaboration with the Advisory Committee on Budgetary and Staff Matters; and

v. Perform any other tasks which may be entrusted to it by the Commission.

Requests the Secretariat of the Commission to employ all necessary efforts to mobilize resources that would assist the Working Group to carry out its mandate.


The African Commission on Human and Peoples' Rights (the Commission), meeting at its 19th Extra-Ordinary Session held from 16 to 25 February 2016 in Banjul, The Islamic Republic of The Gambia;

Considering its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling that it established a Working Group on indigenous populations/communities in Africa (the Working Group) composed of ten members, including three members of the Commission;

Further recalling its Resolution ACHPR/Res.65 (XXXIV) 03 on the Report of the Working Group of the Commission adopted at its 34th Ordinary Session held in Banjul, The Gambia from 6 to 20 November 2003;

Recalling Resolutions ACHPR/Res.123 (XXXII) of 2007, ACHPR/Res.155 (XLVI) of 2009, ACHPR/Res.204 (L) of 2011, ACHPR/Res.249 (LIV) of 2013 and ACHPR/Res.323 (LVII) of 2015 on the renewal of the Working Group’s mandate for a period of two years each;

Bearing in mind Resolution ACHPR/Res.237 (LIII) of 2013 on the appointment of two new expert members of the Working Group;

Recognizing the importance of the actions of the Working Group in the promotion and protection of the rights of indigenous populations/communities in Africa, and the need to allow the Working Group to continue carrying out its mandate;

Cognizant of the need for the Working Group to expand its membership to properly discharge its mandate;

Mindful of the need to guarantee equal representation taking into consideration, in particular, the gender balance and geographical, linguistic and legal diversity;

The Commission:

Decides to appoint Mr. Belkacem Lounes (Algeria) as a member of the Working Group from this day 25 February 2016 to 4 November 2017.

ACHPR/Res.330 (EXT.OS/XIX) 2016: Resolution on the Appointment of a New Expert Member of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session held from 16 to 25 February 2016 in Banjul, The Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling its Resolution ACHPR/Res.118 (XXXXII), on the Appointment of a Focal Point on the Rights of Older Persons in Africa, that was adopted at the 42nd Ordinary Session, held from 15 to 28 November 2007 in Brazzaville, Republic of Congo;

Further recalling its Resolution ACHPR/Res.143 (XXXXV) 09 transforming the Focal Point on the Rights of Older Persons in Africa into a Working Group on the Rights of Older Persons and People with Disabilities in Africa;

Considering that the African Charter makes specific provisions for the protection of these rights, under Article 18 (4), which stipulates that “the aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs”;

Appreciating the work of the focal point in advocating for a rights-based approach towards protecting the rights of older persons;

Considering the mandate assigned to the Working Group on the Rights of Older Persons and People with Disabilities, and to facilitate the process of drafting the Protocol on Ageing, ensuring compliance by State Parties with the recommendations contained in the AU Policy Framework and Plan of Action on Ageing;

Recalling Resolution ACHPR/Res.189 (XLIX) 2011 adopted in May 2011, increasing the number of Experts of the Working Group to effectively implement its mandate;

Further recalling Resolution ACHPR/Res.250 (CCL) 13 on the renewal of the mandate and appointment of the Chairperson and other Members of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa;

Considering Resolution ACHPR/Res.312 (LVII) 2015 on the Renewal of the Mandate and Reconstitution of the Working Group on the Rights of Older Persons and People with Disabilities in Africa

Considering that the Working Group needs additional expertise to efficiently conduct its mandate;
The Commission:

Decides to complement the number of Expert Members of the Working Group with the appointment of Ms Géronime Tokpo (Benin) as Expert Member of the Working Group from this day 25 February 2016 to 4 November 2017.

ACHPR/Res. 331 (EXT. OS/XIX) 2016: Resolution on Elections in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 16 to 25 February 2016;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law;”

Considering the African Charter on Democracy, Elections and Governance (the African Charter on Democracy) which emphasizes the importance of entrenching a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies;

Further considering Article 11 of the African Charter on Democracy which calls on State Parties to develop the necessary legislative and policy frameworks to establish and strengthen a culture of democracy and peace;

Cognizant of the provisions of Article 9 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa which calls on State Parties to take specific positive action to promote participative governance and the equal participation of women in the political life of their countries;

Bearing in mind its previous Resolutions on elections, including: Resolutions ACHPR/Res.23 (XIX) 96; ACHPR/Res.133 (XXXIII) 08; ACHPR/Res.164 (XLVII) 2010; ACHPR/Res.174 (XLVIII) 2010; ACHPR/Res.232 (EXT.OS/XIII) 2013; ACHPR/Res.239 (EXT.OS/XIV) 2013; ACHPR/Res. 272 (LV) 2014; and ACHPR/Res.293 (EXT.OS/XVII) 2015;

Emphasizing the importance of peaceful, free, fair and transparent elections and referenda, and the acceptance by all parties of the results;

Concerned by the deterioration of the human rights situation in some African countries before, during, and after elections and the irregularities surrounding electoral processes that can lead to the breakdown of the rule of law;

Congratulates African countries that have held successful elections, in particular countries which are emerging from conflict such as the Central African Republic, and further
commends the African Union and the international community for the support given to these countries;

**Noting** that elections will be held in the following State Parties in 2016: Benin, Cape Verde, Chad, Comoros, Côte d’Ivoire, Djibouti, the Democratic Republic of Congo, Equatorial Guinea, Gabon, The Islamic Republic of The Gambia, Ghana, Republic of Congo, Sao Tome and Principe, Seychelles, Somalia, Zambia and Zanzibar (in Tanzania);

The Commission:

(i) **Calls on** State Parties to:

- Ensure compliance with the African Charter, and relevant regional and international human rights instruments, during the electoral process;
- Create conducive conditions to ensure peaceful, free, fair and transparent elections and referenda in order to allow citizens to exercise their right to vote in an environment free of intimidation, violence, or any other impediment;
- Take specific positive action to promote participative governance and the equal participation of women;
- Take all measures to prevent, investigate and prosecute human rights violations which may occur during the election period, and provide adequate redress to victims;
- Ensure that all parties participating in the elections, in particular the opposition parties, are allowed to conduct their campaign freely and are given equitable access to State controlled media and resources;
- Respect the independence of the national institution responsible for the management of elections and provide sufficient resources to carry out its mission;
- Allow the participation of independent election observers to observe the entire electoral process;

(ii) **Calls on** all candidates and political parties to:

- Accept the outcome of elections, or challenge the results through legally recognised structures established to resolve electoral disputes;
- Respect the election laws and regulations;
- Ensure that their supporters do not engage in, or incite, acts of violence either before, during or after the elections;
(iii) **Calls on** election observers to carry out their duty independently;

**Reiterates** its call to State Parties which have not done so, to ratify the African Charter on Democracy, Elections and Governance and to ensure its effective implementation.

**Done in Banjul, The Islamic Republic of The Gambia, 25 February 2016**
ACHPR/Res. 332 (EXT.OS/XIX) 2016: Resolution on Human Rights in Conflict Situations

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 16 to 25 February 2016;

Recalling its mandate to “promote human and peoples’ rights and ensure their protection in Africa”, including in particular in a situation of serious or massive violations of human and peoples’ rights as provided under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that one of the objectives of the African Union (AU), as outlined under Article 3 (f) of its Constitutive Act, includes “promoting peace, security and stability on the Continent” and that Article 3 (f) of the Protocol Establishing the Peace and Security Council (PSC Protocol) has as its objective protecting ‘human rights’ and ‘respect for the sanctity of human life and international humanitarian law’;

Considering further that Article 23 of the African Charter guarantees the rights to peace and security;

Bearing in mind its previous Resolutions pertaining to human rights in conflict situations on the continent, including, amongst others Resolution ACHPR/Res.117 (XLII) 07 on Strengthening the Responsibility to Protect in Africa; Resolutions ACHPR/Res.157 (XLVI) 09 and ACHPR/Res.207 (L) 11 on the General Human Rights Situation in Africa; and Resolution ACHPR/Res.276 (LV) 14 on Terrorist Acts in Africa;

Deeply concerned by the on-going conflict situations affecting various parts of Africa, as well as the consistent reports of violence being faced by civilian populations and the attendant widespread violations of human and peoples’ rights and humanitarian law;

Considering that despite the existing regional normative and institutional frameworks for addressing conflicts and threats of conflicts in Africa, there seem to be limitations in coordinated responses to human rights violations arising in conflict situations;

Mindful of the role of the Commission under the African Charter, in particular, Article 58, to respond to cases of ‘series of serious or massive violations of human
and peoples’ rights and to ensure that human rights issues are addressed in conflict prevention, management and resolution;

**Recognizing** the urgent need for institutionalizing a human rights-based approach to conflict prevention, management and resolution on the continent;

**Further recognising** the need to work closely with the AU Peace and Security Council in accordance with Article 19 of the PSC Protocol and other regional and sub-regional processes, in addressing human rights in conflict situations;

The Commission:

**Decides to:**

1. Conduct a study on human rights in conflict situations in Africa, with a view to developing a comprehensive strategy and framework on the same;

2. Collaborate with the AU Peace and Security Council and other relevant stakeholders working on issues of peace and security, towards enhancing the role of the Commission, as well as its coordination with other continental processes, in addressing human rights issues in conflict situations; and

3. Task Commissioner Solomon Ayele Dersso to work on the implementation of this resolution and report to the 61st Ordinary Session of the Commission.

**Done in Banjul, The Islamic Republic of The Gambia, 25 February 2016**
ACHPR/Res.333 (EXT.OS/XIX) 2016: Resolution on the Situation of Migrants in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session, held from 16 to 25 February 2016 in Banjul, The Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the provisions of Article 5 of the African Charter, which guarantee every individual the right to the respect of the dignity inherent in a human being and consequently prohibit all forms of exploitation and degradation of man, in particular, human trafficking, physical or mental torture, cruel, inhuman or degrading punishment or treatment;

Recalling its resolutions ACHPR/Res.114 (XXXII) 07 and ACHPR /Rés.131(XXXIII) 08 on the situation of migrants;

Considering the provisions of the relevant international and regional instruments concerning arrests and detention, in particular, the Guidelines on the Conditions of Arrest, Custody and Preventive Detention in Africa adopted by the African Commission on Human and Peoples’ Rights at its 55th Ordinary Session held in Luanda, Angola from 28 April to 12 May 2014;

Bearing in mind its Statement on the Deteriorating Situation of Migrants in the Mediterranean Sea made at its 56th Ordinary Session held in Banjul, The Gambia;

Deeply concerned by the loss of many lives among migrants in recent months in the Mediterranean and by the scale of this phenomenon and the disastrous consequences on African populations;

Conscious of the many problems caused by the increase in migration flows at the regional level;

Concerned by the specific vulnerability of certain categories of migrant groups, especially women and children;

Deeply concerned by the difficult situations the growing number of unaccompanied child migrants are confronted with, including detentions, trafficking and the sexual exploitation;
Concerned by the extent of human rights violations of international and regional human rights instruments relating to migrants, in particular, the growing number of cases of detention of migrants under unbearable conditions in certain countries;

Recalling that the detention of undocumented migrants should only be applied as a last resort and that priority should always be given to the use of alternative measures, in particular, for families with children and unaccompanied children;

Condemning the network of smugglers who promote and benefit from the exploitation of migrants resulting in the deliberate endangering of their lives which constitutes a serious violation of their rights;

Recalling the joint commitments made by African States with countries of the European Union during the Malta Conference in November 2015 on migration, to strengthen the protection of migrants, and fight against human trafficking and cooperate on the issue of return and resettlement of migrants;

The Commission:

Calls on States Parties to:

1. Take appropriate measures to respect the human rights of all migrants and ensure that they receive all the necessary protection;
2. Adopt policies, and strategies for cooperation to guarantee the respect of migrants facing arrests and detentions, including migrants found in countries that are not States Parties to the African Charter;
3. Develop alternative approaches to the detention of child migrants and to ensure that in all actions, their best interest is taken into consideration;
4. Establish reporting mechanisms and facilitate the handling of requests for redress concerning cases of human rights violation against migrants; and
5. Ensure that the issue of migrants is incorporated into their periodic reports submitted in accordance with Article 62 of the African Charter and Article 26 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol).

Urges the African Union to develop a strategic plan concerning the management of migratory flows and their consequences both at the regional and international level;

ACHPR/Res. 334 (EXT.OS/XIX) 2016: Resolution on Indigenous Populations / Communities in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session held from 16 to 25 February 2016 in Banjul, The Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further Recalling the relevant provisions of the African Charter, in particular Articles 21 and 22 which recognize the right of all peoples to their economic, social and cultural development and the right to freely dispose of their wealth and natural resources as well as the duty of States to ensure the exercise of these rights;

Concerned over the deteriorating situation of indigenous populations/communities in Africa, particularly in terms of economic, social and cultural rights as a result of the plundering of their ancestral lands followed by serious violations of human rights perpetrated by certain State and non-State actors;

Deeply concerned by the forceful evictions of indigenous populations/communities from their ancestral lands and territories in some African countries;

Deeply concerned about the increased poverty among indigenous populations/communities and the often inadequate, weak and insubstantial legal and institutional frameworks to address social and economic disparities;

Further concerned by the marginalization of and discrimination against indigenous children, youth and women in many African States;

The Commission:

Urges States Parties:

- Prevent and halt forceful evictions of indigenous populations/communities from their ancestral lands and territories;
- Adopt policies and laws that secure the rights of indigenous populations/communities to own, control and manage their ancestral lands in the forests and protected areas;
- Adopt policies and laws that will promote and enhance the rights of indigenous populations/communities to access and benefit from social and economic programmes and projects;
- Adopt policies, laws and measures to promote and protect the rights of indigenous populations/communities from marginalization, discrimination and poverty;
- Respect and promote the rights of indigenous populations/communities to security and ownership of their ancestral lands, right to development, and right to their culture and language.

