


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 60th Ordinary Session of the African Commission on Human and Peoples' Rights

Niamey, Republic of Niger

8 to 22 May 2017

1. The African Commission on Human and Peoples' Rights (the Commission) held its 60th Ordinary Session in Niamey, Republic of Niger, from 8 to 22 May 2017.
2. Honourable Commissioner **Pansy Tlakula** presided over the opening ceremony of the Session, in her capacity as Chairperson of the Commission.
3. The opening ceremony was graced by the presence of **H. E. Issoufou Mahamadou**, President of the Republic of Niger, who proceeded to declare the Session open.
4. The following Members of the Commission participated in the Session:
 - Honourable Commissioner **Pansy Tlakula**;
 - Honourable Commissioner **Soyata Maiga**;
 - Honourable Commissioner **Reine Alapini-Gansou**;
 - Honourable Commissioner **Lucy Asuagbor**;
 - Honourable Commissioner **Kayitesi Zainabo Sylvie**;
 - Honourable Commissioner **Med Kaggwa**;
 - Honourable Commissioner **Maya Sahli-Fadel**;
 - Honourable Commissioner **Lawrence Murugu Mute**;
 - Honourable Commissioner **Jamesina Essie L. King**; and
 - Honourable Commissioner **Solomon Ayele Dersso**.
5. Honourable Commissioner **Yeung Kam John Yeung Sik Yuen** was absent with apologies, Honourable Commissioner **Pansy Tlakula** participated from 8 to 15 May 2017, and Honourable Commissioner **Med S.K Kaggwa** participated from 13 to 22 May 2017.
6. During the opening ceremony, welcoming participants, the Governor of Niamey, Mr. Hamidou Garba, stated that the holding of the Commission's 60th Ordinary Session in Niamey was of significant symbolic and historic value to the country. He stated that as the Host State, Niger is confident that the observations and recommendations resulting from the Session would contribute to the promotion

and protection of human rights in all State Parties to the African Charter on Human and Peoples' Rights (the African Charter).

7. Mrs. Hannah Foster, speaking on behalf of the NGO Forum on the Participation of NGOs in the Work of the Commission, stated that the Forum recognised positive developments in the area of human rights and democracy in Africa, such as the successful conduct of credible elections in Benin and Ghana, and the peaceful resolution of the post electoral crisis in The Gambia. She also highlighted some negative developments such as forced migration and human trafficking, and the increasing number of refugees and internally displaced persons, as well as young economic migrants who perish in the Mediterranean Sea. Mrs Forster reiterated the importance of fostering the involvement of youth in the development and maintenance of democracy and nation building through inclusive participation, in line with the African Union (AU) theme for 2017: "Harnessing the Demographic Dividend through Investments in Youth".
8. Mrs Madeleine Nirere speaking on behalf of the Network of African National Human Rights Institutions (NANHRI), expressed confidence that the new AU Commission leadership will steer the process started and accelerate realisation of the continent's aspirations as articulated in Agenda 2063. She added that the recommendations for institutional reform of the AU, proposed during the January 2017 Summit reflects the commitment to strengthen coherence and collaboration between the AU, and other partners in the realisation of human rights in the continent. Mrs Nirere further stated that the reforms will potentially lead to effective implementation of the AU's programmes as well as decisions and judgments of the African human rights bodies with a human rights mandate. Mrs Nirere indicated that national human rights institutions (NHRIs) will continuously monitor and report on the extent to which states adhere to their human rights obligations.
9. Speaking on behalf of AU Member States, His Excellency Abubacarr Tambadou, Attorney General and Minister of Justice of the Republic of The Gambia, acknowledged that the continent continues to make steady progress in the promotion and protection of human rights as evidenced by the adoption of laws and the establishment of institutions pertinent to the advancement of human rights. He also recognised that challenges remain, including conflicts, money laundering and corruption, and inadequate resources. He underscored the need for synergy as well as innovative approaches to address these challenges. H.E. Mr

Tambadou stressed the need to strengthen the Commission and to give it the support it requires to carry out its work for the African people.

