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| AFRICAN UNION |  | UNION AFRICAINE |
| الاتحاد الأفريقي African Commission on Human & Peoples' Rights | | UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples |
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Final Communiqué of the 66th Ordinary Session of the African Commission on Human and Peoples' Rights

Virtual Session
13 July – 7 August 2020

1. The African Commission on Human and Peoples' Rights (the Commission) held a 66th Ordinary Session (the Session) virtually from 13 July to 7 August 2020, on account of the ongoing COVID 19 Pandemic.
2. The Opening Ceremony was graced by the virtual presence of H.E Minata Samate Cessouma, Commissioner for Political Affairs of the African Union Commission (AUC), representing H.E Moussa Faki Mahamat, Chairperson of the AUC who declared the Session open.
3. The Session was chaired by Honourable Commissioner Solomon Ayele Dersso, Chairperson of the Commission, assisted by Honourable Commissioner Rémy Ngoy Lumbu, Vice-Chairperson.
4. The following Members of the Commission participated in the Session:
 - i. Honourable Commissioner **Solomon Ayele Dersso**; Chairperson
 - ii. Honourable Commissioner **Rémy Ngoy Lumbu**; Vice Chairperson
 - iii. Honourable Commissioner **Sylvie Kayitesi Zainabo**;
 - iv. Honourable Commissioner **Maya Sahli-Fadel**;
 - v. Honourable Commissioner **Jamesina Essie L. King**;
 - vi. Honourable Commissioner **Hatem Essaïem**;
 - vii. Honourable Commissioner **Maria Teresa Manuela**;
 - viii. Honourable Commissioner **Alexia Gertrude Amesbury**.
 - ix. Honourable Commissioner **Mudford Zachariah Mwandenga**;
 - x. Honourable Commissioner **Marie Louise Abomo**; and
 - xi. Honourable Commissioner **NDiamé Gaye**.
5. Speaking on behalf of the Non-Governmental Organisation (NGO) Forum Steering Committee, **Mrs. Hannah Foster** indicated that since the outbreak of the COVID-19 pandemic in December 2019, human rights violations have remained a major concern across the globe. She highlighted that in the wake of the pandemic, there have been reported cases of systematic harassment of human rights defenders; the formulation and implementation of legislations to curb the enjoyment of fundamental freedoms; the restriction of freedom of expression through the criminalization of bloggers and internet restrictions; and a rise in gender-based violence caused by lockdown measures. She indicated that the overcrowding of prisons due to non-observance of judicial guarantees and minimum standards in respect of remand detainees, continue to create health challenges which are exacerbated by the COVID-19 pandemic. She called on the Commission to urge Member States to respect and implement the International Minimum Standards on Prison Conditions and the Treatment of Prisoners.
6. In conclusion, she congratulated the Commission for all successes recorded in the fulfilment of its mandate, especially on being the first African Union (AU) Organ to issue a Press statement drawing attention to the existence of

COVID-19 and identifying the need to adopt a human rights-based approach to the pandemic.

7. **Mr. Mohammed Fayek**, Chairperson of the Network of African National Human Rights Institutions (NANHRI), delivering a statement on behalf of the NANHRI, indicated that National Human Rights Institutions (NHRIs) have been at the forefront in supporting the work of the Commission, particularly as it relates to the recently adopted Rules of Procedure of the Commission 2020. He recognized the requirement for State Parties to designate focal points to interact with the Commission, a stipulation he indicates will go a long way in supporting the follow-up to the implementation of the Commission's decisions. Mr. Fayek noted with concern the brutal enforcement of quarantine measures by States in an effort to curb the spread of the COVID-19 pandemic. He assured the Commission of NANHRI's utmost commitment to improving the human rights situation in Africa, and called for a pluralistic and consultative process in ensuring a global and sustainable approach to human rights issues.
8. **Prof. Benyam Mezmur**, Special Rapporteur on Children and Armed Conflict of the African Committee of Experts on the Rights and Welfare of the Child, stated that as the COVID-19 outbreak continues to affect the socio-economic stability across the continent, children being the most vulnerable are disproportionately affected by the emergency and lock down measures adopted by States. He expressed concern that millions of children are out of school as a result of the pandemic. He further stated that the pandemic is likely to result in a devastating effect on family functioning by limiting sources of income for households, resulting in limited access to nutritious food and healthcare for children. In addressing these challenges, Prof. Mezmur indicated that State Parties would benefit from the guidance of both the Commission and the African Committee of Experts on the Rights and Welfare of the Child. He further indicated that the African Committee of Experts on the Rights and Welfare of the Child issued a Guidance Note to Member States based on the norms of the African Charter on the Rights and Welfare of the Child, to assist States in ensuring that children's rights and welfare are not neglected or violated in the process of enforcing emergency protocols adopted in a bid to curb the spread of the virus.
9. In his Statement, **Honourable Justice Sylvain Oré**, President of the African Court on Human and Peoples' Rights (the African Court) observed that the holding of the 66th Ordinary Session shortly after experimenting with a virtual Session during its 28th Extra-Ordinary Session, is a testimony by the Commission in its relentless commitment for the course of human rights in Africa. He highlighted the complementarity relationship between the Commission and the African Court which he noted is budding slowly and steadily.
10. Honourable Justice Oré recognized the importance of the role of the Commission to ensure the promotion and protection of human rights during the COVID-19 pandemic, and commended the Commission for its Press Statement on human rights based effective response to the novel COVID-19 in Africa published on 24 March 2020. He observed that the Press Statement was an efficient response in