ACHPR/Res. 335 (EXT.OS/XIX) 2016: Resolution on the Situation of Internally Displaced Persons in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session held from 16 to 25 February 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the provisions of Article 23 of the African Charter guaranteeing all peoples the right to national and international peace and security, among other obligations;

Considering the provisions of relevant UN and regional principles relating to internally displaced persons, including the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), and in particular its Article 3 which calls on States Parties to refrain from, prohibit and prevent arbitrary displacement of populations;

Recalling the commitment made by States Parties in the Preamble of the Kampala Convention to provide durable solutions to situations of internally displaced persons by establishing an appropriate legal framework for their protection and assistance and adopting measures aimed at preventing and putting an end to the phenomenon of internal displacement by eradicating the root causes, especially persistent and recurrent conflicts as well as addressing displacement caused by natural disasters and large development projects which have a devastating impact on human life, peace, stability, security, and development;

Deeply concerned about the massive displacement of populations as a result of armed conflicts, and the devastating consequences on the lives of these populations particularly in terms of insecurity, disease and loss of their possessions;

Concerned at the suffering and vulnerability of certain groups among displaced persons, including women, children, elderly persons and persons with disabilities;

Deeply concerned by the increasing number of violations against displaced persons, particularly children being recruited in armed groups, violence against women and girls, the main targets of warring factions;

Concerned at the extent of violations of the rights of internally displaced persons guaranteed under international and regional human rights instruments;
Concerned by the continued existence of camps for internally displaced persons and the consequences on their rights and those of host communities, as well as the negative impact on the stability and development of countries concerned;

Recalling the primary responsibility of African States to protect their citizens and adopt lasting solutions for internally displaced persons (for their return and resettlement);

The Commission:

Calls on States Parties to the African Charter to:

i. Take appropriate measures in order to respect the human rights of all internally displaced persons and ensure that they receive all necessary assistance and protection adapted to their circumstances;

ii. Ensure that the issue of internally displaced persons is integrated into their periodic reports presented pursuant to Article 62 of the African Charter and Article 26 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol);

Urges States Parties to the Kampala Convention to take all appropriate measures to ensure the protection of populations against forced displacement caused by large development projects in accordance with the provisions of Article 10 of the Convention;

Calls on States Parties that have not yet done so, to ratify the Kampala Convention;

Urges the African Union to intensify efforts for the resolution of armed conflicts, and develop a regional action plan to provide the necessary support to States experiencing natural disasters which result in the massive displacement of populations;

ACHPR/Res.336 (EXT.OS/XIX) 2016: Resolution on Measures to Protect and Promote the Work of Women Human Rights Defenders

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 19th Extra-Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 16 to 25 February 2016;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling its Resolutions ACHPR/Res.69 (XXXV) 04, ACHPR/Res.119 (XXXXII) 07, ACHPR/Res.196 (L) 11 and ACHPR/Res.273 (LV) 2014 relevant to the situation of human rights defenders in Africa and the mandate of the Special Rapporteur on the Human Rights defenders;

Considering the obligations of State Parties under Article 18 (3) of the African Charter and the relevant provisions of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol), particularly in light of the celebration of the African Year of Human Rights with particular focus on the Rights of Women, to eliminate all discrimination against women and ensure the protection of their rights;


Considering that Resolution ACHPR/ Rés.196 (L) 11 acknowledges the difficult environment in which human rights defenders in Africa conduct their work, which is often characterized by arbitrary arrests and detentions, acts of harassment, threats and other forms of intimidation, summary and extra-judicial executions or torture;

Further considering that Resolution ACHPR/ Rés.245 (LIV) 13 recognizes the challenges confronting women in Africa, particularly with regard to the recognition, exercise and enjoyment of their rights;

Emphasizing the importance of State Parties making progress on the implementation of UN General Assembly resolution on Women Human Rights Defenders (A/RES/68/181) of 18 December 2013;

Bearing in mind the human rights protection instruments, particularly the United Nations Declaration on Human Rights Defenders, and that in the Grand Bay Declaration and Action Plan (Mauritius), the Organisation of African Unity (African
Union) called on Member States “to take all the necessary measures to implement the United Nations Declaration on Human Rights Defenders in Africa”;

Emphasizing the obligations of State Parties under other regional and international human rights instruments to protect and promote human rights, particularly the obligation to guarantee the security of persons living in their own country, as well as freedoms of assembly, association, and expression;

Convinced that women human rights defenders face particular barriers to engaging in the defense of human rights and risks in the conduct of their work to defend human rights;

Deeply concerned regarding the impunity that perpetrators of acts of violence on human rights defenders, in particular on women human rights defenders continue to enjoy in a large number of African countries;

Noting efforts by some State Parties to ensure an enabling environment for human rights defenders, including by reaffirming the legitimacy of the work of women human rights defenders;

The Commission:

Calls on State Parties to:

i. disseminate and implement the recommendations of the Commission’s Report on the Situation of Women Human Rights Defenders in Africa, in consultation with relevant stakeholders, and in particular women human rights defenders;

ii. end impunity by adopting specific laws and relevant measures to promote and protect the work of human rights defenders, which should include provisions that recognize and address the specific protection needs of women human rights defenders;

iii. ensure that efforts designed to prevent and address violations and discrimination against women human rights defenders are developed and monitored in consultation with human rights defenders and other relevant stakeholders;

iv. train the judiciary and public security and other relevant authorities on the specific risks and protections for human rights defenders and in particular women human rights defenders;

v. report on the progress made in the promotion and protection of the work of women human rights defenders during presentation of periodic reports to the Commission in accordance with Article 62 of the African Charter

ACHPR/Res. 337(LVIII) 2016: Resolution on the Extension of the Deadline for the Study on Transitional Justice in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session, held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia:

Recalling its mandate to promote human and peoples’ rights in Africa in accordance with the African Charter on Human and Peoples’ Rights;

Recalling Resolution ACHPR/Res.235 (LIII) 2013 on Transitional Justice in Africa, adopted by the Commission at its 53rd Ordinary Session, mandating Commissioner Pacifique Manirakiza to prepare a study on transitional justice in Africa (the Study);

Further recalling Resolution ACHPR/Res.278 (LV) 2014 on the extension of the deadline for the Study, adopted by its 55th Ordinary Session, extending the deadline of the study by two years and requesting the report of the Study in May 2016;

Also Recalling Resolution ACHPR/Res.326 (LVII) 2015, appointing a new Commissioner - Commissioner Solomon Ayele Dersso as the focal person for the Study;

Mindful of the update on the Study provided by Commissioner Dersso to this 58th Ordinary Session, and the need for him to consolidate and finalize the Study;

Considering that the deadline fixed for conducting the Study will expire in May 2016;

Decides to:

i. Extend the deadline of the Study by two (2) more years;

ii. Request that the report of the Study be submitted for consideration by the Commission in May 2018.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016
ACHPR/Res. 338(LVIII) 2016: Resolution on the Establishment of a Resolutions Committee

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of The Gambia, from 6 to 20 April 2016;

Recalling its mandate to promote and protect human and peoples’ rights under Article 45 of the African Charter on Human and Peoples’ Rights (the African Charter);

Considering Rule 23 (1) of its Rules of Procedure which provides that: “The Commission may create subsidiary mechanisms such as special rapporteurs, committees and working groups”;

Recalling the importance of resolutions adopted by the Commission to take into account the human rights situations on the continent with a view to formulating guidance and recommendations on the promotion and protection of human rights in the African Charter;

The Commission:

i. Decides to establish a Resolutions Committee mandated to:
   - Collect data and information on situations of human rights violations on the continent that may be addressed in resolutions and make proposals to the Commission;
   - Consider resolutions proposed by subsidiary mechanisms of the Commission prior to their adoption in plenary;
   - Ensure that the final versions of resolutions faithfully reflect the observations and comments of Members of the Commission;
   - Ensure proper publication and popularisation of adopted resolutions through the appropriate means;
   - Compile and analyse all resolutions of the Commission.

ii. Appoints Commissioner Maya Sahli Fadel as Chairperson of the Committee for a period of two years as from 20 April 2016;

iii. Also appoints Commissioners Soyata Maiga, Reine Alapini Gansou, Solomon Ayele Dersso and Jamesina Essie L. King as Members of the Committee;

iv. Requests the Secretariat to provide the Committee with the necessary support.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016
ACHPR/Res. 339(LVIII) 2016: Resolution on the Human Rights Situation in the Republic of Congo

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling the obligations of the Republic of Congo under the African Charter and other relevant regional and international human rights instruments ratified by Congo;

Concerned about the deterioration of the political and human rights situation in the Republic of Congo following the political process which led to the announcement of the results of the presidential election of 20 March 2016;

Deeply concerned about allegations of human rights violations, in particular unduly restrictions of the right to freedom of expression and peaceful assembly, the arbitrary arrest and detention of political opponents, including opposition candidates, the use of force against peaceful demonstrators and acts of torture and inhuman and degrading treatment;

Deeply concerned about allegations related to operations of intimidation carried out by security forces against leaders of opposition parties and their members, as well as against the population in Pool, in the southern part of Brazzaville, which are alleged to have led to the loss of lives;

Concerned about information regarding the displacement of people for fear for their lives and the related social and humanitarian consequences;

The Commission:

i. **Strongly condemns** the human rights violations, in particular the cases of arbitrary arrest and detention and the acts of threat and intimidation against political leaders of the opposition;

ii. **Further Condemns** all acts aimed at restricting the right to freedom of expression and peaceful assembly, including through the excessive and disproportionate use of force against demonstrators;

iii. **Urges** the Government of the Republic of Congo to:
- Open an independent and prompt investigation into all allegations of human rights violations towards prosecuting the instigators, perpetrators and accomplices;
- Take the necessary measures to put an immediate end to abuses and other forms of human rights violation and repression against leaders of opposition parties and their members;
- Refrain from resorting to the excessive use of force during peaceful demonstrations and mass protests and ensure, at all times, freedom of opinion and expression, as well as the right to organise peaceful demonstrations and assemblies;
- Comply with its obligations under the African Charter on Human and Peoples’ Rights and other relevant human rights instruments to which Congo is a party;

iv. **Calls on** leaders of the ruling party and opposition parties, their members and other stakeholders to refrain from all acts that may undermine public order, and encourages them to settle their disputes in a peaceful manner and in accordance with the law;

v. **Calls on** the African Union and the international community to continue to support the Government and people of Congo towards restoring peace and security in the country.

_Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016_
ACHPR/Res. 340 (LVIII) 2016: Resolution on the Human Rights Situation in the Sahrawi Arab Democratic Republic

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session, held from 6 to 20 April 2016, in Banjul, Islamic Republic of the Gambia:

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter)

Considering the pledge to end all forms of colonialism in Africa reaffirmed in the preamble to the African Charter;

Noting Article 20 (1) of the African Charter enunciating that “All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.”

Recalling its previous Resolutions on Western Sahara ACHPR/Res. 45 (XXVII) 00 and ACHPR/Res. 282 adopted at its 27th Ordinary and 55th Ordinary Session, respectively;

Further Recalling its conclusions and recommendations made in its report on the fact-finding mission conducted in the Sahrawi Arab Democratic Republic (SADR) adopted by the Executive Council of the African Union (AU) through its Decision EX.CL/Dec.775 (XXIII) of May 2013, which encouraged the Commission to complete its report on the fact-finding mission to the Sahrawi Arab Democratic Republic by including the situation in the territory under the control of the Kingdom of Morocco;

Also Recalling, Decision (PSC/PR/COMM/1.(CDXCVI) of the Peace and Security Council of the AU, adopted during its 496th meeting held on 27 March 2015 & the decision of the Peace and Security Council at its 588th meeting held on 6 April 2016, which called on the Commission to undertake, as soon as possible, a mission to Western Sahara and to the refugee camps in Tindouf, to assess the human rights situation and make recommendations to the Peace and Security Council (PSC), building on the outcome of the Commission’s visit to the region in September 2012;

Recalling Further, Executive Council Decision EX.CL/921(XXVII), appealing to the Government of the Kingdom of Morocco to facilitate the fact-finding mission by the Commission to Western Sahara on the human rights situation, in line with the previous decisions of the Assembly in this regard;

Welcoming the report of the Chairperson of the AU Commission on Western Sahara, and expressing support to the efforts of the AU for the resolution of the Western Sahara conflict including through the appointment of the Special Representative of
the AU Commission on Western Sahara former President Joaquim Chissano of Mozambique;

Reaffirming the relevant United Nations Resolutions recognizing the status of Non-Self-Governing Territories in Western Sahara, making them the subject of decolonization and calling for the holding of a free and fair referendum on the self-determination of Western Sahara;

Concerned Over the lack of progress in the effort for resolving the Western Sahara conflict and the dire state of the humanitarian and the human rights situations in Western Sahara and the illegal exploitation of the territory’s natural resources;

Further Concerned Over the decision by Morocco to expel 84 international civil servants, including AU personnel, from the UN Mission for the Referendum in Western Sahara (MINURSO);

The Commission:

i. Urges the follow up of the AU Assembly decision of June 2014 on the UN General Assembly ‘to determine a date for the holding of the self-determination referendum for the people of Western Sahara’ and to ‘address the issues of the respect for human rights and the illegal exploitation of the Territory’s natural resources’;

ii. Calls on the UN Security Council to renew the mandate of MINURSO whose current mandate expires on 30 April 2016, and in this regard emphasizes the need for protecting the role of MINURSO and strengthening its mandate with the addition of a human rights monitoring task;

iii. Urges international organizations including the UN, the EU, the World Bank and the African Development Bank and other members of the international community not to support and recognize trade or investment agreements contrary to the rights of the people of Western Sahara over the natural resources of the territory;

iv. Encourages the Peace and Security Council of the AU and the Chairperson of the AU Commission to pursue the process of monitoring, documenting and reporting of the human rights situation in Western Sahara; and

v. Decides to undertake a visit to Western Sahara in accordance with the decision of the Peace and Security Council adopted during its 588th meeting held on 6 April 2016 in Addis Ababa, Ethiopia.
Done in Banjul, Islamic Republic of the Gambia, 20 April 2016
ACHPR/Res. 341(LVIII) 2016: Resolution on the human rights situation of the abducted Chibok girls and other abducted victims in Nigeria

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 – 20 April 2016

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter) and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (The Maputo Protocol);

Considering that the Federal Republic of Nigeria is a Party to the African Charter and the Maputo Protocol and committed itself to securing human and peoples’ rights within its territory;

Noting Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples’ rights in accordance with the African Charter and other relevant human rights instruments;


Deeply concerned by the abduction on 14 April 2014 by Boko Haram of over 200 girls from the boarding house of a secondary school in the village of Chibok, Borno State, and further abductions of girls from the villages of Warabe and Wala, in Borno State, on 6 May, 2014;

Conscious of the efforts made by the authorities of the Federal Republic of Nigeria which led to the release of hundreds of women and children from Boko Haram strongholds;

Noting the collective efforts of the Economic Community of West African States, the African Union, Member States of the Lake Chad Basin Commission, the Multinational Joint Task Force, and the entire international community towards combating terrorism and transnational organized crime on the continent, and in particular, in the fight against Boko Haram;
Deeply concerned about the lack of reliable and current information on the situation of the Chibok Girls, 2 years after their abduction, and further allegations that these girls have been forced to join Boko Haram;

The Commission:

i. **Strongly condemns** the continuous human rights violations perpetrated by Boko Haram members in the Federal Republic of Nigeria and in neighbouring countries;

ii. **Urges** the Government of the Federal Republic of Nigeria to:
   - continue and intensify its efforts towards the release of the Chibok girls and other abducted persons;
   - investigate, prosecute and bring to trial the perpetrators of abuses committed by the Boko Haram members;
   - take the necessary measures, including by implementing laws and programmes and establishing effective mechanisms in order to guarantee the safety and security of its citizens, in particular women and girls;
   - take further meanings for reintegration and rehabilitation of rescued girls;

iii. **Urges** African States to strengthen regional and international cooperation in combatting terrorism and trafficking in women and children.

*Done in Banjul, the Islamic Republic of The Gambia, 20 April 2016*
ACHPR/Res. 342(LVIII) 2016: Resolution on Climate Change and Human Rights in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016:

Recalling its mandate to promote human and peoples’ rights and ensure their protection in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Mindful of the provisions of Article 45 of the African Charter providing a mandate to “promote human and peoples’ rights and ensure their protection in Africa;”

Considering the provisions of Articles 22 and 24 of the African Charter relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Recalling the Commission’s Resolution ACHPR/Res.153 (XLVI) 09 on Climate Change and Human Rights and the Need to Study its Impact in Africa, adopted at its 46th Ordinary Session on 25 November 2009 and the Commission’s Resolution ACHPR/Res.271 (LV) 14 on Climate Change and Human Rights and the Need to Study its Impacts in Africa, adopted on 11 May 2014 at its 55th Ordinary Session;

Considering that the United Nations Framework Convention on Climate Change (UNFCCC), which all almost all African States have ratified, obliges States Parties thereto to “… protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”;

Noting that the implementation of the UNFCCC, and the Paris Agreement under it, should adequately reflect the African perspective on human and peoples’ rights, especially the right to a general satisfactory environment favourable to their development, the right to development and the right to health;

Noting further that African regional standards for the protection of the environment, management of natural resources and human and peoples’ rights are consistent with provisions of the UNFCCC and its Kyoto Protocol, to which all African States are parties;

Welcoming the agreement reached at the COP21 meetings of December 2015 held in Paris, France outlining obligations relating to, among others, the limitation of greenhouse gas emissions, mitigations of and adaptations to climate change;

Concerned about the detrimental impact of the increased levels of greenhouse gases which could lead to temperature rises with serious consequences on the lives of African populations;

Concerned about the failure of developed countries Parties to the UNFCCC to comply with their obligation to take the lead in mitigation while creating enabling conditions for African countries to realise their right to sustainable development and adapt to climate change;

Concerned that the absence of full, effective and sustained implementation of the Convention through long-term cooperative action, including a lack of technology transfer and financial assistance for mitigation and adaptation, seriously undermines the capacity of African governments to safeguard human rights in Africa;
The Commission:

i. **Encourages** Member States to strengthen regional and international cooperation in order to achieve a strong, committed and comprehensive climate action that will ensure that the human rights of Africans are safeguarded to the greatest extent possible both today and for future generations;

ii. **Urgently requests** Member States to adopt and implement the special measures of protection for vulnerable groups such as children, women, older persons and persons with disabilities, indigenous communities and other minorities as well as victims of natural disasters and conflict;

iii. **Tasks** its Working Group on Economic and Social Rights, in collaboration with the Working Group on Extractive Industries, Environment and Human Rights Violations, to undertake a “study on the impact of climate change on human rights in Africa” and to present it within two years.

*Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016*
ACHPR/Res. 343(LVIII) 2016: Resolution on the Right to Dignity and Freedom from Torture or Ill-Treatment of Persons with Psychosocial Disabilities in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016:

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Further recalling Article 5 of the African Charter on the right to dignity, freedom from torture, cruel, inhuman or degrading punishment and treatment, and Article 6 of the African Charter which provides that an individual may not be arrested or detained arbitrarily;

Reaffirming the rights enshrined in the Convention on the Rights of Persons with Disabilities, and in particular, the right to equal recognition before the law, the prohibition of arbitrary deprivation of liberty, the right to freedom from torture or cruel, inhuman or degrading treatment or punishment, and the right to receive treatment on the basis of free and informed consent;

Noting that human dignity is an inherent right which all human beings are entitled to without discrimination on the basis of disability;

Deeply concerned by the violation of the rights to dignity, freedom from torture or ill-treatment, and freedom from arbitrary deprivation of liberty of persons with psychosocial disabilities by some State and non-State actors;

Noting that such violations include forced treatment without the prior, free and informed consent of the persons concerned, forced sterilisation, beatings, chaining, food deprivation and forced detention;

Further noting that at the heart of the right to dignity lies the right to enjoy a full and decent life;

The Commission:

i. Calls on State Parties to adopt the necessary measures to ensure that persons with psychosocial disabilities enjoy legal capacity on an equal basis with others in all aspects of life;

ii. Calls on State Parties to review and amend mental health laws which have been used as a basis for the torture or ill-treatment of persons with psychosocial disabilities;

iii. Calls on State Parties, national institutions for the promotion of human rights and human rights NGOs to monitor on a regular basis, using effective mechanisms, institutions which provide services to persons with psychosocial disabilities;
iv. **Requests** the Working Group on Older Persons and Persons with Disabilities to work with relevant stakeholders to monitor implementation of this resolution; and

v. **Requests** the African Union Commission to fast-track the process of adopting the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa.

*Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016*
ACHPR/Res. 344(LVIII) 2016: Resolution on the fight against impunity in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples’ rights in accordance with the African Charter and other relevant human rights instruments, and Article 4 (o) relating to the condemnation and rejection of impunity;

Recalling the provisions of the African Charter in particular Articles 4 and 5 guaranteeing the rights to life, integrity and dignity of all human beings;

Recalling the obligation of African countries to combat impunity for all human rights violations in accordance with international and regional instruments and national legislative frameworks, to hold perpetrators of these crimes accountable;

Considering the resolutions of the Commission including Resolution ACHPR/Res.87(XXXVIII) 05 calling for an end to impunity in Africa and the domestication and implementation of the Rome Statute of the International Criminal Court

Welcoming the adoption of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights granting the court criminal jurisdiction over international crimes affecting Africa;

Deeply concerned by the serious human rights violations committed in different parts of Africa, including sexual and gender-based violence, that may amount to genocide, crimes against humanity and war crimes, and other serious violations of international human rights law and international humanitarian law;

Concerned about the impunity that the perpetrators of these crimes continue to enjoy;

Conscious of the suffering of thousands of Africans who are victims of violations of international human rights law and international humanitarian law who continue to seek truth, justice and reparation;

The Commission urges States Parties to the African Charter to:
i. Ratify the Protocol on the Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights;

ii. Comply with their obligations to investigate serious human rights violations, and hold perpetrators accountable in accordance with applicable regional and international human rights standards;

iii. Take the necessary legislative and other measures to put an end to impunity and ensure that all the perpetrators of serious human rights violations are prosecuted;

iv. Adopt the necessary laws, policies and mechanisms to guarantee the rights to justice, truth and reparation for victims of serious human rights violations and international crimes.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016
ACHPR/Res. 345(LVIII) 2016: Resolution on the Situation of Human Rights Defenders in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of Gambia, from 6 to 20 April 2015;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling Commission Resolution ACHPR/Res. 69 (XXXV) 04 on the protection of human rights defenders (HRDs) in Africa and Resolutions ACHPR/Res. 104, ACHPR/Res. 119 (XXXXII) 07 and ACHPR/Res. 196 (L) 11 on the situation of human rights defenders in Africa;


Recalling further Commission Resolution ACHPR/Res.273 (LV) 2014 on the expansion of the mandate of the Special Rapporteur on Human Rights Defenders in Africa and Resolution ACHPR/Res.336 (EXT.OS/XIX) 2016 on measures to protect and promote the rights of women human rights defenders;

Deeply concerned about the situation of human rights defenders including those working on land and environmental issues in States Parties to the African Charter, particularly those who, because of their activities, are subjected to several violations of their fundamental rights, such as arbitrary arrest, illegal detention, extrajudicial killing, denial of the right to defence, denial of medical treatment and food during their detention;

Further concerned about the situation of human rights defenders in some African countries where they are regularly victims of judicial harassment, arbitrary arrest and detention, travel ban, freezing of funds, space restriction, prohibition of demonstration and assembly, arbitrary suspension of their activities;

Commending the efforts of some States Parties to promote and protect the rights of human rights defenders;

The Commission:
i. **Reminds** all States Parties to the African Charter on Human and Peoples’ Rights of their obligation to promote and protect the rights and freedoms enshrined in the African Charter and other relevant human rights instruments;

ii. **Strongly condemns** obstacles to the activities of human rights defenders and all forms of violence and reprisals against them;

iii. **Urges** all States Parties to meet their obligations under the United Nations Declaration on Human Rights Defenders, the Grand Bay Declaration, the Kigali Declaration and the Principles and Guidelines on Human and Peoples’ Rights while Combating Terrorism in Africa;

iv. **Urges** States parties to release arbitrarily detained human rights defenders and put an end to all forms of harassment and other acts of intimidation against human rights defenders including individuals or groups of individuals who cooperate with or bring matters before African human rights mechanisms;

v. **Calls on** States parties to take the necessary measures to conduct independent investigations into violations of the rights of human rights defenders and prosecute the perpetrators;

vi. **Encourages** States parties to enact specific laws on the protection of human rights defenders.


*Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016*
ACHPR/Res. 346 (LVIII) 2016: Resolution on the Right to Education in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of the Gambia, from the 6 to 20 April 2016;

Considering that Article 17 of the African Charter on Human and Peoples’ Rights guarantees the right to education and that States must ensure that everyone has access to education;

Considering that Article 12 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women also guarantees equal access and opportunity for education and training of women and girls and that States must ensure that this right is enjoyed without any discrimination;

Considering that Article 11 of the African Charter on the Rights and Welfare of the Child guarantees the right to education for all children in Africa;

Considering also that the right to education is also guaranteed under Article 13 the International Covenant on Economic, Social and Cultural Rights;

Recalling that the Nairobi and Tunis Guidelines recognize that access to quality education for all as well as vocational training and teaching is a prerequisite for the sustainable development of societies;

Recalling also that Goal 4 of the Sustainable Development Goals seeks to “ensure inclusive and quality education for all and promote lifelong learning”

Noting that commitments made by the States in the “Post-2015 Development Agenda” further confirm their obligation to ensure that the right to education is fulfilled;

Concerned that despite the existence of legal frameworks for the protection of the right to education many children, particularly girls, vulnerable children such as children with disabilities, refugee children, migrant children, street children, internally displaced children, girls who abandon school as a result of pregnancy, and children from marginalised communities have not been given equal opportunity;

Concerned about the existence of laws and policies, as well as deep-rooted harmful social and cultural practices such as early and forced marriages and preference for boys’ education which continue to contribute to social, economic and political exclusion;
Concerned that the prevalence of internal conflicts, political crisis and instability in some African countries negatively impact on the realisation of the right to education in Africa, particularly for children; Concerned also that adequate resources have not been made available by States in their budgets to realise the right to education, including the provision of equal access and opportunity;

The Commission:

i. **Urges** States Parties to guarantee the full scope of the right to education, including:

- The opportunity for all children to enjoy free and compulsory primary education without distinction by progressively providing adequate financial and other resources in their education budget;

- The provision of pre-school, primary, secondary, tertiary, adult education and vocational training;

- Ensuring equal opportunity and general accessibility, both physical and economic, for all persons to education without discrimination;

- The provision of high quality and appropriate educational programmes that serve the needs of all sectors of society, and in particular girls, vulnerable children such as children with disabilities, refugee children, migrant children, street children, internally displaced children, pregnant children and children from marginalised communities;

- The provision of reasonable accommodation measures for children with disabilities and in particular girls with disabilities, to ensure inclusive quality education on an equal basis with other members of their communities consistent with the goal of full inclusion;

- Ensuring that privatisation in education does not exacerbate discrimination against children, in having access to and quality in education, particularly girl children, vulnerable and marginalised children;

ii. **Calls on** States Parties to fulfil their duties with respect to access to education, in particular to:

- Address social and cultural practices that impede the girl children’s equal enjoyment of the right to education;

- Ensure that children that drop out from school, in particular pregnant children, have the opportunity to complete their education;
- Prohibit and prevent all forms of discrimination in education against children with HIV/AIDS based on their real or perceived status;
- Provide the enabling environment for all persons to be educated, as well as ensure safety of schools for all children.
- Adopt all necessary and appropriate measures to the maximum of its available resources to promote, provide and facilitate access to education for all in Africa.

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016
ACHPR/Res. 347(LVIII) 2016: Resolution on the Human Rights issues affecting the African Youth

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of The Gambia, from 6 to 20 April 2015;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling the African Youth Charter which provides a comprehensive framework for the protection and promotion of the youth, as well as the strengthening of the capacity and leadership of the youth in order to meet he needs and aspirations of young displaced persons, refugees and youth with special needs;

Recalling further Goal 15 of the African Union Agenda 2063 for an engaged and empowered youth in Africa, and other AU standards and mechanisms for the youth, including the NEPAD Strategic Framework for Youth and the commitments made during the commemoration of Africa Youth Day on 1 November 2015;

Considering the recognition by States Parties that the youth are the greatest resource and an asset for sustainable development, peace and prosperity;

Further considering that the youth provide a unique contribution to the development of democracy and the rule of law in Africa;

Noting with concern the human rights situation of the youth, many of whom are marginalised as a result of inequality in income and wealth and lack of access to decision-making institutions, as well as the high illiteracy rate, unemployment and underemployment which forces them to go into exile, through clandestine means, risking their lives;

Concerned further by the vulnerability of the youth, some of whom are infected or affected by the HIV/AIDS pandemic, live in situations of poverty, are exposed to violence including gender-based violence, forced enlistment during armed conflicts and in terrorist groups and other forms of discrimination and harmful cultural practices;

The Commission urges States Parties to:

i. establish institutions to ensure the participation of youth movements;

ii. take concrete steps to promote effective youth participation in the decision-making and government of their countries;
iii. adopt plans, policies and programmes to improve the situation of young girls who face structural and cultural obstacles, in particular forced and early marriages, female genital mutilation, discrimination and other harmful cultural practices;

iv. provide adequate resources towards the establishment of effective institutions for youth education with a view to ensuring the quality of general and vocational education;

v. provide resources and opportunities for youth employment and entrepreneurship;

vi. protect the youth from enlistment in countries in conflict and in terrorist activities.

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 58th Ordinary Session, held in Banjul, The Islamic Republic of The Gambia, from 6 to 20 April 2016;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling further Article 4, 5 and 6 of the African Charter which enjoins Members States to guarantee the right to life and integrity of person, respect for the dignity inherent in a human being and prohibition of all forms of torture, arbitrary arrest and detention of persons;

Mindful that States Parties to the African Charter bear the responsibility for people deprived of their liberty and have the obligation to improve prison conditions and protect the human rights of prisoners, detainees and all persons deprived of their liberty in Africa;

Concerned that the conditions of prisons and prisoners in many African countries are some of the poorest in the world with high congestion rates, the overuse of pre-trial detention, poor sanitation and lack of access to proper medical care, with few rehabilitative programmes, educational or vocational opportunities, among others;

Considering the Commission’s Guidelines on the Conditions of Arrest, Police Custody and Pre-trial Detention in Africa and the Guidelines and measures for the prohibition and prevention of torture, cruel, inhuman or degrading treatment or punishment in Africa; to ensure better protection and promotion of rights of prisoners and pre-trial detainees;

Cognizant of Article 45(1) (c) of the African Charter, which mandates the Commission to cooperate with other African and international Institutions concerned with the promotion and protection of human and peoples’ rights; and the ‘Addis Ababa Road Map’ agreement between the special procedures of the United Nations Human Rights Council and the special mechanisms of the Commission, aimed at fostering cooperation between the two entities with the common objective to promote and protect human rights;

Noting Resolution UN-Doc A/Res/70/175, adopted by the United Nations General Assembly on 17 December 2015, adopting the United Nations Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) as a source of standards relating to treatment in detention, and as the key framework used by monitoring and inspection mechanisms in assessing the treatment of prisoners;
Supporting the adoption by the United Nations of the Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules);

The Commission:

i. Encourages all stakeholders to draw inspiration from the Mandela Rules in order to fill the existing gaps in the applicable laws, policies and practice with the view to enhance a better treatment for detainees;

ii. Commits itself through the work of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa, to collaborate with Partners and other stakeholders to promote and disseminate the Revised Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

Done in Banjul, The Islamic Republic of The Gambia, 20 April 2016
ACHPR/Res. 349 (EXT.OS/XX) 2016: Resolution on the Attacks on Persons with Albinism in Malawi

The African Commission on Human and Peoples’ Rights, meeting at its 20th Extra-Ordinary Session, held in Banjul, Islamic Republic of The Gambia, from 09 to 18 June 2016;

Recalling its mandate to promote and ensure the protection of human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind Article 2 of the African Charter which guarantees every individual the enjoyment of the rights and freedoms recognized in the African Charter regardless of race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

Further bearing in mind Article 18(4) of the African Charter which provides that the persons with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs, in addition to Article 23 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa which provides for the special protection of women with disabilities;

Recalling Resolution ACHPR/Res.263 (LIV) 2013 on the prevention of attacks and discrimination against Persons with Albinism;


Cognizant of the commemoration of the International Albinism Awareness Day on 13 June 2016;

Concerned at the widespread violence, discrimination, stigma and social exclusion directed at persons with albinism;

Deeply concerned about continuing systematic attacks and killings against persons with albinism in the Republic of Malawi;

Taking note of the commitment of the Government of the Republic of Malawi to fight this serious violation of the rights to life, dignity and protection from inhuman treatment;
The Commission:

(i) Strongly condemns the continuing systematic attacks and killings of persons with albinism;

(ii) Calls on the Republic of Malawi to urgently take all necessary measures to ensure the effective protection of persons with albinism and members of their families;

(iii) Calls on the Republic of Malawi to ensure accountability by duly investigating and bringing perpetrators of these gross human rights violations to justice, and by ensuring that victims and members of their families have access to appropriate remedies;

(iv) Calls upon the Republic of Malawi to take effective measures to eliminate all forms of violence and discrimination against persons with albinism, and to increase education and public awareness-raising activities.