10. Mr Andrea Ori, Regional Representative of the Office of the High Commissioner for Human Rights (OHCHR), highlighted trends in the human rights situation in Africa and indicated OHCHR's efforts to strengthen the human rights framework in Africa. He noted that peace and development are not sustainable unless there is respect for human rights. He stressed that joint preventive action, including preventive diplomacy by the AU and the United Nations (UN) should be strengthened and used more decisively to avoid the escalation of conflict and situations of abuse of authority, as was successfully done in The Gambia.
11. In her statement, Honourable Brigitte Mabandla, Vice-Chairperson of the African Peer Review Mechanism (APRM) Panel of Eminent Persons, commended the strides made by the Commission in strengthening the network on building African institutions for democracy and human rights, and noted that the Commission is crucial to the promotion and protection of human and peoples' rights on the continent. She added that the work of the Commission has been significantly impactful in relation to constitutionalism, and the promotion and protection of the rights of women, refugees and internally displaced persons, and vulnerable groups. Honourable Mabandla further noted that the African Charter mandates the Commission to cooperate with other African institutions concerned with the promotion and protection of human and peoples' rights. She stated that it is in this spirit of cooperation that the Commission enabled the tabling of APRM reports at the 60th Ordinary Session of the Commission in accordance with paragraph 25 of the APRM Base Document.
12. In her opening statement, the Chairperson of the Commission, Honourable Commissioner Pansy Tlakula, expressed her sincere gratitude to the Government of Niger for hosting the 60th Ordinary Session of the Commission. She thanked the various stakeholders of the Commission for attending the Session. Honourable Pansy Tlakula also acknowledged the attendance of the Delegation from the Kingdom of Morocco, and encouraged the State to take the diligent measures necessary for ratifying the African Charter, to ensure the promotion and protection of human and peoples' rights in its territory, and its active participation in the Commission's proceedings.
13. She also congratulated the new African Union Commission leadership, and conveyed the Commission's continued commitment to work in partnership with

the leadership to further human rights in the continent in fulfilment of their joint mandate.

14. She remarked that 2017 marks the 30th anniversary of the Commission, which was inaugurated on 2 November 1987, following the entry into force of the African Charter on 21 October 1986. She added that the commemoration of this significant anniversary will provide the Commission and its stakeholders the opportunity to reflect on its past achievements and present endeavours. She called on stakeholders to join the Commission for the 30th anniversary celebration on the margins of its 61st Ordinary Session.
15. On the situation of human rights, the Chairperson noted some commendable developments in the continent including, the coming into power of the democratically elected Government in The Gambia with the able assistance of the Economic Community of West African States (ECOWAS), the release of 82 Chibok schoolgirls who were held captive by the terrorist group Boko Haram, the declaration by Tunisia under Article 34 (6) of the Protocol Establishing the African Court to enable individuals and Non-governmental organisations (NGOs) direct access to the African Court on Human and Peoples' Rights, the proclamation by the AU of 2017 as the year for "Harnessing the Demographic Dividend through Investments in Youth" which would enable us to reflect on how to address the challenges facing the youth in Africa.
16. The Chairperson also identified areas of concern, such as the high youth unemployment rate which often results in migration to Europe in dangerous conditions, hunger and famine in parts of the continent, continued violence in South Sudan, unabated terrorist attacks, the alarming rise of child suicide bombers, extra-judicial killings, the reoccurrence of xenophobic attacks on migrants in South Africa, reports of harassment of human rights defenders, increased restrictions to civil society space, reports of disproportionate use of force and violence to dispel peaceful protests, and restriction and interruption of internet services.
17. The Chairperson stated that the Commission will continue to rely on partners to assist in developing innovative initiatives to address the human rights challenges facing the continent. She concluded her statement by calling on all stakeholders to fully engage in the Commission's work, to actively participate in the deliberations during the 60th Ordinary Session, and to be guided by the Commission's motto "**Human Rights our Collective Responsibility**".

