


AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي <i>African Commission on Human & Peoples' Rights</i>		UNIÃO AFRICANA <i>Commission Africaine des Droits de l'Homme & des Peuples</i>
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Final Communiqué of the 57th Ordinary Session of the African Commission on Human and Peoples' Rights

Banjul, The Gambia
4 to 18 November 2015

1. The African Commission on Human and Peoples' Rights (the Commission) held its 57th Ordinary Session in Banjul, The Gambia, from 4 to 18 November 2015.
2. The opening ceremony was graced by the presence of the Minister of Presidential Affairs, Secretary General and Head of the Civil Service of The Gambia, **Honourable Lamin Nyabally**, who declared the 57th Ordinary Session open.
3. In his opening statement, **Honourable Lamin Nyabally** underscored the Commission's human rights promotion and protection mandate under the African Charter on Human and Peoples' Rights ratified by States Parties to serve the interest of their people. In his statement, Honourable Lamin Nyabally called on States Parties to fully implement the provisions of the African Charter towards the promotion and protection of human and peoples' rights on the African continent. He stated that the Sessions of the Commission are an opportunity to assess the implementation of States' obligations under the African Charter on Human and Peoples' Rights (the African Charter), and urged all States Parties and stakeholders present at the Session to fully participate in the deliberations and to support the work of the Commission.
4. The following Members of the Commission participated in the 57th 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 **Yeung Kam John Yeung Sik Yuen**;
 - vi. Honourable Commissioner **Lucy Asuagbor**;
 - vii. Honourable Commissioner **Med Kaggwa**;
 - viii. Honourable Commissioner **Maya Sahli-Fadel**;

- ix. Honourable Commissioner **Lawrence Murugu Mute** ;
 - x. Honourable Commissioner **Jamesina E.L. King**;
 - xi. Honourable Commissioner **Solomon Ayele Dersso**.
5. In accordance with Article 38 of the Charter, the following newly elected Commissioners were sworn in during the Session:
- i. **Mrs Kayitesi Zainabo Sylvie**, of the Republic of Rwanda (re-elected);
 - ii. **Mrs Jamesina E.L. King**, of the Republic of Sierra-Leone (newly elected);
 - iii. **Mr Solomon A. Dersso**, of the Federal Democratic Republic of Ethiopia (newly elected);
6. During the opening ceremony, Ms Adama Cooper, representing Ms Hannah Foster, Representative of the NGOs Steering Committee, indicated that the Forum discussed the independence, autonomy and impartiality of the African Commission on Human and Peoples' Rights. She stated that it is crucial for the Commission to preserve its autonomy and independence in order to avoid jeopardising the basis of the Charter and the work of the Commission. Ms Adama Cooper concluded by indicating that Member States should not interfere in the work of the Commission.
7. A minute of silence was observed in memory of human rights defenders and an Interpreter of the Commission who passed away prior to the Session.
8. Mr Gilbert Sebihogo, Executive Director of the Network of African National Human Rights Institutions (NANHRI), speaking on behalf of NANHRI, called on the Commission to support the work of NANHRI and to strengthen cooperation with national human rights institutions. Mr Sebihogo stated that the African Commission on Human and Peoples' Rights plays a crucial role in protecting human rights for all; and that in this regard the Commission defines standards for human rights protection and ensures their implementation. He further underscored the

importance for the Commission to function with a high level of independence, autonomy and impartiality in order to ensure that its own rules of procedure are known and respected by all stakeholders.

