Final Communiqué of the 58th Ordinary Session of the African Commission on Human and Peoples’ Rights

6 to 20 April 2016
Banjul, Islamic Republic of The Gambia
1. The African Commission on Human and Peoples’ Rights (the Commission) held its 58th Ordinary Session from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia.

2. The opening ceremony was graced by the presence of the Secretary-General and Head of the Civil Service of the Islamic Republic of The Gambia, Honourable Sulayman Samba, who declared the 58th Ordinary Session open.

3. In his opening statement, Honourable Sulayman Samba underscored the progress made by the Islamic Republic of The Gambia in the promotion and protection of human rights and commended the efforts of other African States in meeting their obligations under the African Charter on Human and Peoples’ Rights (the African Charter) and other relevant regional and international instruments. He stated that the promulgation of the law banning female genital mutilation, as well as the Domestic Violence Act 2013, the Sexual Offences Act 2013 and the Women’s Act 2010, are part of the Gambian Government’s efforts and strong commitment to promoting and protecting the rights of women. He further noted that Africa still faces many challenges, including armed conflict, violence, terrorist attacks, socio-economic crises and other social and economic problems. Honourable Sulayman Samba concluded by urging all States Parties and stakeholders present at the Session to fully participate in the deliberations and to contribute to the success of the 58th Ordinary Session of the African Commission on Human and Peoples’ Rights.

4. The following Members of the Commission participated in the 58th Ordinary Session:
   i. Honourable Commissioner Pansy Tlakula, Chairperson;
   ii. Honourable Commissioner Soyata Maïga, Vice-Chairperson;
   iii. Honourable Commissioner Reine Alapini-Gansou;
   iv. Honourable Commissioner Kayitesi Zainabo Sylvie;
v. Honourable Commissioner **Lucy Asuagbor**;
vi. Honourable Commissioner **Med S.K. Kaggwa**;
vii. Honourable Commissioner **Maya Sahli-Fadel**;
viii. Honourable Commissioner **Lawrence Murugu Mute**;
ix. Honourable Commissioner **Jamesina Essie L. King**; and
x. Honourable Commissioner **Solomon Ayele Dersso**.

5. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen** was absent with apologies.

6. During the opening ceremony, Mrs Hannah Foster, Executive Director of the African Centre for Democracy and Human Rights Studies, speaking on behalf of the NGOs Steering Committee, stated that the NGO Forum considered specific issues that are relevant to the work of the African Commission. She urged the Commission to use its mandate under Article 58 of the African Charter to draw the attention of the Assembly of Heads of State and Government to cases of conflict and human rights violations in Africa. She reiterated the appeal of the NGO Forum to stakeholders working to promote human rights, in particular NGOs with observer status, to continue to work in collaboration with the African Commission in order to strengthen efforts aimed at promoting and protecting human rights and good governance in Africa. Mrs Hannah Foster concluded her statement by calling on African States to ratify the relevant instruments and to take the necessary measures to implement them.

7. Mr Gilbert Sebihogo, Executive Director of the Network of African National Human Rights Institutions, noted in his statement that terrorist activities continue to be of great concern in Africa, and urged African Union Member States to strengthen cooperation frameworks and continue to develop the necessary strategies to combat terrorism in Africa. He commended the Commission’s efforts in ensuring the
implementation of activities within the framework of 2016 which, in many respects, is a unique year in the area of human rights. He noted that 2016, declared African Year of Human Rights with a Special Focus on the Rights of Women, is an opportunity for human rights stakeholders to highlight and celebrate the milestones in the promotion and protection of human rights registered on the continent and the progress made in order to inspire future generations. He urged the Commission to consider working closely with the various regional, national and community stakeholders towards obtaining maximum results that are capable of having a direct impact on the lives of African citizens in the various parts of the continent.

8. Her Excellency Mrs Paulette Badjo Ezouehu, Minister of Human Rights and Public Freedoms of the Republic of Côte d’Ivoire, representing the African Union Member States, in her statement commended the Commission for the progress made in implementing human rights promotion and protection activities in Africa. She urged Member States to continue to support the African Commission. She further called on the various stakeholders present to participate actively in the deliberations of the 58th Ordinary Session.

9. Mrs Paulette Badjo Ezouehu presented the human rights situation in Côte d’Ivoire. She stated that a lot of progress has been made in human rights promotion and protection. She indicated that the Government, through the Ministry of Human Rights and Public Freedoms, has adopted a human rights promotion and protection policy centred on sensitisation, education and the fight against impunity. She underscored the progress made in the area of security, access to education, access to health care and the promotion of the rights of women. Mrs Paulette Badjo Ezouehu also mentioned the issue of terrorism in Africa and noted the efforts made by all African Union Member States towards eradicating the scourge of terrorism. She emphasised the need to develop cooperation ties between Member States and other stakeholders towards coordinating efforts to combat terrorism, as well as the need to
respect human and peoples’ rights. Her Excellency Mrs Paulette Badjo Ezouehu concluded her statement by reiterating the commitment of African Union Member States to meet their obligations under the African Charter and other relevant regional and international instruments towards improving human rights in Africa.