Done in Banjul, Islamic Republic of The Gambia, on 18 June 2016
ACHPR/Res. 350 (EXT.OS/XX) 2016: Resolution to Revise the Declaration of Principles on Freedom of Expression in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 20th Extra-Ordinary Session, held in Banjul, Islamic Republic of The Gambia, from 09 to 18 June 2016;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming the fundamental importance of freedom of expression and access to information enshrined in Article 9 of the African Charter and other international human rights instruments;

Bearing in mind Resolution ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter, and Resolution ACHPR/Res.222 (LI) 2012 to modify the Declaration of Principles on Freedom of Expression to include Access to Information and Request for a Commemorative Day on Freedom of Information;

Further bearing in mind Resolution ACHPR/Res.167 (XLVIII) 10 on Securing the Effective Realization of Access to Information in Africa, which authorized the Special Rapporteur to develop a Model Law on Access to Information;

Taking into account the developments in the areas of freedom of expression and access to information in Africa since the adoption of the Declaration of Principles on Freedom of Expression in Africa by the Commission in 2002;

The Commission:

(v) Decides to revise the Declaration of Principles on Freedom of Expression in Africa (the Declaration), through its Special Rapporteur on Freedom of Expression and Access to Information in Africa;

(vi) Urges States Parties, civil society and other stakeholders, to collaborate with the Special Rapporteur by contributing to the process of revising the Declaration;

(vii) Requests the Special Rapporteur to report the progress made at its next Ordinary Session.
ACHPR/Res. 351 (EXT.OS/XX) 2016: Resolution to Renew the Mandate of the Focal Point between the African Commission on Human and Peoples’ Rights and the African Peer Review Mechanism

The African Commission on Human and Peoples’ Rights, meeting at its 20th Extra-Ordinary Session, held in Banjul, Islamic Republic of The Gambia, from 09 to 18 June 2016;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering Article 45(1)(c) of the African Charter which requires the African Commission on Human Rights and Peoples’ Rights (the Commission) to co-operate with other African and international institutions concerned with the promotion and protection of human and peoples’ rights;

Recalling that one of the key indicators of the African Peer Review Mechanism (APRM) process is the respect for and protection of fundamental rights and freedoms;

Bearing in mind Resolution ACHPR/Res.168 (XLVIII)10 on the Cooperation between the African Commission on Human and Peoples’ Rights and the African Peer Review Mechanism, which underscored the need to continue cooperation between the APRM and the Commission, and appointed Commissioner Pansy Tlakula as the focal point between the Commission and the APRM for a period of one year, to coordinate and enhance cooperation between the APRM and the Commission;

Hereby decides to renew the mandate of Commissioner Pansy Tlakula, as the focal point between the Commission and the APRM for a period of one year.

Done in Banjul, Islamic Republic of The Gambia, on 18 June 2016
ACHPR/Res. 352 (EXT.OS/XX) 2016: Resolution on the Renewal of the Mandate of Expert Members of the Committee on the Protection of the Rights of People Living with HIV and Those at Risk, Vulnerable to and Affected by HIV

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 20th Extraordinary Session held from 09 to 18 June 2016 in Banjul, Islamic Republic of The Gambia;

Recognizing its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (the African Charter);

Considering that as part of fulfilling its mandate, the Commission has established various mechanisms for the promotion and protection of human and peoples’ rights in Africa;

Recognizing that the Commission has a fundamental role to protect vulnerable groups in Africa from human rights violations;

Recalling its Resolution ACHPR/Res.163 (XLVII) 10 adopted at the 47th Ordinary Session of the Commission on the establishment of a Committee on the Protection of the Rights of People Living with HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV (the Committee);

Further recalling, its resolutions ACHPR/Res.172 (XLVIII) 10 and ACHPR/Res.195 (L) 11 respectively on the appointment of members of the Committee and Commissioner Lucy Asuagbor as the Chairperson of the Committee, as well as its resolutions ACHPR/Res.220 (LI) 12 and ACHPR/Res. 279 (LV) 14 renewing the mandate of the Committee and its members;

Bearing in mind its resolutions ACHPR/Res. 285 (EXT.OS/XVI) 14 on the Appointment of an Expert Member of the Committee and ACHPR/Res.325(LVII) 15 on the Appointment of Commissioner Soyata Maiga as the Chairperson of the Committee;

Noting with satisfaction the work accomplished by the expert members;

Further noting that the mandate of expert members expired in May 2016 and bearing in mind the need for the Committee to continue carrying out its mandate and address the urgent issues falling within its mandate;

Mindful of the expressions of continued interest and commitments by the Expert Members in contributing their expertise to the implementation of the mandate of the Committee, and also Recognising the need to align and ensure uniformity in the duration of the membership of the Committee;
Decides to renew the membership of the following experts until 18 November 2017;

1. Mrs Agnes ATIM APEA;
2. Mr Patrick Michael EBA;
3. Mr Patrick Le doux DUTZUE FOGUE;
4. Mr Christian GARUKA NSABIMANA;
5. Mr Ebenezer TOPE DUROJAYE; and
6. Mrs Ann STRODE.

Done in Banjul, Islamic Republic of The Gambia, on 18 June 2016

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 20th Extra-Ordinary Session in Banjul, Islamic Republic of the Gambia, held from 09 to 18 June 2016:

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Bearing in mind all relevant regional and international human rights instruments, specifically Articles 21 and 24 of the African Charter, on the right of all peoples to freely dispose of their wealth and natural resources, and to a generally satisfactory environment favourable to their development;

Recalling its previous Resolutions on the need for an improved protection of human rights and the environment, especially through improving the regulatory framework for the activities of the extractive industries, developing effective continental mechanisms for monitoring the human rights impact of the activities of the extractive industries and the development of jurisprudence on holding non-state actors accountable for human rights violations in Africa;


Mindful of the ongoing efforts of the Working Group with regard to its mandates and the conduct of the various studies, and also Noting with satisfaction the work accomplished by the Working Group up-to-date;

Recognizing the importance of the Working Group and the need to allow the Working Group to continue to carry out its mandate;

Recalling Resolution ACHPR/Res.268 (LV) 2014 appointing the current Expert Members for the Working Group, and Noting that the mandate of the Expert Members of the Working Group came to an end on 12 May 2016;

Further Recalling Resolution ACHPR/Res.321(LVII)2015 appointing Commissioner Solomon Dersso as the new Chairperson of the Working Group, as well as
Commissioner Yeung Kam John Yeung Sik Yuen, and Commissioner Jamesina E.L King as Members of the Working Group, for a period of two years with effect from 18 November 2015;

Mindful of the expressions of continued interest and commitments by the Expert Members in contributing their expertise to the implementation of the mandate of the Working Group, and also Recognising the need to align and ensure uniformity in the duration of the membership of the Working Group;

Decides to renew the membership of the following experts until 18 November 2017;

1. Mr. Clement Voulé;
2. Ms. Valerie Couillard;
3. Professor Michelo Hansungule;
4. Ms. Sheila Keetharuth;
5. Mr. Eric Kassongo Kalonji; and
6. Professor James Gathii.

Done in Banjul, Islamic Republic of The Gambia, on 18 June 2016
ACHPR/Res. 354(LIX) 2016: Resolution on the Appointment of an Expert Member of the Working Group on Indigenous Populations/Communities in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling Resolution ACHPR/Res.65 (XXXIV) 03 on the adoption of the Report of the Commission's Working Group on Indigenous Populations/Communities, and the establishment of the Working Group on Indigenous Populations/Communities (the Working Group);

Further recalling Resolutions ACHPR/Res.123 (XXXXII) 2007; ACHPR/Res.155 (XLVI) 2009; ACHPR/Res.204 (L) 2011; ACHPR/Res.249 (LIV) 2013; and ACHPR/Res.323 (LVII) 2015 respectively on the renewal of the mandate of the Working Group for a period of two years;

Recognising the importance of the work of the Working Group in promoting and protecting the rights of indigenous populations/communities in Africa, and the need to enable the Working Group to continue to implement its mandate;

Noting that one of its members tendered her resignation in April 2016;

Conscious of the need to fill the position and in order to ensure an equitable representation which reflects geographical diversity and the various legal systems;

The Commission:

Decides to appoint Dr Kanyinke Sena (Kenya) as an Expert Member of the Working Group for the period from November 2016 to November 2017.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
ACHPR/Res. 355(LIX) 2016: Resolution on the Appointment of an Expert Member of the Working Group on Economic, Social and Cultural Rights in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Resolution ACHPR/Res.73 (XXXVI) 04 establishing and laying down the mandate of the Working Group on Economic and Social Rights adopted at its 36th Ordinary Session held in Dakar (Senegal), from 23 November to 7 December 2004;

Further recalling Resolution ACHPR/Res. 316 (LVII) 15 on the appointment of Commissioner Jamesina E.L. King as Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa (the Working Group) and the extension of the term of its members, adopted at the 57th Ordinary Session of the Commission held from 4 to 18 November 2015 in Banjul, Islamic Republic of The Gambia;

Recalling AU Executive Council Decision EX.CL.876 (XXVII) of 1 June 2015 requesting the Commission to prepare, in collaboration with the African Union Commission, an additional protocol to the African Charter on the Rights of Citizens to Social Protection and Social Security;

Recognising the importance of the Working Group in promoting and protecting economic, social and cultural rights in Africa, including the rights of citizens to social protection and social security;

Recalling that the Commission decided, during its 19th Extraordinary Session held in Banjul, Islamic Republic of The Gambia, from 16 to 25 February 2016, to assign this task to the Working Group on Economic, Social and Cultural Rights and the Working Group on the Rights of Older Persons and People with Disabilities in Africa in accordance with the said AU Executive Council decision;

Noting that the Working Group needs special expertise in order to implement the abovementioned decisions of the Executive Council and the Commission;

The Commission
Decides to appoint Prof. Marius Paul Olivier as an Expert Member of the Working Group for the period from November 2016 to November 2017.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
ACHPR/Res. 356(LIX) 2016: Resolution on the Human Rights Situation in the Federal Democratic Republic of Ethiopia

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of the Gambia;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Mindful of the obligations of the Federal Democratic Republic of Ethiopia as a Member State of the African Union, and State Party to the African Charter and the African Charter on Democracy, Elections and Governance as well as other regional human rights instruments;

Recalling that one of the objectives of the African Union is to promote and protect human and peoples’ rights in accordance with the African Charter, and to promote democratic principles and institutions, popular participation and good governance;

Reaffirming the provisions of Articles 2, 3, 4, 5, 6, 7, 9, 11, 13 and 19 of the African Charter which guarantee the right to be protected from discrimination, the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to personal liberty and protection from arbitrary arrest, the right to a fair trial, the right to receive information and to freedom of expression, the right of assembly, the right to participate freely in government and the right to equality of all peoples;


Deeply concerned by the deterioration of the human rights situation in the Federal Democratic Republic of Ethiopia following the protests which began in November 2015;

Concerned by the use of excessive and disproportionate force to disperse protests, resulting in the deaths and injuries of several protestors, as well as the arbitrary arrest and detention of many others;
Alarmed by reports of a fire outbreak in Qilinto Prison in Addis Ababa, on 4 September 2016, leading to the deaths and injuries of a number of inmates, including detainees;

Deeply concerned by reports that more than fifty-five people were killed and several hundreds injured in a stampede, following police attempt to disperse the crowd in a break-out protest, at a religious festival on 2 October 2016;

Concerned by allegations relating to the arbitrary arrest and detention of members of opposition parties and human rights defenders;

Alarmed by the loss of lives and the destruction of property resulting from violence perpetrated by some protestors;

Concerned by the declaration of a state of emergency on 9 October 2016, which restricts fundamental human rights and freedoms;

Further concerned by restrictions on movement, assembly, media access, internet services as well as the arbitrary arrest and detention of many people following the state of emergency declaration;

Noting reports of the release of 2,000 persons who were detained on suspicion of engaging in protests;

The Commission:

1. Condemns the deteriorating human rights situation in the Federal Democratic Republic of Ethiopia, in particular the undue restrictions on fundamental human rights and freedoms resulting from the state of emergency.

2. Calls on the Government of the Federal Democratic Republic of Ethiopia to:
   i. ensure that fundamental human rights and freedoms are respected and upheld during the state of emergency;
   ii. lift the ban on movement, assembly, media access, and internet services;
   iii. ensure due process of law for persons arrested and detained in connection with protests, in accordance with regional and international standards, and release persons arrested and detained without charge;
   iv. refrain from the use of excessive and disproportionate force against protestors and, more generally, take the necessary measures to guarantee the security and safety of its population;
   v. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations are held accountable and subjected to appropriate sanctions reflecting the gravity of the offences, in accordance with relevant international and regional standards;
vi. comply with the letter and spirit of the African Charter and other regional and international human rights instruments to which it is a party and, more particularly, the instruments referred to in this Resolution;

vii. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition; and

viii. authorise the Commission to undertake a fact-finding mission to Ethiopia.

3. **Calls** on protestors to exercise their rights with due regard to the law and the rights of others;

4. **Calls** on all actors, particularly leaders and members of opposition parties, other stakeholders and the population in general, to refrain from any form of incitement and all other acts of violence.

*Done in Banjul, Islamic Republic of the Gambia, on 4 November 2016*
ACHPR/Res. 357(LIX) 2016: Resolution on the Human Rights Situation in the Republic of Burundi

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, The Gambia;

Recalling its mandate to promote and protect human and peoples' rights under the African Charter on Human and Peoples' Rights (the African Charter);


Recalling the decision of the Peace and Security Council of the African Union (PSC) of 17 December 2015 stressing that "only a genuine and truly inclusive dialogue, based on the respect of the Arusha Agreement and the Constitution of Burundi, will allow the Burundian stakeholders to overcome the serious difficulties facing their country, as well as strengthen social cohesion, democracy and the rule of law";

Considering the conclusions and recommendations contained in the Commission's report following its fact-finding mission undertaken in Burundi in December 2015 at the request of the Peace and Security Council, and the report of the United Nations Independent Investigation Mission on Burundi (UNIIB);

Deeply concerned about the security and human rights situation in Burundi marked by continuous arrests and arbitrary detentions, targeted killings, extrajudicial executions, acts of torture and other forms of cruel, inhuman and degrading treatment, abductions and enforced disappearances, harassment and intimidation of journalists and media professionals, sexual violence, and other forms of serious human rights violations;

Concerned by the continuous political impasse and the lack of constructive dialogue between all the stakeholders towards finding a peaceful solution to the crisis;

Further concerned by the decision of the Burundian authorities of 19 and 24 October 2016, to deregister five civil society organisations notably the Forum for the Strengthening of Civil Society (FORSC), Forum for Consciousness and Development (FOCODE), Association for the Protection of Human Rights and Detained Persons (APRODH), Action by Christians for the Abolition of Torture in Burundi (ACAT-Burundi) and Network of Honest Citizens (RCP); and to suspend five other organisations, including Civil Society Coalition for Election Monitoring (COSOME), Burundian Coalition for the International Criminal Court (CB-CPI), Burundi Union of Journalists (UBJ), Burundian Human Rights League “ ITEKA”, and SOS Torture Burundi; accused of conducting activities that are likely to disturb public order and security;
Concerned about the decision taken by the Burundian authorities to suspend cooperation with the Office of the United Nations High Commissioner for Human Rights in Burundi (HCHR) and to declare the UNIIB experts *persona non grata*, following the presentation of the final report of the Investigation Mission during the 33rd Session of the UN Human Rights Council on 27 September 2016;

The Commission:

1. **Condemns** the various human rights violations committed in the country since April 2015;
2. **Condemns** the continuous repression against human rights defenders which led to the deregistration and suspension of the main human rights organisations and the suspension of independent media outlets in the country;
3. **Regrets** the decision of the Burundian authorities to suspend cooperation with the Office of the HCHR in Burundi and to declare the UNIIB experts *persona non grata*;
4. **Calls on** the Government of the Republic of Burundi to:
   i. immediately end all human rights violations;
   ii. release all persons arbitrarily detained, especially persons detained incommunicado, and ensure their physical integrity;
   iii. end attacks, threats, acts of intimidation and harassment, including judicial harassment, of human rights defenders and journalists;
   iv. authorise the unconditional resumption of the activities of all the deregistered and suspended civil society organisations;
   v. take the necessary urgent measures to conduct prompt, independent, impartial and effective investigations in order to prosecute the perpetrators of these crimes;
   vi. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition;
   vii. extend full cooperation with all regional and international human rights institutions, including the Office of the UN High Commissioner for Human Rights and the African Union particularly regarding the full deployment of all the human rights observers and military experts, in accordance with the decision of the Heads of State and Government of the African Union adopted at the 26th Summit held from 21 to 31 January 2016;
   viii. authorise the Commission to undertake a mission to follow up on the recommendations in the Report of the Fact-finding Mission;
5. **Calls on** the African Union and the international community to continue their efforts to resolve the crisis in Burundi.