9. Mr Mohamed Ibn Chambas, Special Representative of the Secretary General of the United Nations and Head of the United Nations Office for West Africa, expressed the support of the United Nations to the work of the African Commission on Human and Peoples' Rights. He noted with appreciation the efforts made by stakeholders who are actively involved in the area of human rights in Africa. He underscored the crucial role played by human rights defenders in promoting and protecting freedoms. He indicated that unfortunately, several human rights activists continue to suffer harassment and reprisals from both the State and the communities they serve. He reiterated the UN's call for States Parties to the African Charter to refrain from carrying out acts of reprisal against human rights defenders. Mr Mohamed Ibn Chambas concluded by stating that the UN continues to support the efforts of governments, civil society and initiatives aimed at promoting an environment for the equitable participation of political actors, civil society organisations, men, women, the youth, indigenous people, ethnic minorities and other categories of the population.
10. H.E. Manuel Domingos Augusto, Secretary of State for Foreign Affairs of the Republic of Angola, representing AU Member States, commended Honourable Kayitesi Zainabo Sylvie for her excellent work as Chairperson, which contributed significantly to advancing human rights promotion and protection activities in Africa.
11. Mr Manuel Domingos Augusto stated that despite the progress noted recently in Africa, as evidenced by the peaceful political transition in Nigeria, the general and presidential elections in Togo, Guinea Conakry and Côte d'Ivoire; the continent still faces serious crises which are a threat to stability, peace and security, and which

compromise the efforts of Member States in achieving the objectives of Agenda 2063. He stated that the political instability in Burundi and Burkina Faso, the uncertainty surrounding the electoral process in the Central African Republic, and the activities of extremist groups in Nigeria, Cameroun, Chad, Tunisia and Libya, are factors which undermine the efforts of States Parties. He further commended and encouraged civil society to continue its partnership role with governments in efforts to improve the living conditions of Africans. H.E. Manuel Domingos Augusto concluded by calling on AU Member States to continue to cooperate with the African Commission on Human and Peoples' Rights and to support the Commission's activities to promote and protect human rights in Africa.

12. Mr Dieu-Donné Wedi Djamba, Member of the Economic, Social and Cultural Council (ECOSOCC), representing Honourable Joseph Chilengi, Presiding Officer of ECOSOCC, commended the Commission for its hard work in recent years in promoting and protecting human and peoples' rights in Africa. In his statement, Mr Dieu-Donné Wedi Djamba underscored that ECOSOCC, as an organ responsible for channelling African voices and ensuring the integration of African perspectives into the work of the African Union, is working assiduously with Member States to ensure that Africans fully enjoy the rights and freedoms recognised and guaranteed by the African Charter on Human and Peoples' Rights without any distinction.

13. In her opening statement, the outgoing Chairperson of the Commission, Honourable Commissioner Kayitesi Zainabo Sylvie, welcomed participants to the 57th Ordinary Session of the Commission and congratulated the new Commissioners Dr Solomon Ayele Dersso and Mrs Jamesina L. King on their election. She announced the end of the term of Mr Mohamed Khalfallah of Tunisia as Commissioner, who served as the Vice-Chairperson of the Commission, and that of Mr Pacifique Manirakiza of Burundi whose duties included the Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations. Honourable

Commissioner Kayitesi Zainabo Sylvie also announced the end of her term as Chairperson of the Commission and expressed her gratitude to all partners for their support during her term as Chairperson which helped the Commission to achieve good results in the past four years.

14. Recalling the human rights situation during this period, Honourable Commissioner Kayitesi Zainabo Sylvie stated that 2015 was particularly difficult for the promotion and protection of human rights on the continent. She indicated that conflict and terrorism are two problems which seriously undermine the work of people working to promote and protect human rights in Africa. She stated that in the past four years, the Commission has considered a large number of State reports and Communications. She underscored that the Commission is closely monitoring the situation in Burundi, Sudan, Central African Republic, Mali and Libya. She stated that the Commission welcomes the efforts of Nigeria, Chad and Cameroon and condemns the recent terrorist acts in these countries. Honourable Commissioner Kayitesi recalled the incident of the Chibok girls abducted by Boko Haram and called on all stakeholders to continue their efforts for the girls to be released and reunited with their families. Honourable Commissioner Kayitesi Zainabo Sylvie also urged all stakeholders to join the African Union and the Commission in supporting the preparations and activities for the commemoration of 2016 which has been declared African Year of Human Rights with Particular Focus on the Rights of Women.