human rights protection within the context of COVID-19 which amongst other things, gives directions to State Parties to place human rights in the heart of their responses to COVID-19, as well as adopt guidelines on different responses brought by States to COVID-19.

11. Honourable Justice Oré stated that achievements of previous mandate holders have given room for hope, and wished the Commission success in its deliberations.
12. In his opening statement, the Chairperson of the Commission, **Honourable Commissioner Solomon Ayele Dersso** commenced his statement by welcoming all stakeholders to the Session. He indicated that the work of the Commission has become urgent in the wake of the COVID-19 pandemic, as opposed to conventional times. He elaborated that COVID-19 and its consequences have excavated and brought to the fore, the socio-economic deprivations afflicting the masses. A deprivation which he emphasized, has left communities without access to water, sanitation, housing, education and sustainable employment vulnerable to the scourge of the pandemic.
13. He noted that the nature of the COVID-19 response measures adopted and enforced by States have given rise to a wide range of governance and human rights issues. He raised the concern that States face the danger of the COVID-19 pandemic descending into a human rights crisis. He highlighted that it is for this reason that the Commission issued a Press Statement which provides guidelines on the effective response to the novel COVID -19 pandemic in Africa on 24 March 2020. This he stated was to address issues of excessive restrictions of rights, excessive use of force and many other human rights violations which had been reported in the course of the pandemic.
14. He noted the economic implications brought on by the COVID-19 pandemic: the disruption of the chain of supply, the fall in demand and the suspension of activities within the airline and tourism sector, which has resulted in revenue loss for most African Countries. He emphasized that global solidarity involving economic relief measures, together with national mitigation measures directed at strengthening Africa's healthcare system, food supplies, alleviating financial crisis, supporting education, protecting jobs, and keeping households and business afloat, are the prerequisite necessary to prevent the socio-economic consequences of COVID-19 pandemic, from descending into a human rights catastrophe.
15. Delivering the opening statement on behalf of H.E **Moussa Faki Mahamat**, Chairperson of the AUC, **H.E Mrs. Minata Samate Cessouma**, Commissioner for Political Affairs of the AUC, welcomed the election of the Chairperson of the Commission, and the new Members of the Commission. She also extended appreciation to the Ag. Executive Secretary to the Commission, Ms. Lindiwe Khumalo and staff of the Secretariat for the organization of the Session.
16. Mrs. Cessouma indicated that due to the emerging challenges facing the African continent especially during the COVID-19 pandemic, there is need for State Parties to redouble their efforts to ensure that African citizens are not deprived of their

socio-economic rights. She recalled the AU decision declaring this decade, a Decade for Human and Peoples' Rights and its 10 year Plan of Action focusing on the need to promote human rights in Africa. Mrs. Cessouma observed that the African continent is already facing many challenges as mentioned by the Chairperson of the Commission, which have been exacerbated by COVID-19. She stated that it is now high time for Member States to intensify their efforts in individual and collective levels so as to ensure that rights are protected by giving effect to all human rights instruments and legal mechanisms. She highlighted Aspiration No. 3 of Agenda 2063-An Africa with good governance; democracy and respect for human rights, which is necessary in building a culture of human rights, and to safeguard a unified prosperous Africa. Aligned to this, she called on Member States to work together and cooperate with all AU Organs they have established to ensure that human rights are fully consolidated and become a reality in Africa. She also urged Member States to submit regular reports, so as to be in sync with the principles that are enshrined in human rights instruments on shared values.