18. Following the statement of the Chairperson, His Excellency Elhadj Issoufou Mahamadou, President of the Republic of Niger, Head of State, took the floor and welcomed participants, and conveyed his country's honour to host the 60th Ordinary Session of the Commission.
19. After congratulating the Chairperson of the Commission and her team for their strong commitment in the service of the AU Member States, H. E., the President of the Republic stated that the Commission's mandate to promote and protect human rights is an essential activity of the AU, and is necessary to guarantee peace and security on the continent. He invited the Commission to pay particular attention to States' obligation to submit country reports, and to the progress achieved in the promotion and protection of the human rights of their respective populations. He added that the Commission's reports and recommendations provide AU Member States with important guidance. He underscored that effective implementation of the human rights instruments ratified by States is crucial, and it requires synergy between all actors.
20. H. E. the President of the Republic indicated that human rights are at the centre of Niger's Renaissance Programme, particularly the rights to life, security and peace, which rights are often violated by non-State actors in situations of instability in various African states. He added that man could not fully benefit from the rights to life, security and peace without liberty, equality and justice. He stressed that only strong and stable democratic institutions could guarantee the realisation of these fundamental values and manage the occasionally antagonistic relationship between order and liberty.
21. H. E., the President noted some positive steps that Niger has taken to promote and protect human rights, including signing the Table Mountain Declaration which guarantees press freedom; establishing a National Human Rights Commission; complying with its international reporting obligations; promoting provisions of the African Charter; strengthening the legal provisions banning slavery and human trafficking; taking strong anti-corruption measures; promoting the rule of law; allocating substantial resources to ensure the right to free education, particularly of girls; significant efforts to improve access to health care, water and sanitation; prioritising youth employment; improving conditions for vulnerable groups such as women, children, persons with disabilities and older persons; and inclusion of the right to a healthy environment in the Constitution of Niger.

22. He remarked that the Government is conscious of the link that exists between democracy and development, between civil and political rights, and economic and social rights. He indicated that Niger takes a holistic approach to guaranteeing human rights in accordance with its international obligations – and as part of its Renaissance Programme – it has fixed the nation-wide objective of eradicating hunger by 2021, thereby making the right to food a reality.
23. His Excellency Elhadj Issoufou Mahamadou, President of the Republic of Niger wished participants successful deliberations and declared open the 60th Ordinary Session of the Commission.
24. Honourable Commissioner **Pansy Tlakula** presided over the deliberations during the public session of the Ordinary Session, and Honourable Commissioner **Soyata Maiga**, Vice-Chairperson of the Commission, presided over the deliberations in the private session.
25. A total of five hundred and thirty-nine (539) delegates participated in the Session; with ninety-six (96) delegates representing twenty (20) State Parties, four (4) delegates representing AU Institutions, thirty (30) delegates representing NHRIs, six (6) delegates representing international and inter-governmental organisations, three hundred and twenty-five (325) delegates representing African and international NGOs, as well as seventy-eight (78) representatives of the media and other observers.
26. A number of activities were conducted prior to and on the margins of the Session. These were:
 - i. NGO Forum, held from 4 to 6 May 2017;
 - ii. Meeting of NHRIs, held on 7 May 2017;
 - iii. Meeting of the Working Group on Communications, held from 5 to 6 May 2017;
 - iv. Meeting of the Working Group on Specific Issues Relevant to the Work of the Commission, held on 7 May 2017;
 - v. Panel on General Comment No. 4 on the African Charter: The Right to Redress for Victims of Torture and Other Ill-treatment (Article 5), held on 8 May 2017;
 - vi. Joint Event on Civic Space, held on 8 May 2017;
 - vii. Event on Respect of Human Rights in the Fight against Terrorism, held on 9 May 2017;