15. After the opening ceremony, the Commission met in a private session to elect its new Bureau, following which the Commission presented in the public session its newly elected Bureau, composed of the following:

- i. Chairperson: Honourable Commissioner Pansy Tlakula;
- ii. Vice-Chairperson: Honourable Commissioner Soyata Maiga

16. Honourable Commissioner Pansy Tlakula presided over the 57th Ordinary Session in her capacity as the Chairperson of the Commission.
17. A total of five hundred and eighteen (518) delegates participated in the 57th Ordinary Session, with one hundred and thirty-eight (138) representing twenty-four Member States (24), two (2) representing AU organs, eighteen (18) representing national human rights institutions (NHRIs), seventeen (17) representing international and inter-governmental organisations, two hundred and eighty (280) representing non-governmental organisations (NGOs), and sixty-three (63) representing other observers and the media.
18. A number of side events were organised prior to and on the margins of the 57th Ordinary Session, including:
- i. The NGO Forum, held from 31 October to 2 November 2015;
 - ii. Meeting of the Working Group on Communications, held from 31 October to 2 November 2015;
 - iii. Meeting of the Working Group on Indigenous Populations/Communities, held from 1 to 2 November 2015;
 - iv. Joint meeting with the Office of the High Commissioner for Human Rights and UNAIDS on institutional dialogue and issues of common interest, held on 3 November 2015;
 - v. Meeting of the Joint Working Group on the Addis-Ababa Roadmap, held on 3 November 2015;
 - vi. Panel discussion on the challenges faced by human rights defenders working on human rights and extractive industries, held on 3 November 2015;
 - vii. Panel discussion on the Guidelines on State Reporting under the Maputo Protocol, held on 4 November 2015;

- viii. Panel discussion on the Coalition for an African Court on Human and Peoples' Rights, held on 4 November 2015;
- ix. Panel discussion on Countering Terrorism and Respecting Human Rights by the Police: Challenges and Perspectives, held on 5 November;
- x. Meeting of the Advisory Committee on Budgetary and Staff Matters (ACBSM), held on 6 November 2015;
- xi. Advisory Committee on the Expanded Final Draft of Article 4 of the Declaration of Principles on Freedom of Expression in Africa, held on 6 November 2015;
- xii. Meeting of the Working Group on Specific Issues, held on 6 November 2015 ;
- xiii. Panel discussion on the Implementation of Decisions of the Commission, held on 6 November 2015 ;
- xiv. Final consultative meeting on the draft expanded Article 4 of the Declaration of Principles on Freedom of Expression in Africa, held on 8 November 2015.

19. Representatives of the following 17 States Parties made statements on the human rights situation in their respective countries: South Africa, Algeria, Angola, Burkina Faso, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Kenya, Lesotho, Malawi, Mauritania, Niger, Nigeria, Sahrawi Arab Democratic Republic, Democratic Republic of Congo and Sudan.

20. Representatives of the Office of the United Nations High Commissioner for Human Rights, UNAIDS, International Committee of the Red Cross, Special Procedures Mandate Holders of the UN Human Rights Council made statements underscoring the collaboration between the Commission and their respective institutions as part of the framework for the promotion and protection of human rights.

21. Representatives of National Human Rights Institutions (NHRIs) of Nigeria, Kenya and Sierra-Leone made statements on the human rights situation in their respective countries.

22. Forty-six (46) NGOs with Observer Status at the Commission also made statements on the human rights situation in Africa.

23. The Commission granted Observer Status to the following eight (8) NGOs in accordance with the Resolution on the criteria for granting Observer Status to NGOs working in the area of human rights:

- (i) Mouvement des jeunes pour le réveil et le développement;
- (ii) Association Djazairouna;
- (iii) Rehabilitation Centre for Victims of Domestic and Sexual Violence (RECESVID);
- (iv) Economic & Social Rights Centre (HakiJamii);
- (v) Initiative for Social and Economic Rights;
- (vi) Women Advocates Research and Documentation Centre (WARDC);
- (vii) The West African Institute for Legal Aid (WAILA);
- (viii) Under the Same Sun Fund 493.

24. To date, the Commission has granted observer status to four hundred and ninety-three (493) NGOs.

25. In accordance with Article 62 of the African Charter, the Commission considered the periodic reports of the following four (4) States Parties:

- i. Republic of Sierra-Leone;
- ii. Republic of Kenya;
- iii. Burkina Faso;
- iv. People`s Democratic Republic of Algeria.

26. The Commission adopted Concluding Observations on the periodic reports of the following States Parties: Malawi, Nigeria and Uganda.