Done in Banjul, Islamic Republic of The Gambia, 4 November 2016
ACHPR/Res. 358(LIX) 2016: Resolution on the Human Rights Situation in the Democratic Republic of Congo

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling the provisions of Articles 3(2), 4 and 23 of the African Charter regarding the obligations of State Parties to protect the lives of persons and to ensure peace and security in their territory;

Further recalling the provisions of Article 13(1) of the African Charter which stipulates that “every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law”;

Reaffirming its Resolution ACHPR/Res.293 (EXT.OS/XVII) 2015 on Elections in Africa which calls on State Parties to protect the fundamental rights of all citizens, including the rights to freedom of movement, assembly, association and expression as well as equal access to the media for all stakeholders;

Bearing in mind its Statement of 22 September 2016 following the violence of 19 and 20 September 2016, in particular in Kinshasa, calling on the Government of the Democratic Republic of Congo (DRC) to conduct an independent and impartial investigation into the incidents;

Concerned by the human rights violations, including the excessive use of force on protestors and executions, particularly in Beni, and the lack of investigation and prosecution of the perpetrators, and the recent arbitrary arrest and detention of protesters, in Kinshasa on 24 and 26 October 2016;

Further concerned about allegations of restriction of the freedom of expression, association and peaceful assembly of political parties, youth associations and civil society organisations;

Deeply concerned about the arbitrary arrest and detention, intimidation and harassment of youth activists, human rights defenders and political opponents;

Conscious of the need to restore the rule of law and to ensure the exercise and full enjoyment of the rights guaranteed under the African Charter and other relevant instruments;
Welcoming the efforts of the African Union through facilitation of the on-going national dialogue between the Government and the opposition;

Further welcoming the efforts of the international community to peacefully resolve the political crises in the DRC;

The Commission:

1. **Condemns** the various human rights violations committed in the DRC, including executions, arbitrary arrests and detention, restrictions on freedom of expression, association and assembly, and the excessive use of force during protests.

2. **Calls** on the Government of the DRC to:
   
   i. immediately end all human rights violations;
   
   ii. take the necessary measures for citizens to exercise their fundamental human rights and freedoms;
   
   iii. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations, including those within the security forces, are held accountable;
   
   iv. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition; and
   
   v. comply with the African Charter, and other regional and international human rights instruments to which it is a party.

3. **Encourages** all the stakeholders to continue the national dialogue in order to preserve peace.

4. **Calls** on all actors, particularly leaders and members of opposition parties, other stakeholders and the population in general, to refrain from violence and maintain peace before, during and after the elections.

5. **Encourages** the African Union, and the international community to continue to support efforts aimed at resolving the crises in DRC.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
ACHPR/Res. 359(LIX) 2016: Resolution on the Human Rights Situation in Gabonese Republic

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Bearing in mind the obligations of the Gabonese Republic as a State Party to the African Charter and other regional and international human rights instruments, and signatory to the African Charter on Democracy, Elections and Governance;

Reaffirming the provisions of Articles 3, 4, 5, 6, 7, 9, 11 and 13 of the African Charter which guarantee the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to personal liberty and protection from arbitrary arrest, the right to a fair trial, the right to receive information and to freedom of expression, the right of assembly, and the right to participate freely in government;

Concerned by the deteriorating political and human rights situation in the Gabonese Republic following the announcement of the results of the presidential election of 27 August 2016;

Further concerned by allegations of human rights violations, including the arbitrary arrest and detention of political opponents, the use of force against peaceful protestors and acts of torture and other ill-treatment;

Deeply concerned by the conditions of detention of persons arrested during the peaceful protests of 31 August to 4 September 2016, and the disappearance of many other people;

The Commission:

1. Strongly condemns the post-election human rights violations committed in Gabon;
2. Condemns all acts aimed at restricting the right to freedom of demonstration and peaceful assembly, including through the use of excessive and disproportionate force against protestors;
3. Calls on the Government of Gabonese Republic to:
   i. take the necessary measures to put an immediate end to abuses and other forms of human rights violations and repression against leaders of opposition parties and their supporters;
ii. refrain from the use of excessive force during demonstrations and mass protests;

iii. ensure due process of law for persons arrested and detained in relation to the mass protests, in accordance with regional and international standards, and release persons arrested and detained without charge;

iv. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations are held accountable;

v. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition; and

vi. Engage in an inclusive and constructive inter-Gabonese dialogue towards a solution to the post-election crisis.

4. Calls on non-state actors, in particular leaders and members of opposition parties, other stakeholders and the population in general, to refrain from any form of incitement and other acts of violence.

5. Invites the African Union and the international community to closely monitor the political situation in the Gabonese Republic.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
ACHPR/Res. 360(LIX) 2016: Resolution on the Human Rights Situation in the Islamic Republic of The Gambia

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 59th Ordinary Session from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Bearing in mind that the Islamic Republic of the Gambia is a State Party to the African Charter and a signatory to the African Charter on Democracy, Elections and Governance;

Recalling the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa; Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa; Declaration of Principles on Freedom of Expression in Africa; Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa; and General Comment No. 3 on the African Charter on Human and Peoples’ Rights on the Right to Life;

Further recalling its resolutions ACHPR/Res.5 (XI) 92 on the Right to Freedom of Association; ACHPR/Res.281 (LV) 14 on the Right to Peaceful Demonstration; and ACHPR/Res.331 (XIX) 16 on Elections in Africa;

Bearing in mind the Declaration of Principles of Freedom of Expression in Africa Principles I (2) which provides that “everyone shall have an equal opportunity to exercise the right to freedom of expression and to access information without discrimination” and Principle II (2) which also provides that “any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society”;

Reaffirming the fundamental importance of freedom of information, expression and association of individuals as a cornerstone of democracy, particularly during elections and, as a means of ensuring respect for all human rights and freedoms;

Concerned by the three-year imprisonment of opposition party members for protesting against election reforms introduced by the Election Amendment Act of 2015;

Alarmed by the deaths of Ebrima Solo Sandeng on 15 May 2016 and Ebrima Solo Krummah on 20 August 2016, National Organising Secretary and Member of the
United Democratic Party (UDP) respectively, following their arrest and detention by the police for demonstrating against these electoral reforms;

*Deeply concerned* by allegations of torture and ill-treatment of the detained opposition members as well as sexual assault of detained women;

*Further concerned* by the allegations that detained persons in need of medical care denied the medical attention and family visits;

*Disturbed* by Government restrictions on social media and certain sites of the internet;

**The Commission:**

1. *Condemns* all acts of excessive and disproportionate use of force against protestors, sexual assault of women detainees and torture and other ill-treatment of detainees;
2. *Condemns* unjustified restrictions on the right of freedom of expression and access to the internet by the Government;
3. **Calls on** the Government of Islamic Republic of The Gambia to:
   a) Ensure that the elections are free, fair and peaceful;
   b) Pardon all persons sentenced because of demonstrating to oppose election reforms of the Election Amendment Act;
   c) Refrain from the use of excessive and disproportionate force against protestors and generally take necessary measures to ensure the security and safety of its population;
   d) Release the report of the investigation into the death of Ebrima Solo Sandeng if it has been concluded;
   e) Carry out prompt and impartial investigations into the death of Ebrima Solo Krummah while in detention and make public the report of the investigating body;
   f) Carry out prompt and impartial investigations into the allegations of torture, ill-treatment and sexual assault of detainees and ensure that those responsible are held accountable and subjected to appropriate sanctions reflecting the gravity of the offences, in accordance with the relevant international and regional standards;
   g) Ensure immediate provision of medical assistance for detainees and prisoners in need of it and allow visits by their families and legal representatives;
   h) Immediately lift all restrictions to internet and social media networks it has imposed; and
   i) Ensure that contesting parties and candidates of the elections are given equitable access to state controlled media.
4. *Calls on* leaders and members of opposition parties, other stakeholders and the general population to refrain from violence and maintain peace during and after the elections.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
ACHPR/Res. 361(LIX) 2016: Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples’ Rights in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Bearing in mind the provisions of Article 45 of the African Charter on Human and Peoples’ Rights (the African Charter), which establishes the competence and determines the mandate of the Commission;

Recalling the Grand Bay (Mauritius) Declaration and Plan of Action, adopted at the 1st Organisation of African Unity (OAU) Ministerial Conference on Human Rights, meeting from 12 to 16 April, 1999 in Grand Bay, Mauritius which recognises “the contribution made by African NGOs to the promotion and protection of human rights in Africa …”;

Further recalling the Kigali Declaration, adopted at the 1st African Union (AU) Ministerial Conference on Human Rights in Africa, on 8 May 2003 in Kigali, Rwanda, which “recognizes the important role of civil society organizations (CSOs)... in the promotion and protection of human rights in Africa” and “calls upon Member States and regional institutions to protect them and encourage the participation of CSOs in decision-making processes with the aim of consolidating participatory democracy and sustainable development”;

Reaffirming Rule 68 of the Rules of Procedure of the Commission adopted at its 47th Ordinary Session, held from 12 to 26 May 2010, in Banjul, The Gambia, which provides that Non-governmental organisations (NGOs) may be granted observer status with the Commission and notes their rights and obligations;

Considering that since its establishment in October 1987, 504 NGOs have been granted observer status with the Commission;

Recognising the important role of NGOs in supporting the Commission to fulfill its mandate of promoting and protecting human and peoples’ rights in Africa;

Noting Executive Council Decisions Ex.CL/887(XXVII) and EX.CL/Dec.902 (XXVIII) Rev.1, which requested the Commission “to take into account the fundamental African values, identity and good traditions, and to […] review its criteria for granting Observer Status to NGOs.”
Further noting Executive Council Decision EX.CL/Dec.902 (XXVIII) Rev.1 for the Commission “to review the criteria for... representation before the ACHPR by non-African individuals and groups...”

The Commission:

1. **Welcomes** the opportunity to improve its criteria for the grant of observer status, and enhance its co-operation and partnership with NGOs working on human rights in Africa;

2. **Adopts** the new criteria for granting and maintaining observer status, the text of which is annexed to the present Resolution;

3. **Decides** that the new criteria shall immediately enter into force; and

4. **Requests** the Secretary to the Commission to report on the implementation of the present Resolution at each Ordinary Session.

ANNEX - CRITERIA FOR THE GRANTING OF AND FOR MAINTAINING OBSERVER STATUS WITH THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

CHAPTER I

1. All Non-Governmental Organisations (NGOs) applying for observer status with the African Commission on Human and Peoples’ Rights (the Commission) shall be expected to submit a documented application to the Secretariat of the Commission, with a view to showing their willingness and capability to work for the realisation of the objectives of the African Charter on Human and Peoples’ Rights (the African Charter).

2. All NGOs applying for observer status with the Commission shall consequently:

   a) Have objectives and activities in consonance with the fundamental principles and objectives enunciated in the African Union (AU) Constitutive Act, the preamble to the African Charter on Human and Peoples’ Rights, and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (the Maputo Protocol);

   b) Be NGOs working in the field of human rights in Africa; and

   c) Declare their financial resources.
3. NGOs applying for Observer Status with the Commission are required to provide, at least three months prior to the Ordinary Session, the following documents:

   a) A letter of application addressed to the Secretariat requesting Observer Status with the Commission;

   b) A list of the Board of Members, and other members of the NGO;

   c) The signed and authenticated Constitutive Statute of the NGO;

   d) The Certificate of Legal Status of the NGO issued by the relevant Government authority, in the country in which the NGO is based;

   e) The sources of funding of the NGO;

   f) The latest independently audited financial statement of the NGO;

   g) The latest Annual Activity Report of the NGO; and

   h) A current comprehensive Plan of Action or Strategic Plan for the NGO, signed or approved by the relevant members of the NGO, which covers a minimum of two years, and which contains the objectives of the NGO during the specified period, the list of activities to be carried out, the timeline for their realisation, the places of implementation, the strategies to implement them and the target groups.”

4. No application for Observer Status shall be put forward for examination by the Commission without having been previously processed by the Secretariat.

5. The Commission’s Bureau shall designate a rapporteur to examine the dossiers. The Commission’s decision shall be notified without delay to the applicant NGO.

CHAPTER II: PARTICIPATION OF NGOS WITH OBSERVER STATUS IN PROCEEDINGS OF THE COMMISSION

1. a) All NGOs with Observer Status (observers) shall be invited to be present at the opening and closing sessions of the Commission.

   b) An observer shall not participate in the Commission’s proceedings in any manner other than as provided for in the Rules of Procedure governing the conduct of its sessions.

2. All observers shall have access to the documents of the Commission subject to the condition that such documents:
a) shall not be of a confidential nature;

b) deal with issues that are of relevance to their interests.

The distribution of general information documents shall be free of charge; the distribution of specialised documents shall be on a paid-for basis, except where reciprocal arrangements are in place.

3. Observers may be invited specially to be present at closed sessions dealing with issues of particular interest to them.

4. Observers may be authorised by the Chairperson of the Commission to make a statement on an issue that concerns them, subject to the text of the statement having been provided, with sufficient lead-time, to the Chairperson of the Commission through the Secretary to the Commission.

5. The Chairperson of the Commission may give the floor to observers to respond to questions directed at them by participants.

6. Observers may request to have issues of a particular interest to them included in the provisional agenda of the Commission, in accordance with the provisions of the Rules of Procedure of the Commission.

CHAPTER III: RELATIONS BETWEEN THE COMMISSION AND OBSERVERS

1. Observers shall undertake to establish close relations of co-operation with the Commission and to engage in regular consultations with it on matters of common interest.

2. Observers shall present their activity reports to the Commission every two years.

3. Administrative arrangements shall be made, whenever necessary, to determine the modalities of this co-operation.

CHAPTER IV: FINAL PROVISIONS

1. The provisions of the General Convention on the Privileges and Immunities of the OAU and those of the Headquarters Agreement of the Commission shall not apply to observers except as regards the granting of visas.

2. The Commission reserves the right to take the following measures against Observers that are in default of their obligations:
- non-participation in sessions;

- denial of documents and information;

- denial of the opportunity to propose items to be included in the Commission’s provisional agenda and of participating in its proceedings.

3. Observer status may be suspended or withdrawn from any NGO that does not fulfil the present criteria, after deliberation by the Commission.