10. In her opening statement, the Chairperson of the Commission, Honourable Commissioner Pansy Tlakula, stated that 2016 marks the 35th anniversary of the adoption of the African Charter on Human and Peoples’ Rights, the 26th anniversary of the African Charter on the Rights and Welfare of the Child, the 10th anniversary of the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples’ Rights, and the 10th anniversary of the adoption of the African Youth Charter. She indicated that these various instruments of the African Union have made a valuable contribution to the promotion and protection of human and peoples’ rights on the continent. She also noted that 2016 marks the 29th anniversary of the Commission’s operationalisation since 1987. She announced that several events are being organised by the various stakeholders to commemorate 2016 which has been declared “African Year of Human Rights with Particular Focus on the Rights of Women”. In this regard, the African Commission will organise several commemorative activities during its 59th Ordinary Session. She further urged all participants present at the Session to undertake at least one commemorative activity.

11. The Chairperson gave an update on the human rights situation in Africa over the past six months. She stated that during this period, several positive developments were noted on the continent. These include the organisation of relatively peaceful elections which were largely free and fair in Benin, Niger, Cabo Verde, Congo, Tanzania, Central African Republic, Uganda and Comoros; as well as a referendum in Senegal. She pointed out that despite the progress made, several challenges still need to be addressed. She urged all stakeholders to continue efforts to ensure the
respect and protection of human rights in Africa, adding that human rights promotion and protection our collective responsibility and no contribution to this cause can ever be small. She underscored that our success will be measured through the concrete realisation of all human rights and fundamental freedoms for all, irrespective of race, ethnic groups, colour, gender, age or any other status. In this regard, she called on all stakeholders to ensure that human rights education is provided at the national level and to disseminate information for the promotion of the rights guaranteed in the African Charter and other relevant regional and international instruments. She concluded by reiterating the African Commission’s commitment to work closely with all the stakeholders to enhance the protection of human rights in Africa.

12. Honourable Commissioner Pansy Tlakula presided over the 58th Ordinary Session.

13. A total of four hundred and ninety-eight (498) Delegates participated in the 58th Ordinary Session; with one hundred and sixty-six (166) representing twenty-four (24) Member States, one (1) representing the African Union Liaison Office in Geneva, seventeen (17) representing national human rights institutions (NHRIs), five (5) representing international and inter-governmental organisations, two hundred and eighty (280) representing non-governmental organisations (NGOs), and twenty-nine (29) representing other observers and the media.

14. During the 58th Ordinary Session, the Commission organised and facilitated the following events:

   i. Panel on the Launch of General Comment No. 3 on the African Charter: The Right to Life (Article 4);
   ii. Panel on Decriminalization of Petty Offences in Africa;
iv. Panel on Decriminalization of Abortion Campaign in Africa;
v. Panel on the General Comment on the Right to Redress for Victims of Torture and Ill-treatment;
vi. Panel on Policing and Assemblies;
vii. Panel on State Reporting Guidelines under the Maputo Protocol;
viii. Panel on the Importance of Sexual and Reproductive Rights in the “Year of Human Rights with particular focus on the Rights of Women”;
ix. Panel on the African Commission’s Principles and Guidelines on Human Rights while Countering Terrorism in Africa;
x. Panel on the Abolition of the Death Penalty in Africa;
xi. Panel on the Role of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in Advancing Equality and Human Rights for All;
xii. Launch of a Project to Develop Guidelines on Access to Information, Elections and Record Keeping; and
xiii. Launch of European Union Support to 3 Special Mechanisms of the Commission.


16. Representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), Special Procedures Mandate Holders of the UN Human Rights Council and the International Committee of the Red Cross (ICRC) made statements
underscoring their commitment to strengthen cooperation with the Commission and other institutions within the framework of the promotion and protection of human rights. They commended the Commission’s efforts in monitoring and strengthening the legal framework for the protection of displaced persons and other victims of armed conflict, and reiterated their support to the work of the Commission.

17. Representatives of National Human Rights Institutions (NHRIs) of Mauritania, Cameroon, Côte d’Ivoire, Rwanda, South Africa and Burundi made statements on the human rights situation in their respective countries. Forty-one (41) NGOs having Observer Status with the Commission also made statements on the human rights situation in Africa.

18. The Commission discussed issues relating to its status of relationship and cooperation with National Human Rights Institutions (NHRIs) and Non-Governmental Organizations (NGOs).

19. The Commission presented an update on the status of submission of NHRIs periodic reports and granted Affiliate Status to the following two (2) NHRIs in accordance with the Resolution on the Granting of Affiliate Status to NHRIs in Africa:
   i. National Human Rights Commission of Sudan; and

20. This brings the total number of NHRIs having affiliate status with the Commission to twenty six (26).

21. The Commission granted Observer Status to the following five (5) NGOs in accordance with the Resolution on the Criteria for Granting and Enjoying Observer Status to NGOs Working in the Field of Human and Peoples’ Rights:
   i. International Detention Coalition;
ii. Center for Health, Human Rights and Development;
iii. Human Rights Awareness and Promotion Forum;
iv. The Human Rights Implementation Centre; and
v. Environnement Ressources Naturelles et Développement.