17. In addition, she stated that Member States of the Union have a responsibility to ensure that their responses are all inclusive and non-discriminatory. She emphasized that Member States should support the Commission as it adopts measures and recommendations for the promotion and protection of human rights on the continent, to assist Member States to have an inclusive approach to human rights and respond adequately to the corona virus.
18. Mrs. Cessouma stated that she is convinced discussions and conclusions of the Session will improve the efficiency of the African human rights system, and in conclusion, she declared the Session open.
19. During the public session, the Commission held a special Session on **Major Human Rights Issues Arising in the Context of COVID-19 and Measures undertaken by the Commission in Response**. This Session gave an opportunity to Members of the Commission to make reflections on actions that have been taken in their various capacities, to address human rights challenges occasioned by COVID-19 on the continent.
20. The Commission also held a Panel Discussion on **Human Rights and COVID-19**, on the theme *"Making human rights a priority during and after COVID-19."* The Panel, made up of Representatives of States, NHRIs, and Civil Society Organizations, underscored the necessity for ensuring that the COVID-19 response measures do not lead to violations of rights for addressing structural vulnerabilities of Member States, including inequalities in all its various forms.
21. A total of **three hundred and thirty-five (335)** delegates participated in the Session: **eighty-eight (88)** representing State Parties from **seventeen (17)** countries; **three (3)** representing AU Organs, **thirty-eight (38)** representing NHRIs; **one (1)** representing International and Inter-Governmental Organizations; **one hundred and eight-nine (189)** representing African and International NGOs; **fourteen (14)** representing other observers and **two (2)** representatives from the media.

22. Representatives of the following **nine (9)** State Parties made statements on the human rights situation in their countries (with special focus on human and peoples' rights in the context of COVID-19): Republic of Angola; Democratic Republic of Congo; Arab Republic of Egypt; Republic of Eritrea; Republic of Gabon; Republic of Malawi; Republic of Rwanda; United Republic of Tanzania; and Sahrawi Arab Democratic Republic.
23. Representatives of the following **six (6)** NHRIs also made statements on the human rights situation in Africa (with special focus on human and peoples' rights in the context of COVID-19): Sahrawi National Human Rights Commission; National Human Rights Commission of Rwanda; National Human Rights Commission of Algeria; National Commission for Human Rights and Liberties of Cameroon; National Human Rights Commission of Kenya; and National Human Rights Commission of Nigeria.
24. A Representative of **NANHRI** also made a statement on the human rights situation in Africa (with special focus on human and peoples' rights in the context of COVID-19)
25. A total of **twenty-nine (29)** NGOs with Observer Status with the Commission equally made statements on the human rights situation in Africa (with special focus on human and peoples' rights in the context of COVID-19).
26. **One (1)** International Organisation made a statement on the human rights situation in Africa (with special focus on human and peoples' rights in the context of COVID-19): International Committee of the Red Cross.
27. The Right of States to Reply was observed by **three (3)** State Parties: The Republic of Angola; the Arab Republic of Egypt; and the United Republic of Tanzania.
28. The Commission reported on the status of its relationship and cooperation with NHRIs and NGOs, and gave an update on the status of submission of activity reports by NHRIs and NGOs.
29. The Commission granted Observer Status to **two (2)** NGOs, in accordance with the **Resolution on the Criteria for Granting and Maintaining Observer Status to Non-Governmental Organizations working on Human and Peoples' Rights in Africa**, namely:
 - i. Human Rights Documentation and Training Centre; and
 - ii. Centre for Rights Education and Awareness.
30. The Commission deferred consideration of one (1) Application for Observer Status from the National Coalition of Human Rights Defenders-Uganda.
31. This brings the total number of NGOs with Observer Status with the Commission to **five hundred and twenty-five (525)**.