- viii. Panel on Conditions of Women Prisoners and Avenues to Accountability in Sudan, held on 9 May 2017;
 - ix. Panel on Extra-judicial Executions, Enforced Disappearances and Torture, held on 9 May 2017;
 - x. Panel of the Commission's Special Rapporteur on the Rights of Women in Africa on Ratification of the Maputo Protocol by Niger, held on 10 May 2017;
 - xi. Movie and Continued Discussion on Attacks against Persons with Albinism, held on 10 May 2017;
 - xii. Meeting of the Working Group on Death Penalty, held on 12 May 2017; and
 - xiii. Panel Discussion on 'Implementation of the Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa: Ensuring Human Rights Compliant Counter-terrorism Operations in Africa', held on 13 May 2017.
27. Representatives of the following twenty (20) State Parties made statements on the human rights situation in their respective countries: Algeria, Angola, Benin, Burkina Faso, Cameroon, Cote d'Ivoire, Democratic Republic of Congo, Egypt, Eritrea, The Gambia, Kingdom of Lesotho, Malawi, Islamic Republic of Mauritania, Niger, Nigeria, Sahrawi Arab Democratic Republic, South Africa, The Sudan, Swaziland and Uganda. Certain State Parties also exercised their right of reply in relation to alleged human rights violations.
28. Representatives of the following six (6) NHRIs also made statements on the human rights situation in their respective countries:
- i. Conseil national des droits de l'Homme (CNDH) d'Algérie;
 - ii. Commission Nationale des Droits de l'Homme de Côte d'Ivoire (CNDHCI) ;
 - iii. Kenya National Commission on Human Rights;
 - iv. Malawi Human Rights Commission;
 - v. National Human Rights Commission of Nigeria; and
 - vi. South African Human Rights Commission.
29. A total of forty-six (46) NGOs with Observer Status with the Commission made statements on the human rights situation in Africa.

30. The Deputy Head of Delegation to the AU of the International Committee of the Red Cross (ICRC) made a statement highlighting the complementarity of mandates of the Commission and the ICRC, and noted the need to pursue fruitful dialogue.
31. The Commission reported on the status of its relationship and cooperation with NHRIs and NGOs. It gave an update on the status of submission of NHRI and NGO activity reports, in conformity with their obligations.
32. In accordance with the Resolution on the Granting of Affiliate Status to NHRIs in Africa, the Commission granted Affiliate Status to one (1) NHRI, Zimbabwe Human Rights Commission, bringing the total number of NHRIs with Affiliate Status with the Commission to twenty-seven (27).
33. The Commission granted Observer Status to the following seven (7) 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:
 - i. Centre d'Information et de Formation en Matière de Droits Humains en Afrique (CIFDHA) (Burkina Faso);
 - ii. Association pour le Développement de la Promotion des Droits Humains (ADPDH) (Mauritanie);
 - iii. Coalition Mondiale contre la Peine de Mort (France);
 - iv. Ensemble contre la Peine de Mort (France);
 - v. Centre for Human Rights Education Advice and Assistance (Malawi);
 - vi. HelpAge International (Kenya); and
 - vii. Association Angola 2000 (Angola).
34. This brings the total number of NGOs with Observer Status with the Commission to five hundred and eleven (511).
35. In accordance with Article 62 of the African Charter, the Commission considered the Combined 10th, 11th, 12th, 13th and 14th periodic report of the Islamic Republic of Mauritania, covering the period 2006 to 2014.