   Done in Banjul, Islamic Republic of The Gambia, 4 November 2016
ACHPR/Res. 362(LIX) 2016: Resolution on the Right to Freedom of Information and Expression on the Internet in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 59th Ordinary Session, held Banjul, Islamic Republic of The Gambia, from 21 October to 04 November 2016;

Recognizing its mandate to promote and protect human and peoples’ rights pursuant to the African Charter on Human and Peoples’ Rights (the African Charter);

Reaffirming the fundamental right to freedom of information and expression enshrined under Article 9 of the African Charter and other international human rights instruments;

Further reaffirming the Declaration of Principles on Freedom of Expression in Africa, specifically Principle I(2) which provides that “everyone shall have an equal opportunity to exercise the right to freedom of expression and to access to information without discrimination” and Principle II(2) which provides that “any restrictions on freedom of expression shall be provided by law, serve a legitimate interest and be necessary in a democratic society;”

Recalling Resolution ACHPR/Res.62 (XXXII) 02 on the adoption of the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the African Charter; Resolution ACHPR/Res.54 (XXIX) 01 on the Situation of Freedom of Expression in Africa; Resolution ACHPR/Res.99 (XXXX) 06 on the Deteriorating Situation of Freedom of Expression and Access to Information in Africa; and Resolution ACHPR/Res 350 (EXT.OS/XX) 16 to Revise the Declaration of Principles on Freedom of Expression in Africa;

Further Recalling the United Nations Human Rights Council Resolution HRC/RES/20/8 of 2012, which recognizes “the global and open nature of the Internet as a driving force in accelerating progress towards development in its various forms” and affirms that “the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one’s choice,” and calls upon all States “to promote and facilitate access to the Internet and international cooperation aimed at the development of media and information and communications facilities in all countries;”

Cognizant of the Joint Declaration on Freedom of Expression and the Internet, adopted by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression and the African Commission’s Special Rapporteur on Freedom of Expression and Access to Information in Africa on 01
June 2011, which *inter alia* stresses the transformative nature of the Internet in terms of giving voice to billions of people around the world, of significantly enhancing their ability to access information and of enhancing pluralism and reporting;

*Mindful* of the need to bridge the digital divide which has significantly disadvantaged the African continent;

*Recognizing* the importance of the Internet in advancing human and peoples’ rights in Africa, particularly the right to freedom of information and expression;

*Further recognizing* that privacy online is important for the realization of the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association;

*Condemning* the use of hate speech on the Internet, such as any form of speech which degrades others, promotes hatred and encourages violence against a group on the basis of criteria including race, colour, religion, national origin, gender, disability or a number of other traits;

*Taking note* of the *African Declaration on Internet Rights and Freedoms*, which was developed by a coalition of African civil society organizations and adopted during the 9th Internet Governance Forum in Istanbul, Turkey, in September 2014, which elaborates on the principles which are necessary to uphold human and people’s rights on the Internet, and to cultivate an Internet environment that can best meet Africa’s social and economic development needs and goals;

*Concerned by* the emerging practice of State Parties of interrupting or limiting access to telecommunication services such as the Internet, social media and messaging services, increasingly during elections;

*Convinced* that it is of critical importance that clear and comprehensive principles are established to guide the promotion and protection of human rights in the online environment;

**The Commission:**

1. Calls on States Parties to respect and take legislative and other measures to guarantee, respect and protect citizen’s right to freedom of information and expression through access to Internet services;

2. Urges African citizens to exercise their right to freedom of information and expression in the Internet responsibly;

3. Encourages the Special Rapporteur of Freedom of Expression and Access to Information in Africa to take note of developments in the Internet age during the revision of the Declaration of Principles on Freedom of Expression in Africa, which was adopted by the Commission by 2002;
4. Urges State Parties, civil society and other stakeholders to collaborate with the Special Rapporteur by contributing to the process of revising the Declaration to consider Internet rights.

Done in Banjul, Islamic Republic of The Gambia, on 04 November 2016
ACHPR/Res. 363(LIX) 2016: Resolution on the Need to Develop Guidelines on Policing and Assemblies in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa and the Model Law on Access to Information for Africa;


Bearing in mind its Resolution ACHPR/Res. 306 (EXT.OS/XVIII) 2015 on the extension of the mandate of the Special Rapporteur on Prisons and Conditions of Detention in Africa which recommends that the Rapporteur should work with other Special Mechanisms of the Commission on cross-cutting issues relating to policing and human rights;

Noting the important role played by the police in ensuring the peaceful conduct of public assemblies and consequently, protecting freedom of expression and assembly;

Mindful of the importance of communication and the right of access to information before, during and after assemblies;

Concerned by the persistence of police violence during assemblies in Africa and its apparent consequences on the enjoyment of the various rights enshrined in the African Charter, in particular Articles 4, 5, 6, 9 and 11;

Considering the particularly vulnerable state of human rights defenders and journalists who are more exposed to various forms of police violence during assemblies;

Conscious that in many cases, this situation is caused or aggravated by several factors including the fact that the legal framework does not sufficiently protect the right to freedom of assembly, expression and access to information in the context of public assemblies, the interference of political actors, lack of training for police officers and the non-existence of special mechanisms to monitor policing;
Noting the links between the right to freedom of assembly, freedom of expression and access to information;

Convinced of the urgent need to develop guidelines on policing and assemblies in Africa to guide States Parties to the African Charter, in particular law enforcement officials to ensure greater observance of human rights during assemblies in Africa;

The Commission:

Decides to task the Special Rapporteur on Human Rights Defenders in Africa, the Special Rapporteur on Freedom of Expression and Access to Information in Africa and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa to develop the Guidelines on Policing and Assemblies in Africa, including tools to facilitate its effective implementation.

Done in Banjul, Islamic Republic of the Gambia, on 4 November 2016

ACHPR Recommendations and Resolutions
ACHPR/Res. 364(LIX) 2016: Resolution on Developing Reporting Guidelines with Respect to the Extractive Industries

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);


Further recalling Resolution ACHPR/Res.321(LVII)2015 appointing Commissioner Solomon Dersso as the new Chairperson of the Working Group and the extension of the term of its members, adopted at the 57th Ordinary Session of the Commission held from 4 to 18 November 2015 in Banjul, Islamic Republic of The Gambia;

Recognising the importance of the Working Group in contributing to the work of the Commission towards an improved protection of human rights and the environment within the context of extractive industries;

Further recognising that the lack of reporting guidelines on extractive industries undermines the monitoring of compliance by State Parties with Charter standards;

The Commission

Decides to mandate the Working Group to elaborate reporting guidelines that adequately guide State Parties on the information they should incorporate in their periodic report.

Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016
Section G

Resolutions adopted during the 60th – 65th Ordinary Sessions

(2017 – 2021)
ACHPR/Res. 365 (EXT.OS/XX) 2017: Resolution on Developing Guidelines on Combatting Sexual Violence and its Consequences

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 21st Extraordinary Session held from 23 February to 4 March 2017 in Banjul, Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Resolution ACHPR/Res.38 (XXXVIII) 99, adopted at its 25th Ordinary Session, held from 26 April to 5 May 1999 in Bujumbura, Burundi, on the establishment of a Special Mechanism on the Rights of Women in Africa;

Recalling the adoption and entry into force of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa; in particular Articles 4, 5 and 14, which prohibits all forms of violence and harmful practices against women and promotes the reproductive health rights of women;

Further recalling Resolutions ACHPR/Res.111 (XXXXII) 07 on the Right to a Remedy and Reparation for Women and Girls as Victims of Sexual Violence, ACHPR/Res.284 (LV) 14 on the Suppression of Sexual Violence against Women in the Democratic Republic of Congo; ACHPR/Res.288 (XVI) 14 Condemning the Perpetrators of Sexual Assault and Violence in the Arab Republic of Egypt; the Joint Statement by the UN Human Rights Experts, the Rapporteur on the Right of Women of the Inter-American Commission on Human and Peoples’ Rights and the Special Rapporteurs on the Rights of Women and Human Rights Defenders of the Commission on women’s sexual and reproductive health rights; and the Joint Press Release by the Commission’s Focal Point for the Study on Human Rights in Conflict Situations and its Special Rapporteur on the Rights of Women in Africa, expressing its condemnation of all forms of sexual violence in conflict as grave violations of human and peoples’ rights;

Concerned that sexual violence remains widespread throughout Africa, in peacetime as well as in wartime, and that the perpetrators enjoy impunity, which contributes to the repetition of those crimes;

Further concerned that these victims suffer very serious and long-lasting consequences, such as unwanted pregnancies, gynaecological complications, sexually transmitted diseases, and social stigmatization; that victims struggle to get access to the necessary medical and psycho-social services, live in fear of reprisals and most are denied their right to truth, justice and reparation;

Recognising the need to fight sexual violence through concrete measures aimed at preventing these violations, bringing the perpetrators to justice and protecting and
supporting the survivors, in compliance with States’ obligations under regional and international human rights instruments;

Further recognising the lack of adequate national laws for States to address the sexual violence and its consequences particularly at the regional level;

Considering the need to prepare guidelines to address the fight against sexual violence and its consequences;

The Commission:

1. welcomes the initiative by the Special Rapporteur on Rights on Women in Africa to develop a set of Guidelines to combat Sexual Violence and its consequences; and

2. decides that the Guidelines be presented to the Commission for consideration and adoption within a year.

Done in Banjul, Republic of the Gambia, on 4 March 2017.
Principles on the Declassification and Decriminalization of Petty Offences in Africa

The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 21st Extraordinary Session held from 23 February to 4 March 2017 in Banjul, The Gambia;

Recalling its mandate to promote and protect human rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter);

Recalling Article 45(1)(b) of the African Charter which mandates the Commission to ‘formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples’ rights and fundamental freedoms upon which African Governments may base their legislation;

Further recalling Resolution ACHPR/Res.64(XXXIV)03 adopting the Ouagadougou Declaration and Plan of Action on Accelerating Prisons and Penal Reforms in Africa, which calls on State Parties to the African Charter to declassify and decriminalize minor offences, ‘such as being a rogue and vagabond, loitering, prostitution, failure to pay debts and disobedience to parents’ as a strategy for reducing prison overcrowding;

Bearing in mind the Commission’s Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, which articulate grounds for arrest based on principles of legality and equality, and encourage the diversion of minor criminal offences away from the criminal justice system;

Concerned about the existence of vague and overly broad laws, in many African states that create petty offences and impede the enjoyment of human rights by all persons, particularly on the basis of their origin status and fortune;

Further concerned that the enforcement of petty offences have the effect of punishing, segregating, controlling and undermining persons on the basis of their status, and further infringe on the autonomy of persons by restricting their performance of socio-economic activities in public places;

Considering that overcrowding is endemic in prisons and police detention facilities across Africa, and the need to develop strategies for preventing imprisonment through the use of alternatives forms of punishment and the decriminalization of petty offences;

Concerned about the disproportionate impact of laws that create petty offences on the poor and persons who are otherwise marginalized or vulnerable within the criminal justice system;

Mindful that the enforcement of petty offences not only diverts resources away from
the prevention and detection of serious crime, but further entrenches the impact of poverty on persons most vulnerable to human rights violations across the criminal justice chain;

Convinced of the urgent need to develop Principles on the Declassification and Decriminalization of Petty Offences in Africa, to ensure greater observance of human rights for all persons;

The Commission decides:

1. to task the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa to develop the Principles on the Declassification and Decriminalization of Petty Offences in Africa; and

2. that the Principles be presented to the Commission for consideration and adoption within a year.

Done in Banjul, Republic of the Gambia, on 4 March 2017.
The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Republic of Niger;

Recalling its mandate to promote and ensure the protection of human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);


Underscoring that the right to freely dispose of wealth and natural resources is an inviolable right of all peoples guaranteed under Article 21 of the African Charter;

Acknowledging that in many African countries extractive industries constitute a source of revenue representing a substantial part of foreign direct investment which, if managed in a viable, sustainable and transparent manner respectful of charter-based rights, can contribute to broad-based and inclusive socio-economic development;

Reiterating the primary responsibility of States Parties to prevent and provide redress in accordance with the African Charter for all forms of violations of human and peoples’ rights, including violations involving non-state actors;

Affirming that extractive industries have the legal obligation to respect the rights guaranteed in the African Charter;

Concerned by the lack of transparency prevailing in relation to the negotiation and terms of concessionary contracts and the receipt and use of revenues;

Alarmed by the low respect of human and peoples’ rights in the extractive industries sector resulting in extensive individual and collective human rights violations;

Concerned by the exploitative terms on the basis of which the extractive industries operate in many parts of the continent depriving the populations of the benefits to which it is entitled and often causing adverse environmental and social impacts further exacerbating poverty in the host communities;

Noting with deep concern the loss of a considerable amount of revenues due to weak governance and tax regimes as well as bargaining capacity resulting in unduly long tax holidays, disadvantageous duty-free privileges and the exploitation by extractive
companies and individuals of the loopholes in such legal regimes and licensing contracts;

Further concerned by the increasing destruction with impunity of the environment and ecosystems resulting from poorly regulated activities of the extractive industries in Africa;

Convinced of the need for transforming the national legal and regulatory framework of the activities of the extractive industries, in line with the African Charter, to the development needs of society and the benefit of local communities, indigenous populations/communities, women, children, mine workers and other vulnerable groups living in the areas of operation of extractive industries;

The Commission:

1. Requests States Parties to ensure that relevant legislation is adopted or existing ones reviewed in order to:
   a. Stipulate provisions for sharing revenues from operations of extractive industries between national government, regional authorities and local communities;
   b. Require that licences to extractive industries are negotiated and granted in accordance with internationally accepted rules and standards, based on transparency and human and peoples’ rights;
   c. Guarantee that all the financial terms of agreements with extractive companies including those relating to licence fees, national and local taxes, custom duties, royalties and shares due to the State are not exploitative;
   d. Require that communities and individuals residing in areas earmarked for prospection and development of natural resources are properly consulted, provided with all information relating to exploration and development activities from the very inception and are assured that exploration and development activities are undertaken with due respect to the agreed terms protecting their rights;
   e. Ensure that concessionary contracts are negotiated with active participation of representatives of affected communities and community-based organizations and that their terms are made known to the public in accordance with the requirements of transparency and respect for all the human and peoples’ rights in the African Charter;
   f. Require that all revenues received by the State from the activities of extractive companies and the use to which they have been put are independently audited, made known to the public in the local languages and subject to parliamentary scrutiny;
   g. Put in place regulatory bodies vested with the relevant powers for ensuring that human rights, environmental and labour standards are duly respected and environmental and social impacts are mitigated;
h. Impose criminal and administrative accountability for all those involved in corrupt practices and misappropriation of public funds accruing from the operations of the extractive industries;

i. Provide non-judicial and judicial grievance mechanisms accessible to affected communities and adequately equipped and resourced for handling cases involving extractive industries; and

j. Ensure the application of human rights and relevant safety and environmental standards for protecting individuals and communities involved in and dependent on artisanal mining with particular attention to the rights of children, women, indigenous populations/communities and other vulnerable groups.

2. Calls on States Parties to institute laws where these do not exist, or reform existing laws to recognize and enshrine the obligations of extractive industries to respect the rights in the African Charter throughout their operation cycle, including for:
   a. Implementing exploration and development activities with due respect to the terms agreed in consultations guaranteeing the rights and interests of host communities;
   b. Paying due compensation to affected communities for all material and non-material damages suffered and for the cleaning and rehabilitation of affected environment in cases of despoliation of the environment;
   c. Bearing civil and criminal responsibility and paying compensation for human and peoples’ rights violations and/or abuses arising from their extractive industrial activities or from activities of those operating on their behalf or for assisting or abating such violations by state or non-state actors including private security companies;
   d. Contributing to the development needs of the communities in the areas of their operations including through supporting community-based employment, educational, health, agricultural or pastoral development projects; and
   e. Disclosing the identity of shareholders and local partners, fully declaring profits they make from their operations in the host country and for publicizing all payments that they make to government in terms of the contract and applicable laws of the country.