32. The Commission gave an update on the Status of Submission of Periodic Reports by State Parties.
33. In accordance with Article 62 of the African Charter, the Commission considered the Combined 9th and 10th Periodic Report under the African Charter of the Republic of Mauritius (2016 to 2019).
34. The following Members of the Commission presented their intersession reports highlighting the activities undertaken in their capacities as Commissioners and mandate holders of Special Mechanisms:
 - i. The Chairperson reporting on his activities as the Chairperson of the Commission;
 - ii. The Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals;
 - iii. The Special Rapporteur on the Rights of Women in Africa;
 - iv. The Special Rapporteur on Freedom of Expression and Access to Information in Africa;
 - v. The Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
 - vi. The Special Rapporteur on Refugees, Asylum Seekers, Internally-Displaced Persons and Migrants in Africa;
 - vii. The Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
 - viii. The Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
 - ix. The Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa;
 - x. The Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
 - xi. The Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa;
 - xii. The Chairperson of the Working Group on Communications;
 - xiii. The Chairperson of the Committee for the Prevention of Torture in Africa; and
 - xiv. The Chairperson of the Committee for the Protection of the Rights of Persons Living with HIV and Those at Risk, Vulnerable to and Affected by HIV.
35. The presentations of these Reports generated reactions, contributions and questions from State Delegates and Civil Society Organisations.
36. During its private Session, the Commission considered the following:
 - i. Report on Follow-up Actions;
 - ii. Report of the Ag. Executive Secretary to the Commission;

- iii. Report of the Communications Audit;
 - iv. Report on Status of Allotment and Execution of Budget 2020;
 - v. Report on Budget 2021;
 - vi. Working Methods of the Commission; and
 - vii. Brief on the state of Concluding Observations and Promotion Mission Reports.
37. Following the coming into effect of its 2020 Rules of Procedure in June 2020, the Commission discussed the practical implementation of administrative Seizure of Communications under the new Rules. In this regard, the Commission considered and adopted:
- i. A Draft Guidance Note and Template for Seizures;
 - ii. Secretariat's Report on Administrative Seizures.
38. The Commission reallocated Membership of its Committees and Working Groups amongst its Members. These reallocations are hereto annexed, and will also be available on the website of the Commission on: www.achpr.org.
39. The Commission considered **fifteen (15)** Communications as follows:
- i. Adopted Two (2) Communications on the Merits;
 - ii. Six (6) Communications on Admissibility, of which two (2) were declared inadmissible; two (2) admissible; one (1) deferred; and one (1) Report back from a previously deferred Communication;
 - iii. Seven (7) Communications on Seizure, of which one (1) was seized and six (6) deferred to the Working Group on Communications.
40. The Commission adopted Resolutions on Special Mechanisms; Country Resolutions; and Thematic Resolutions, which will be finalised and published on the Commission's website.
41. The Commission deferred its 48th Activity Report to its 47th Ordinary Session to be considered and adopted together with its 49th Activity Report, both of which will be submitted to the 38th Ordinary Session of the AU Executive Council and the 36th Ordinary Session of the AU Assembly of Heads of State and Government in 2021.
42. The Commission decided to hold its 67th Ordinary Session in Kigali, Rwanda, from 13th November to 3rd December 2020. Details of the Session will be made available on the Commission's website in due course.
43. The Commission expresses its sincere gratitude to State Parties, NGOs, NHRIs and all stakeholders who participated in the maiden virtual Ordinary Session of the Commission despite the technical glitches that hindered effective participation.
44. The Closing Ceremony of the 66th Ordinary Session took place virtually on 7 August 2020.

Done this 7th day of August 2020

ANNEXURE

Table of Allocation of Special Mechanisms; Countries; Working Groups; and Committees to Members of the Commission