36. For the first time, the Commission also held discussions on the APRM Reports of the Republic of Senegal and the Republic of Uganda in accordance with paragraph 25 of the APRM Base Document NEPAD/HSGIC/03-2003/APRM/MOU/Annex II, which provides that “[s]ix months after the report has been considered by the Heads of State and Government of the participating member countries, it should be formally and publicly tabled in key regional and sub-regional structures such as... the African Commission on Human and Peoples’ Rights...”.
37. Members of the Commission presented their inter-session reports of activities they undertook as Commissioners and within the framework of their various Special Mechanisms:
 - i. Chairperson of the Commission and Special Rapporteur on Freedom of Expression and Access to Information in Africa;
 - ii. Vice-Chairperson of the Commission and Chairperson of the Working Group on Indigenous Populations/Communities in Africa;
 - iii. Special Rapporteur on the Rights of Women in Africa;
 - iv. Special Rapporteur on the Situation of Human Rights Defenders in Africa;
 - v. Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;
 - vi. Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa;
 - vii. Chairperson of the Committee for the Prevention of Torture in Africa;
 - viii. Chairperson of the Committee on the Protection of the Rights of People Living with HIV and those at Risk, Vulnerable to and Affected by HIV;
 - ix. Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa;
 - x. Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
 - xi. Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
 - xii. Working Group on the Rights of Older Persons and Peoples with Disabilities in Africa; and
 - xiii. Chairperson of the Working Group on Communications.

38. During the 60th Ordinary Session, the Commission launched the following five (5) documents:
- i. General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5);
 - ii. Compilation of Documents on Torture Prevention;
 - iii. 7th Edition *Africa Torture Watch* Newsletter;
 - iv. Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa; and
 - v. Newsletter Number 9 on Police and Human Rights in Africa.
39. During the Session, the Commission in collaboration with its partners, organised the following eleven (11) panels:
- i. Committee for the Prevention of Torture in Africa (CPTA) Panel to Launch: General Comment No. 4 on the Right to Redress for Victims of Torture, Compilation of Documents on Torture Prevention, and 7th Edition *Africa Torture Watch* Newsletter;
 - ii. Panel on the Abolition of the Death Penalty;
 - iii. Panel on Implementation of the New York Declaration for Refugees and Migrants and the Common African Position (CAP) on Humanitarian Effectiveness;
 - iv. Panel on Regional Action Plan in response to attacks and discrimination against persons with albinism in Africa;
 - v. Panel on Policing Assemblies and Launch of the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa;
 - vi. Conseil Supérieur de la Communication (CSC) Panel: Right to freedom of the press in Niger - Panel on Freedom of Expression;
 - vii. Panel on Access to information, freedom of expression and privacy/data protection;
 - viii. Panel on the Launch of Newsletter Number 9 on Policing and Human Rights in Africa with a special focus on policing and the rights of vulnerable groups in Africa;

- ix. Panel on State Reporting and the popularisation of the Guidelines on the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);
 - x. Panel on the Right to Food in Niger; and
 - xi. Panel on the Declassification and Decriminalization of Petty Offences in Africa.
40. The Commission adopted the reports of three (3) human rights promotion missions undertaken to the Republic of Djibouti, the Republic of Cabo Verde and the Kingdom of Swaziland.
41. The Commission considered and adopted the following documents: Concluding Observations on the 6th to 8th Combined Report of the Republic of Mauritius;
- i. Guidelines on Combatting Sexual Violence and its Consequences: adopted subject to amendments;
 - ii. Guidelines on Freedom of Association and Assembly in Africa;
 - iii. Joint General Comment of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child on Child Marriage;
 - iv. Framework Agreement on Cooperation between the Organisation Internationale de la Francophonie and the African Commission on Human and Peoples' Rights
42. The Commission also considered and adopted the following reports and working tools:
- i. The Report of the Secretary to the Commission; and
 - ii. The Report of the Working Group on Communications.
43. The Commission also took note of and made observations on the following documents:
- i. Status of Follow-up Items from the 21st Extra-Ordinary Session;
 - ii. EU/PANAF Funding and Project Implementation Progress Report;
 - iii. 2018 Budget Proposal for the Commission;