27. The following Members of the Commission presented their reports on activities undertaken during the intersession period in their capacity as Commissioners as well as reports on their various Special Mechanisms:

- i. The Special Rapporteur on Freedom of Expression and Access to Information;
- ii. The Chairperson of the Working Group on Death Penalty, 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 and 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;
- xi. The Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- xii. The Chairperson of the Committee on the Prevention of Torture in Africa ;

- xiii. The Chairperson of the Working Group on Older Persons and Persons with Disabilities in Africa.
28. The Commission presented an update on *Project 2016* to the delegates present and called on States Parties to mobilise necessary resources to ensure the successful organisation of the activities planned for the 2016 celebration.
29. The Commission held meetings with some State delegates and institutions, in particular:
- i. The Vice President of the Republic of The Gambia;
 - ii. Delegates of the Republic of Senegal;
 - iii. Delegates of the Pan African Parliament.
30. The Commission considered and adopted the following documents:
- i. Report of the Working Group on Communications;
 - ii. Report of the Advisory Committee on Budgetary and Staff Matters;
 - iii. Report of the Secretary to the Commission;
 - iv. Draft General Comment No. 3 on Article 4 of the African Charter on Human and Peoples' Rights on the Right to Life;
31. The Commission adopted the following Resolutions:
- i. Resolution on the Renewal of the Mandate of the Special Rapporteur on Human Rights Defenders in Africa;
 - ii. Resolution on the Drafting of Guidelines on Freedom of Association and Assembly in Africa;
 - iii. Resolution on the Appointment of the Focal Point on Transitional Justice in Africa;
 - iv. Resolution on the Renewal of the Mandate of the Special Rapporteur on Freedom of Expression and Access to Information in Africa;

- v. Resolution on the Renewal of the Mandate of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
- vi. Resolution on the Renewal of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants;
- vii. Resolution on the Appointment of the Special Rapporteur on the Rights of Women;
- viii. Resolution on the Renewal of the Mandate of the Chairperson of the Committee for the Prevention of Torture in Africa;
- ix. 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;
- x. Resolution 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;
- xi. Resolution on the Renewal of the Mandate and Appointment of New Members of the Working Group on Indigenous Populations/Communities in Africa;
- xii. Resolution on the Extension of the Mandate of the Working Group on Specific Issues Related to the Work of the African Commission;
- xiii. Resolution on the Renewal of the Mandate of the Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities;
- xiv. Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
- xv. Resolution on the Appointment of the Chairperson and renewal 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;
- xvi. Resolution on the Renewal of the Mandate and Reconstitution of the Advisory Committee on Budgetary and Staff Matters;

- xvii. Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Communications;
- xviii. Resolution on the urgency for undertaking fact-finding mission to Burundi.

32. The Commission considered twenty-three (23) Communications:

- i. Thirteen (13) on Seizure;
- ii. Three (3) on Merits;
- iii. Six (6) on Strike Out;
- iv. The Commission decided to refer One (1) Communication to the African Court on Human and Peoples' Rights.

33. The Commission granted Provisional Measures for six (6) Communications.

34. The Commission considered and adopted its 39th Activity Report which will be presented at the 28th Ordinary Session of the AU Executive Council and the 26th Summit of AU Heads of State and Government.

35. The Commission decided to hold its 19th Extraordinary Session from 16 to 25 February 2016 in Banjul, The Gambia.

36. The Commission decided to hold its 58th Ordinary Session from 6 to 20 April 2016 at a venue to be decided.

37. The Commission expresses its gratitude to all participants and to partners who contributed at various levels to the organization and success of the 57th Ordinary Session.

38. The Commission expresses its sincere appreciation to the Government and people of the Republic of The Gambia for the warm welcome and hospitality

extended to participants at the 57th Ordinary Session. The Commission also extends its sincere gratitude to The Gambia for agreeing to host the Session and for providing the Commission with the necessary facilities which contributed significantly to the smooth conduct and success of its Session.

39. The closing ceremony of the 57th Ordinary Session was held on 18 November 2015 in Banjul, The Gambia.

Done in Banjul, The Gambia, on 18 November 2015