| S/N | Name of Commissioner | Country Rapporteur | Chairperson/Rapporteur Special Mechanisms | Membership in Committees & Working Groups |
|-----|---|---|--|--|
| 1. | Hon. Commissioner Solomon Ayele Dersso | Kenya Nigeria Tanzania South Africa South Sudan | Chairperson Working Group on Extractive Industries, Environment and Human Rights Violations in Africa | Working Group on Specific Issues Relating to the Work of the Commission Working Group on Communications Resolutions Committee Joint Publication Committee Joint Committee on Cases to the Court |
| 2. | Hon. Commissioner Rémy Ngoy Lumbu | Cameroon Coté d'Ivoire Togo Gabon Mali | Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa | Working Group on Indigenous Populations/Communities in Africa Working Group on Extractive Industries, Environment and Human Rights Violations in Africa Working Group on Economic, Social and Cultural Rights in Africa Resolutions Committee Working Group on Communications Advisory Committee on Budgetary and Staff Matters Addis Ababa Road Map with the UN |
| 3. | Hon. Commissioner Kayitesi Zainabo Sylvie | Algeria Seychelles Angola Chad Senegal | Special Rapporteur on the Rights of Women in Africa Chairperson Working Group on Communications | Working Group on the Rights of Older Persons and People with Disabilities in Africa |

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| | | | | <ul style="list-style-type: none"> - Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa - Working Group on Specific Issues Relating to the Work of the Commission - Joint Committee on Cases to the Court |
| 4 | Hon. Commissioner Maya Sahli-Fadel | <ul style="list-style-type: none"> - Benin - Niger - Mauritania - Tunisia - Burkina Faso | Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa | <ul style="list-style-type: none"> - Working Group on the Rights of Older Persons and People with Disabilities in Africa - Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa - Working Group on Specific Issues Relating to the Work of the Commission - Addis Ababa Road Map with the UN - Joint Publication Committee - Pan African Human Rights Institute Committee |
| 5. | Hon. Commissioner Jamesina Essie L. King | <ul style="list-style-type: none"> - Eritrea - Namibia - Somalia - The Gambia - Zimbabwe | Special Rapporteur on Freedom of Expression and Access to Information in Africa | <ul style="list-style-type: none"> - Working Group on Indigenous Populations/Communities in Africa - Resolutions Committee |

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| | | | | <p>Joint Publication Committee</p> <p>Pan African Human Rights Institute Committee</p> |
| 6. | Hon. Commissioner Essaiem Hatem | <p>Libya</p> <p>Sudan</p> <p>Madagascar</p> <p>Djibouti</p> <p>Mauritius</p> | <p>Chairperson Committee for the Prevention of Torture in Africa</p> <p>Chairperson Advisory Committee on Budgetary and Staff Matters</p> | Resolutions Committee |
| 7. | Hon. Commissioner Maria Teresa Manuela | <p>Mozambique</p> <p>São Tomè and Príncipe</p> <p>Guinea-Bissau</p> <p>Equatorial Guinea</p> <p>Cabo Verde</p> | <p>Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa</p> | <p>Committee for the Prevention of Torture in Africa</p> <p>Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV</p> <p>Working Group on Communications</p> <p>Pan African Human Rights Institute Committee</p> |
| 8. | Hon. Commissioner Marie Louise Abomo | <p>Burundi</p> <p>DRC</p> <p>Comoros</p> <p>Congo-Brazzaville</p> | <p>Chairperson Working Group on the Rights of Older Persons and People with Disabilities in Africa</p> <p>Chairperson Working Group on Specific Issues Relating to the Work of the Commission</p> | <p>Working Group on Specific Issues Relating to the Work of the Commission</p> <p>Resolutions Committee</p> <p>Working Group on Communications</p> |
| 9. | Hon. Commissioner Mudford Zachariah Mwandenga | <p>Ethiopia</p> <p>Ghana</p> <p>Liberia</p> <p>Rwanda</p> <p>Malawi</p> | <p>Chairperson Working Group on Economic, Social and Cultural Rights in Africa</p> | <p>Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV</p> <p>Working Group on Extractive Industries,</p> |

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| | | | | Environment and Human Rights Violations in Africa |
| 10. | Hon. Commissioner Ndiamé Gaye | Central African Republic Uganda Sahrawi Arab Democratic Republic Guinea-Conakry Sierra Leone | Chairperson Working Group on the Death Penalty, Extra-judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa | Committee for the Prevention of Torture in Africa Working Group on Economic, Social and Cultural Rights in Africa Joint Committee on Cases to the Court (Coordinator) |
| 11. | Hon. Commissioner Alexia Gertrude Amesbury | Botswana Zambia Lesotho Eswathini Egypt | Chairperson Working Group on Indigenous Populations/Communities in Africa Chairperson Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV | Advisory Committee on Budgetary and Staff Matters Joint Publication Committee |