3. Urges States Parties to adopt laws and regulations aimed at easing the transition of affected communities from economic dependence on extractive industries to reliance on other livelihoods when activities of extractive industries are closed down, in line with regional and international human rights laws and principles;

4. Calls on States Parties to enforce such requirements where sufficient legislation currently exists including the provision of grievance mechanisms for all cases of violations of rights guaranteed in the African Charter;

5. Urges States Parties to establish regional mechanisms for:
   a. Cooperation and the exchange of good practices between States Parties to strengthen capacities and develop the necessary institutional and legal framework to ensure that mining contracts are negotiated to the benefit of and in consultation with affected individuals, local communities and indigenous populations/communities;
b. Developing capacities for value addition and beneficiation;
c. Building regional marketing platforms for assessing the commercial value of the resources exported from their territories; and
d. Fighting illicit financial flights common in the extractive industries.

Done in Niamey, Republic of Niger, on 22 May 2017
ACHPR/Res. 368 (LX) 2017: Resolution on Implementation of the Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Bearing in mind Resolution 88 (2005) on the Protection of Human Rights and the Rule of Law in the Fight against Terrorism, which reaffirms that: “African States should ensure that the measures taken to combat terrorism fully comply with their obligations under the African Charter on Human and Peoples’ Rights and other international human rights treaties, including the right to life, the prohibition of arbitrary arrest and detention, the right to a fair hearing, the prohibition of torture and other cruel, inhuman and degrading punishment and treatment and the right to seek asylum”;

Considering the Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa adopted by the African Commission on Human and Peoples’ Rights at its 56th Ordinary Session held in Banjul, The Gambia, from 21 April to 7 May 2015;

Welcoming the participation, as partners, of civil society in raising awareness and promoting the implementation of the Principles and Guidelines by States Parties;

Cognisant of the fundamental importance of guaranteeing respect for human and peoples’ rights and the standards of the rule of law when developing and implementing policies, regulations and laws on counter-terrorism and whilst undertaking counter terrorism operations;

Reaffirming the important role of the African Commission on Human and Peoples’ Rights, States Parties to the African Charter on Human and Peoples’ Rights, the African Court, Regional Economic Commissions, national courts and other stakeholders, including civil society and security sector institutions, in the implementation of the African Charter on Human and Peoples’ Rights as well as the process of monitoring and evaluating respect for same;

Noting with concern that African States are still enacting and implementing certain aspects of counter terrorism legislations that are in violation of fundamental human rights of populations also resulting in shrinking civic space;

Noting further that African States including law enforcement agencies are yet to take ownership of the principles enshrined in the Guidelines while countering terrorism;

The Commission:

1. Calls on all African States, in accordance with Article 1 of the African Charter on Human and Peoples’ Rights, to adopt legislative, administrative, judicial
and other appropriate measures to give effect to the Principles and Guidelines on Human Rights while Countering Terrorism in Africa and ensure that the rights and obligations contained therein are guaranteed in law, policies, regulations and practices governing all counter-terrorism operations, including during armed conflict and under a state of emergency;

2. Further calls on African States, in accordance with their reporting obligations under the African Charter on Human and Peoples’ Rights, to include information on the progressive implementation of human rights compliant legislation, policies and regulations that have to do with their counter-terrorism operations and on the extent to which their on-going or proposed counter-terrorism measures are consistent with these principles and guidelines;

3. Undertakes, through its Special Rapporteur on Human Rights Defenders, to develop and recommend for adoption to States Parties to the African Charter on Human and Peoples’ Rights a strategy and work plan that ensures the effective implementation of the Principles and Guidelines while Countering Terrorism in Africa;

4. Urges States Parties to the African Charter on Human and Peoples’ Rights to take the necessary measures to build the capacity of all stakeholders concerned on these Principles and Guidelines, as well as undertake to include provisions of the Principles and Guidelines in both the rules of engagement and deployment plans for all counter-terrorism operations;

5. Calls on the African Union to support the efforts of States Parties in the implementation of the Principles and Guidelines.

Done in Niamey, Republic of Niger, on 22 May 2017

ACHPR/Res. 369 (LX) 2017: Resolution on the Situation of Internally Displaced Persons in Africa
The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recalling its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (African Charter);

Recalling the provisions of Article 23 of the African Charter which, among other obligations, guarantee peoples’ right to national and international peace and security;

Further recalling the implementation commitments from the 1st Meeting of the Conference of States Parties to the Kampala Convention held in Harare, Zimbabwe, in April 2017;

Bearing in mind its 2016 fact-finding mission report on Burundi and the 2015 African Union Commission of Inquiry report on South Sudan;

Further recalling its Resolution ACHPR/Res.335 (EXT.OS/XIX) 16 on the situation of internally displaced persons in Africa;

Considering the provisions of the UN Guiding Principles on Internal Displacement, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), in particular the provisions of Article 3 urging States Parties to refrain from, prohibit and prevent arbitrary displacement of populations;

Recalling the commitment of States Parties enshrined in the Preamble to the Kampala Convention to providing durable solutions to situations of internally displaced persons by establishing an appropriate legal framework for their protection and assistance, and to adopt measures aimed at preventing and putting an end to the phenomenon of internal displacement by eradicating the root causes, especially persistent and recurrent conflicts as well as addressing displacement caused by natural disasters, which have a devastating impact on human life, peace, stability, security, and development;

Deeply concerned about the increasing number of internally displaced persons on the continent, in particular in South Sudan, Burundi, Nigeria, Congo, Democratic Republic of Congo, Niger and Cameroon;

Concerned about the continuous worsening of the violence in South Sudan and the increasing number of people in need of protection, shelter, medical care and other forms of assistance;

Concerned about the lack of information on the situation of the missing 3,000 internally displaced persons in South Sudan out of the 20,000 internally displaced
persons in February 2017 and about the constant refusal of the government forces of the Sudan People’s Liberation Army (SPLA) to allow members of the United Nations Mission in South Sudan (UNMISS) to search for their whereabouts;

*Alarmed* by the persistence of human rights violations in Burundi against internally displaced persons, including acts of intimidation, the worsening security and socio-economic situation and the increase in acts of discrimination, especially in the Ruhororo (Ngozi Province) and Mutaho (Gitega Province) Camps;

*Concerned* about the increasing number of internally displaced persons in Congo Brazzaville (about 22,000), following the intensification of armed clashes in the Pool region and the lack of concrete information on their living conditions;

*Further concerned* about the critical situation of close to 1,700,000 internally displaced persons in Nigeria and the urgent need to provide them with sufficient assistance, especially regarding social, educational and health services, as well as protection against sexual and gender-based violence, including from law enforcement officers;

*Concerned* about the situation of more than 1,000,000 internally displaced persons in the Democratic Republic of Congo and particularly in the Kasai region;

*Alarmed* by the situation of internally displaced persons in the Diffa region of Niger following terrorist activities by Boko Haram, which have brought about the massive displacement of more than 283,930 persons, a situation which still remains precarious;

*Further concerned* about the constant increase in the number of internally displaced persons in the Far North Region of Cameroon of more than 222,000 as a result of the criminal activities committed by Boko Haram and the need to provide assistance and ensure their protection;

*Recalling* the primary responsibility of African States to provide protection and humanitarian assistance to their nationals and particularly to internally displaced persons without any discrimination;

*Further recalling* the need for States to promote the roles of international humanitarian organisations providing assistance to their nationals in accordance with international law;

**The Commission:**

1. Calls on the authorities in the countries concerned to take all the necessary measures to respect the human rights of all internally displaced persons and to ensure that they receive all the necessary assistance and protection appropriate to their situation;
2. Calls on Burundi to take all the necessary measures to ensure the safety of displaced persons in the Ruhororo (Ngozi Province) and Mutaho (Gitega Province) Camps;

3. Calls on the government forces of the Sudan People’s Liberation Army (SPLA) to allow forces of the United Nations Mission in South Sudan to conduct patrols to ensure the security of internally displaced persons and to obtain information on the situation of the missing 3,000 internally displaced persons who have still not been found;

4. Calls on the authorities of the Republic of Congo to ensure the protection of the population of the Pool region, particularly internally displaced persons as a result of the ongoing armed clashes in the region;

5. Calls on the authorities of the Federal Republic of Nigeria to take the necessary measures to ensure the safety of internally displaced persons, as well as their access to social and health services and protection against sexual and gender-based violence;

6. Urges the Democratic Republic of Congo to continue its collaboration with United Nations agencies to protect internally displaced persons, particularly in the Kasai region;

7. Encourages the Republic of Niger to continue providing assistance to internally displaced persons in the Diffa region and to take the necessary measures to ensure their protection;

8. Calls on the authorities of the Republic of Cameroon to take the necessary measures to assist internally displaced persons as a result of the terrorist attacks of Boko Haram and ensure their protection;

9. Urges the African Union to intensify efforts aimed at resolving conflicts and combatting terrorist groups, while respecting the human rights guaranteed under the African Charter, by providing assistance to the States concerned;

10. Calls on the African Union to expedite the implementation of the Common African Position (CAP) on Humanitarian Effectiveness in order to provide the necessary support to States in managing the massive displacement of populations;

11. Calls on the international community and humanitarian organisations to increase assistance to displaced persons in the countries concerned;

12. Calls on the authorities of South Sudan, Burundi, Democratic Republic of Congo, Cameroon and all States Parties that have not yet done so, to ratify the Kampala Convention;

13. Urges States Parties to the Kampala Convention to take all the necessary measures to protect populations from forced displacements irrespective of the causes.
ACHPR/Res. 370 (LX) 2017: Resolution on the Granting of Affiliate Status to National Human Rights Institutions and specialized human rights institutions in Africa
The African Commission on Human and Peoples’ Rights (the Commission), meeting at its 60th Ordinary Session from 08 to 22 May 2017, in Niamey, Niger;

**Bearing in mind** the provisions of Article 45(1) of the African Charter on Human and Peoples’ Rights (the African Charter), which provides that the function of the Commission shall be, *inter alia*, “to cooperate with other African and international institutions concerned with the promotion and protection of human and peoples’ rights;”

**Considering** that Article 26 of the African Charter stipulates that States Parties to the Charter shall have the duty to “allow the establishment and the improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the Charter;”

**Cognizant** of the adoption of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa and other relevant regional and international human rights instruments;

**Reaffirming** Rule 67 of the Rules of Procedure of the Commission, adopted during its 47th Ordinary Session, held from 12 to 26 May 2010, in Banjul, The Gambia, which provides that “National Human Rights Institutions established by States Parties and functioning according to internationally and regionally recognized norms and standards may be granted affiliate status with the Commission;”

**Considering** that to date, the Commission has granted affiliate status to 27 National Human Rights Institutions;

**Recognizing** the Paris Principles which elaborate on the mandate of such institutions;

**Recognizing** the establishment of the Network of National Human Rights Institutions, the regional umbrella body that brings together African National Human Rights Institutions and works to support and strengthen national human rights institutions in Africa;

**Recognizing** the emergence of other specialized human rights institutions in Africa, including Gender Commissions and Equality Commissions, with which the Commission may also work in fulfillment of its mandate;

**Convinced** of the importance of the role of national institutions and other specialized human rights institutions in the promotion and protection of human rights and in creating public awareness in Africa;

**The Commission:**
1. **DECIDES TO REVIEW** its criteria for granting of Affiliate Status to national human rights institutions;

2. **COMMENDS** the increasing interest shown by States Parties in establishing and strengthening national human rights institutions and other specialized human rights institutions for the promotion and protection of human rights;

3. **RECOGNIZES** that it is the right of each State to establish, according to its sovereign prerogatives and within the most appropriate legislative framework, a national institution charged with the promotion and protection of human rights according to internationally recognized norms, and that each State too may establish other specialized human rights institutions such as Gender Commissions and Equality Commissions;

4. **NOTES WITH SATISFACTION** the significant participation of African national human rights institutions and the Network of African National Human Rights Institutions in the Sessions of the Commission;

5. **ADOPTS** a new criteria for the granting of Affiliate Status to national human rights institutions and other specialized human rights institutions;

6. **DECIDES** that the new criteria shall enter into force with immediate effect, and requests the Secretary to the African Commission to report on the implementation of the present Resolution at each Ordinary Session of the Commission.

**CRITERIA FOR THE GRANTING OF AFFILIATE STATUS TO NATIONAL HUMAN RIGHTS INSTITUTIONS AND OTHER SPECIALIZED HUMAN RIGHTS INSTITUTIONS WITH THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS**

1. National Human Rights Institutions and specialized human rights institutions applying for Affiliate Status with the African Commission on Human and Peoples’ Rights (the Commission) shall submit a written application to the Secretariat of the Commission, showing that they work for the realisation of the objectives of the African Charter on Human and Peoples’ Rights (the African Charter).

2. An institution applying for Affiliate Status shall meet the following criteria:
   
   I. It shall be duly established by law;
   II. It shall be a national human rights institution or other specialized human rights institution of a State Party to the African Charter;
   III. Its independence shall be guaranteed by law;
IV. It shall have as broad a mandate as possible, capable of promoting, protecting and monitoring human rights through various means;

V. It shall be characterized by effective functioning;

VI. It shall be adequately funded and not subject to financial control;

VII. It shall be accessible to the general public; and

VIII. It shall be composed of diverse membership representative of the society.

3. Applicant institutions shall submit the following documents to the Commission, at least three months prior to the Ordinary Session where the application will be considered:

I. A formal letter of application to the Commission;

II. A copy of the law which establishes the applicant national human rights institution or other specialized human rights institution;

III. Documentation showing how the applicant institution conforms to the criteria stipulated above;

IV. A list of the Members of the applicant institution; and

V. Information on the sources of funding of the applicant institution.

4. National institutions and other specialized human rights institutions granted Affiliate Status shall have the following rights:

I. They shall be invited to sessions of the Commission; and

II. They shall participate, without voting rights, in deliberations on issues which are of interest to them, and submit proposals which may be put to a vote at the request of any Member of the Commission;

5. National institutions and other specialized human rights institutions granted Affiliate Status shall have the following responsibilities:

I. They shall assist the Commission in the promotion and protection of human rights at the national level; and

II. They shall present their activity reports to the Commission every two years.

Done in Niamey, Republic of Niger, on 22 May 2017

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recognizing its mandate to promote and protect human and peoples’ rights under the African Charter on Human and Peoples’ Rights (African Charter);

Recalling the provisions of Article 12 of the African Charter which guarantee the right to freedom of movement and residence for all individuals and prohibit the mass expulsion of non-nationals;

Recalling the provisions of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and other international instruments on the protection of refugees;

Further recalling its resolutions ACHPR/Res.114 (XXXII) 07, ACHPR/Res.131 (XXXIII) 08 and ACHPR/Res.333 (EXT.OS/XIX) 16 on the situation of migrants, as well as its Statement on the deteriorating situation of migrants in the Mediterranean issued at its 56th Ordinary Session held in Banjul, The Gambia;

Taking into account the massive displacement of migrants and refugees in the past years and the various human rights violations of which migrants and refugees are victims;

Concerned about the huge loss of lives of migrants in the Mediterranean Sea, the magnitude of the phenomenon and the disastrous consequences on African populations in particular;

Considering that response to the refugee and migrant problem has thus far been mainly humanitarian;

Noting the importance of developing a stronger, more orderly and sustainable response to assist refugees and host communities, with respect to their rights;

Welcoming the adoption by the African Union in January 2016 of the Common African Position on Humanitarian Effectiveness;

Further considering the adoption by States, at the UN Summit on Migrants and Refugees held on 19 September 2016 in New York, of the Declaration for Refugees and Migrants;

The Commission:
1. Recommends that States Parties should adopt a comprehensive approach to issues relating to population displacement regardless of the cause;

2. Calls upon States Parties and the African Union to organize and participate in national, regional and international consultations planned under the New York Declaration; as well as undertake inclusive and participatory consultation with all stakeholders towards the adoption of the Global Compact for safe, orderly and regular migration;

3. Urges the African Union, in particular countries of origin as well as host countries, to take ownership of the recommendations contained in the Declaration and adopt the necessary measures for their implementation in order to find concrete solutions to the situation of migrants and refugees;

4. Calls upon the African Union to implement, as soon as possible, the Common African Position (CAP) on Humanitarian Effectiveness and to expedite the establishment of the African Humanitarian Agency, which will be responsible for the implementation of the humanitarian action programme at the continental level;

5. Urges the African Union to take into account the recommendations of the New York Declaration during implementation of the Common African Position on Humanitarian Effectiveness with the aim of aligning them with the global response strategy emanating from the Declaration.