22. To date, the Commission has granted Observer Status to four hundred and ninety-eight (498) NGOs.

23. The Commission presented an update on the status of submission of States Parties periodic reports. In accordance with Article 62 of the African Charter and Article 26 of the Maputo Protocol, the Commission considered the periodic reports of the following three (3) States Parties:

i. Republic of Namibia;
ii. Republic of Mali; and
iii. Republic of South Africa.

24. The following Members of the Commission presented their reports on activities undertaken during the intersession period in their capacities as Commissioners, as well as reports of their various Subsidiary Mechanisms:

i. The Special Rapporteur on Freedom of Expression and Access to Information;
ii. The Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa;
iii. The Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
iv. The Special Rapporteur on the Rights of Women in Africa;
v. The Special Rapporteur on Human Rights Defenders in Africa;
vi. The Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;

vii. 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;

viii. The Chairperson of the Working Group on Communications;

ix. The Chairperson of the Working Group on Indigenous Populations/Communities in Africa;

x. The Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;


xii. The Chairperson of the Committee for the Prevention of Torture in Africa; and


25. The Commission presented an update on Project 2016 to the Delegates present and called on States Parties to mobilise the necessary resources towards the successful organisation of the various activities.

26. The Commission considered and adopted with some observations and amendments the following documents:

i. Report of the Working Group on Communications;

ii. Study on Child Marriage;

iii. Strategy for the Abolition of the Death Penalty in Africa;

iv. Study on Extractive Industries, Land Rights and the Rights of Indigenous Communities/Populations;
v. Report of the Joint Meeting of the Advisory Committee on Budgetary and Staff Matters and the Working Group on Specific Issues;

vi. Report of the Meeting on a Comprehensive Review of Major Issues Affecting the Workings of the Commission led by the Working Group on Communications; and

vii. Report of the Advisory Committee on Budgetary and Staff Matters.

27. The Commission considered and made observations on the following documents:
   i. AU Procedure for the Adoption of Protocols;
   ii. Update on Project 2016;
   iii. General Comment on Article 7 (d) of the Protocol to the African Charter on the Rights of Women in Africa;
   iv. Draft Communication Procedure between the ACHPR Focal Point on Reprisals, Alleged Victims and State Parties;
   v. Information and Guidance Note on Communication with the ACHPR Focal Point on Reprisals;
   vi. Joint General Comment on Child Marriage; and
   vii. Report of the Secretary to the Commission.

28. The Commission expressed its concern following the incidents of 14 and 16 April 2016 in the Islamic Republic of The Gambia and sent a letter of urgent appeal to the Government. The Commission also issued a press release on the situation.

29. The Commission adopted the following Resolutions:
   i. Resolution on the Extension of the Deadline for the Study on Transitional Justice in Africa;
   ii. Resolution on the Establishment of a Resolutions Committee;
iii. Resolution on the Human Rights Situation in the Republic of Congo;
iv. Resolution on the Human Rights Situation in the Sahrawi Arab Democratic Republic;
v. Resolution on the Continuous Human Rights Violations in Relation to the Chibok Girls and other abducted persons in Nigeria;
vi. Resolution on Climate Change and Human Rights in Africa;
vii. Resolution on the Right to Dignity and Freedom from Torture or Ill-Treatment of Persons with Psychosocial Disabilities in Africa;
viii. Resolution on the Fight Against Impunity in Africa;
ix. Resolution on the Situation of Human Rights Defenders in Africa;
x. Resolution on the Right to Education in Africa;
xii. Resolution on the Issues Affecting the African Youth; and

The Commission considered twenty-three (23) Communications, including eleven (11) on Seizure and nine (9) Communications requiring guidance. The Commission also deferred the consideration of three (3) Communications and granted four (4) requests for Provisional Measures.

The Commission considered and adopted its 40th Activity Report which will be presented at the 29th Ordinary Session of the Executive Council and the 27th Summit of Heads of State and Government of the Africa Union.

The Commission decided to hold its 20th Extraordinary Session from 9 to 18 June 2016 in Arusha, Tanzania.

The Commission decided to hold its 59th Ordinary Session from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia.
34. The Commission expresses its appreciation to all participants and partners who contributed at various levels to the successful organisation and conduct of the 58th Ordinary Session.

35. The Commission expresses its sincere gratitude to the Government and people of the Islamic Republic of The Gambia for the warm welcome and hospitality extended to participants at the 58th Ordinary Session. The Commission also expresses its profound gratitude to the Government of the Islamic Republic of The Gambia for accepting to host the Session and for providing the Commission with the necessary facilities which greatly contributed to the smooth conduct and success of the Session.

36. The closing ceremony of the 58th Ordinary Session was held on 20 April 2016 in Banjul, Islamic Republic of The Gambia.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016