_Done in Niamey, Republic of Niger, on 22 May 2017_
ACHPR/Res. 372 (LX) 2017: Resolution on the Protection of Sacred Natural Sites and Territories

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Bearing in mind the definition of “indigenous” in an African context, given in the report “Indigenous Peoples in Africa: The Forgotten Peoples?” (ACHPR, 2003), as consisting of several shared characteristics, most notably that “survival of their particular way of life depends on access and rights to their traditional lands and the natural resources thereon”;

Recognising that sacred natural sites are one of the oldest forms of culture-based conservation, defined as “areas of land or water having special spiritual significance to peoples and communities” (IUCN, 2008) and often harbouring rich biodiversity contributing to connectivity, resilience and adaptability of valuable landscapes and ecosystems;

Recognising the centrality of sacred natural sites and territories to protecting and supporting the relationship between peoples, land and culture, especially for indigenous populations/communities;

Recognising also that custodian communities, who maintain customary governance systems to protect sacred natural sites and territories, play an essential role in preserving the traditional values of Africa, and require legal recognition and support to do so;

Recalling international treaties that support the protection of sacred natural sites, including the UNESCO Universal Declaration on Cultural Diversity (2001), the UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003), the UNESCO Convention on the Protection and Promotion of Diversity of Cultural Expressions (2005) and the United Nations Declaration on the Rights of Indigenous Peoples (2007);

Recalling the preambular text to the African Charter relating to the importance of peoples’ rights in addition to, and in harmony with, fundamental and individual human rights;

Recalling the provisions of Articles 22 and 24 of the African Charter relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Recalling its Resolution ACHPR/Res.73 (LXXIII) 04 on the importance of economic, social and cultural rights;
Recalling also its Resolution ACHPR/Res.51 (LI) 00 on the rights of indigenous populations/communities as well as Resolutions ACHPR/Res.257 (CCLVII) 13 and ACHPR/Res.197 (CXCVII) 11 which relate to the protection of the land rights of specific indigenous communities;

Welcoming the support already undertaken for sacred natural sites and territories by States Parties, including Benin’s ‘Sacred Forest Law’ and the regional protection in areas such as Sheka and Bale in Ethiopia;

Concerned by the continued rapid growth of environmentally damaging industrial activity and infrastructure development which cause irreparable damage and which impact, directly or indirectly, on sacred natural sites and territories;

Concerned that many governments do not have laws, policies or appropriate measures to protect sacred natural sites and territories;

The Commission:

1. Calls on States Parties to recognise sacred natural sites and territories, and their customary governance systems, as contributing to the protection of human and peoples’ rights.
2. Calls on States Parties to uphold their obligations and commitments under regional and international law on sacred natural sites and territories and their customary governance systems, and the rights of custodian communities.
3. Urges States Parties, civil society, businesses and other stakeholders concerned to recognize and respect the intrinsic value of sacred natural sites and territories.

Done in Niamey, Republic of Niger, on 22 May 2017

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Bearing in mind Article 2 of the African Charter which guarantees every individual the enjoyment of the rights and freedoms recognised in the Charter regardless of race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status;

Further bearing in mind Article 18 (4) of the African Charter which provides that persons with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs;

Concerned at the continued widespread discrimination, stigma and social exclusion directed at persons with albinism;

Deeply concerned at reports of systematic attacks against persons with albinism in multiple countries, including against women and children;

Recalling Resolution ACHPR/Res.263 2013 on the prevention of attacks and discrimination against persons with albinism and Resolution ACHPR/Res.349 2016 on the attacks on persons with albinism in Malawi;

Welcoming the steps taken and efforts made by the countries concerned, including national action plans, to address attacks and discrimination against persons with albinism, legal action against perpetrators of attacks against persons with albinism, public condemnation of attacks against persons with albinism, and awareness-raising campaigns;

Cognizant of the Addis Ababa Road Map which aims to enhance cooperation between the Special Procedures of the UN Human Rights Council and the Special Mechanisms of the Commission;

Welcoming the adoption by the Commission of the Draft Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Persons with Disabilities in Africa;

The Commission:

1. Endorses the Regional Action Plan on Albinism in Africa (2017-2021) which lays out specific measures for addressing attacks and discrimination against persons with albinism through prevention, protection, accountability as well as equality and non-discrimination measures;
2. Urges States Parties to take all measures necessary to adopt and implement the Regional Action Plan and to ensure the effective protection and promotion of the rights of persons with albinism and members of their families;
3. Invites relevant organs and bodies of the African Union to give due regard to the Regional Action Plan within their mandates;
4. Requests the Commission and its Special Mechanisms to consider appropriate ways for the effective promotion of the Regional Action Plan and to make proposals and take actions thereon.

Done in Niamey, Republic of Niger, on 22 May 2017
ACHPR/Res. 374 (LX) 2017: Resolution on the Right to Food and Food Insecurity in Africa

The African Commission on Human and Peoples’ Rights (the Commission) meeting at its 60th Ordinary session held from 8th to 22nd May 2017 in Niamey, Niger:

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (the African Charter)

Recalling that the African Charter enshrines Economic, Social and Cultural Rights, in particular in Articles 14, 15, 16, 17, 18, 21 and 22.

Recalling its Resolution ACHPR/Res.73(XXXVI)04 on Economic, Social and Cultural Rights in Africa passed at the 36th Ordinary Session of the Commission in Dakar, Senegal, on 7th December 2004; which established the mandate of the Working Group on Economic, Social and Cultural Rights in Africa, and adopted the Declaration of the Pretoria Seminar on Economic, Social and Cultural Rights in Africa (the Declaration);

Further Recalling the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (the Nairobi Guidelines) adopted by the Commission at its 48th Ordinary Session held from 10 to 24 November 2010 in Banjul, The Gambia; which assist State Parties to comply with their obligations;

Cognisant that, as underscored in the Nairobi Guidelines and the Declaration, the right to food is inherent in the Charter’s protection of the rights to life, health and the right to economic, social and cultural development; and that this right is realized when everyone alone or in community with others has physical and economic access at all times to adequate food or means of its procurement and is free from hunger even in times of natural or other disasters;

Noting that the said Resolution, Guidelines and Declaration have affirmed that regional and international human rights instruments stress the indivisibility, interdependence and universality of all human rights, including the African Charter, the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the Universal Declaration of Human Rights, the Declaration on the Right to Development, the International Covenant on Economic, Social and Cultural Rights and the Convention for the Elimination of All Forms of Discrimination Against Women and the United Nations Convention on the Rights of Persons with Disabilities;
Noting with appreciation the on-going efforts to guarantee the right to food in a number of countries and in particular the experience of Niger which presented its “3 N” initiative during the 60th Ordinary Session;

Concerned that food insecurity is currently gravely threatening the right to food of more than 20 million people across the world including in some African countries, in particular parts of South Sudan, Somalia and Nigeria and in other countries on the continent;

Further concerned that most vulnerable groups, including children, women, older persons, persons with disabilities, refugees, migrants and internally displaced persons are those mostly affected by food insecurity;

Noting that food insecurity, starvation and famine in these countries are due to political crises, conflicts, increase in food prices, environmental degradation, and natural phenomenon prompted by climate change which is again the result of human deeds;

The Commission:

1. **Urges State Parties to:**
   a. Adopt legislative, administrative and other necessary measures to guarantee the right of everyone to be free from hunger and to mitigate and alleviate hunger even in times of natural or other disasters;
   b. Immediately halt situations of insecurity and conflicts in concerned countries gravely affecting the fundamental human rights of their populations in particular the right to food;
   c. Guarantee unhindered access for the distribution of humanitarian assistance to those most vulnerable due to the precariousness of the security conditions they live in;
   d. Ensure the accessibility of food to members of vulnerable and disadvantaged groups through special programmes;
   e. Prioritize and support the most sustainable management and use of natural and other resources for food at the national, local and household levels;
   f. Participate in international and regional cooperation efforts and projects aimed at ensuring the right of everyone to be free from hunger in particular through equitable distribution of food supplies in relation to need and to those affected in situations of insecurity;

2. **Urges** States Parties, the African Union and Regional Economic Communities, to operationalize and implement without delay all strategies and plans aimed at responding to emergencies and humanitarian needs of the populations
affected by food insecurity, famine and starvation; including the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods, its Implementation Strategy and Road Map as well as the African Union Centre of Best Practices for Food Security;

3. **Urges** the International Community, in particular the United Nations System to continue its efforts to provide assistance to populations affected by food insecurity; and

4. Calls on non-state actors involved in conflicts to allow unhindered access to humanitarian organisations to provide relief food and assistance to affected populations.

*Adopted at the 60th Ordinary Session of the African Commission on Human and Peoples’ Rights in Niamey, Niger, on 22nd May 2017*
ACHPR/Res. 375 (LX) 2017: Resolution on the Right to Life in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held in Niamey, Republic of Niger, from 8 to 22 May 2017;

Recalling its mandate to promote and ensure the protection of human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);

Considering the adoption by the African Commission of General Comment No.3 to the African Charter, which clarifies the nature of the right to life as recognised in Article 4 of the Charter and the extent of the obligation it imposes upon State parties, and recalling that the General Comment does not put in place new standards or highlight best practices but rather sets out the Commission’s perspective on dimensions of this universally recognised right;

Considering also the various instruments recently adopted by the Commission with a direct bearing on the protection of the right to life, including the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, the Principles and Guidelines on Human and Peoples’ Rights while Countering Terrorism in Africa, and the Guidelines for the Policing of Assemblies by Law Enforcement Officials;

Welcoming the fact that the great majority of African States have abolished the death penalty or have adopted a moratorium on the practice of executions, in line with the Commission’s Resolutions 42 (XXVI) and 136 (XLIV);

Nonetheless concerned that in some States legislation that provides the death penalty for crimes remains in effect, and that in some jurisdictions persons are sentenced to death after trials that do not comply with fair trial norms;

Particularly concerned by the prevalence of arbitrary deprivations of life occurring in the context of law enforcement operations, often through the use of excessive force by state agents;

Recalling that failure to investigate in a transparent and diligent manner suspicious deaths and killings by State agents and to identify and hold accountable those responsible, constitutes in itself a violation by the State of the right to life;

Emphasizing that the State’s duty to investigate is also triggered by suspicion or allegation of an enforced disappearance, and that where it is found that a person has been forcibly disappeared and his/her fate remains unknown, in addition to the violation of other rights, a violation of the right to life has occurred;

Reaffirming the State’s heightened level of responsibility to protect the rights of those it places in its custody, and particularly the presumption of State responsibility for deaths occurring in custody;

The Commission:
1. Urges all States Parties to ensure that their domestic laws on the use of force by law enforcement officials are in line with regional and international standards and in particular the principles of precaution, necessity and proportionality;

2. Urges all States Parties to ensure that law enforcement officials are provided with appropriate personal protective equipment and weapons less likely to cause an injury than firearms, and that they receive adequate training to avoid the use of force;

3. Urges all States Parties to establish mechanisms to ensure that a prompt, impartial, and effective investigation is conducted into any potentially unlawful death or enforced disappearance in its jurisdiction;

4. Urges those States Parties that have established a moratorium on executions to undertake further practical steps towards the abolition of the death penalty, in accordance with their regional and international legal obligations, by reinforcing their moratorium and by encouraging judicial authorities to refrain from imposing the death penalty;

5. Urges those States Parties that have not already abolished the death penalty to immediately establish a moratorium on executions and to adopt measures aimed at the full abolition of the death penalty;

6. Calls on States Parties to inform the Commission on such efforts during their regular reporting on observance of the African Charter.

Done in Niamey, Republic of Niger, on 22 May 2017
ACHPR/Res. 376 (LX) 2017: Resolution on the Situation of Human Rights Defenders in Africa

The African Commission on Human and Peoples’ Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recalling its mandate to promote and protect human and peoples’ rights in Africa under the African Charter on Human and Peoples’ Rights (African Charter);


Considering Resolution ACHPR/Res.196 (L) 11 which recognises the difficult environment in which human rights defenders in Africa work;

Considering Resolution ACHPR/Res.245 (LIV) 13 which recognises the challenges faced by women human rights defenders on the African continent regarding the recognition, exercise and enjoyment of their rights;

Further considering the obligations of States Parties under Article 1 of the African Charter and the relevant provisions of regional and international human rights instruments, including the obligation to guarantee the security of persons living in their territories, as well as the freedom of assembly, association, expression, and access to information of human rights defenders and their right to participate in the management and government of their country;

Bearing in mind the instruments for the protection of the rights of human rights defenders, in particular the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998 UN Declaration on Human Rights Defenders), the 1999 Grand Bay Declaration and Plan of Action, and the 2003 Kigali Declaration;

Recognising the importance of the contribution of human rights defenders to the protection of human and peoples’ rights, democracy, rule of law, peace consolidation and sustainable development;

Deeply concerned about the situation of human rights defenders in Africa, and their families, who as a result of their activities are victims of several forms of violation, including arbitrary arrest, unlawful detention, acts of torture, inhuman and degrading treatment, extrajudicial and summary execution, killing, enforced
disappearance, denial of the right to fair trial, access to medical care and right to food while in detention, and are forced to go into exile;

Also concerned about the persistence of reprisals against human rights defenders who cooperate with human rights mechanisms;

Noting with satisfaction the initiative taken by some States Parties to enact specific laws for the protection of human rights defenders in accordance with international standards and measures for their implementation;

Recalling that States Parties recognised in the 2003 Kigali Declaration “the important role of human rights defenders in the promotion and protection of human rights in Africa”;

Conscious of the fact that since the establishment of the mechanism of the Special Rapporteur on Human Rights Defenders in Africa much progress has been made, including the establishment of sub-regional networks of human rights defenders, the study and adoption of the report on women human rights defenders and the Report of the Study of Freedom of Association;

Concerned about new challenges, in particular the increased threats against defenders working on issues including the right to health, the fight against HIV/AIDS, reproductive health, sexual orientation and gender, extractive industries, promotion of democracy and peace, and women rights defenders irrespective of their area of activity;

Concerned by the shrinking civic space through the enactment or amendment of laws within the framework of the fight against terrorism, in particular regarding freedom of association, demonstration, expression and access to information which are the fundamental pillars of the work of human rights defenders;

Convinced that women human rights defenders face obstacles and risks while carrying out their human rights activities;

Conscious that the 1999 Grand Bay Declaration calls on State Parties to “take appropriate steps to implement in Africa the UN Declaration on the Protection of Human Rights Defenders”;

Noting the Cotonou Declaration issued at the end of the 2nd International Colloquium on the Situation of Human Rights Defenders in Africa of March 2017;

The Commission calls upon States Parties to:

1. Comply with their obligations under the African Charter on Human and Peoples’ Rights and other relevant human rights instruments ratified;
2. Take the necessary measures to provide human rights defenders with a conducive environment to be able to carry out their activities without fear of acts of violence, threat, intimidation, reprisal, discrimination, oppression and harassment from State and non-State actors;

3. Adopt specific legislative measures to recognise the status of human rights defenders, and protect their rights and the rights of their colleagues and family members, including women human rights defenders and those working on issues such as extractive industries, health and HIV/AIDS, reproductive health, sexual orientation and gender identity, promotion of peace and democracy, fight against terrorism, and respect for human rights;

4. Refrain from using the fight against terrorism as a pretext to restrict fundamental freedoms, including freedom of religion and conscience, expression, association, assembly and movement;

5. Enact specific laws in conformity with the UN Declaration on Human Rights Defenders, the Grand Bay Declaration and Plan of Action, and the Kigali Declaration, and take the necessary measures for their implementation.

Done in Niamey, Republic of Niger, on 22 May 2017