- iv. Status Report on Audit of Communications;
 - v. Analysis Paper on Article 58 of the African Charter;
 - vi. Draft Guidelines on Access to Information and Elections in Africa;
 - vii. Draft Principles on Declassification and Decriminalisation of Petty Offences in Africa;
 - viii. Draft General Comment on Article 7 (d) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
 - ix. Draft Amended Rules of Procedure of the Commission;
 - x. Draft Guidelines for the Use of the ACHPR Logo by Third Parties;
 - xi. Paper on Payment of Compensatory Damages by the Commission;
 - xii. Internship Policy regarding Non-member State Applicants;
 - xiii. Paper on Criteria for the Human Rights Awards to Celebrate the Thirtieth Anniversary of the Commission;
 - xiv. Report of the Meeting with the Office of the High Commissioner for Human Rights (OHCHR); and
 - xv. Memorandum of Understanding/Agreement of Cooperation between the Special Rapporteur on Human Rights Defenders in Africa and Africa Human Rights Network Foundation (AHRN).
44. The Commission adopted the following Resolutions:
- i. Resolution on the Right to Life in Africa;
 - ii. Resolution on the Regional Action Plan on Albinism in Africa;
 - iii. Resolution on Human Rights Defenders in Africa;
 - iv. Resolution on the Protection of Sacred Natural Sites and Territories;
 - v. Resolution on the Situation of Internally Displaced Persons in Africa;
 - vi. Resolution on the Implementation of the Principles and Guidelines on Human and Peoples' Rights While Countering Terrorism in Africa;
 - vii. Resolution on the Need to Implement the New York Declaration on the Protection of Refugees and Migrants;

- viii. Resolution on the Niamey Declaration on Ensuring the upholding of the African Charter in the Extractive Industries Sector;
 - ix. Resolution on the Granting of Affiliate Status to National Human Rights Institutions and Specialised Human Rights Institutions in Africa; and
 - x. Resolution on the Right to Food and Food Insecurity in Africa.
45. The Commission considered eleven (11) Communications:
 - i. Six (6) Communications on Seizure;
 - ii. One (1) Communication on review of admissibility decision; and
 - iii. Four (4) Communications proposed for Strike-out.
 46. The Commission granted Provisional Measures for three (3) Communications.
 47. The Commission further considered and provided guidance on five (5) issues/questions pertaining to its communications procedure.
 48. The Commission set up a Committee to organise activities to celebrate 30 years of the operationalisation of the Commission. These celebrations will take place during the Commission's 61st Ordinary Session which will be held from 1 to 15 November 2017, in Banjul, The Gambia.
 49. The Commission considered its 42nd Activity Report, which will be submitted to the 31st Ordinary Session of the AU Executive Council and the 29th AU Assembly of Heads of State and Government.
 50. The Commission's Working Group on Communications decided to hold its next meeting from 24 to 28 July 2017, in Dakar, Senegal.
 51. The Commission decided to hold its 22nd Extra-Ordinary Session from 29 July to 7 August 2017, in Dakar, Senegal.
 52. The Commission agreed to hold the Joint Annual Meeting of the Commission and the Court from 8 to 11 August 2017, in Dakar, Senegal.
 53. The Commission decided to organise a Regional Seminar on Concluding Observations on Periodic State Reports, from 12 to 15 August 2017, in Dakar, Senegal.

54. The Commission decided to hold its 61st Ordinary Session from 1 to 15 November 2017, in Banjul, The Gambia.
55. The Commission was honoured to be received by His Excellency Elhadj Issoufou Mahamadou, President of the Republic of Niger, as well as His Excellency Brigi Rafini, the Prime Minister of Niger.
56. The Commission expresses its gratitude to the Government and people of Niger for the warm welcome and hospitality extended to participants. The Commission also expresses its appreciation to Niger for hosting the 60th Ordinary Session and for the resources and facilities made available to the Commission, which contributed to the successful conduct of the Session.
57. The closing ceremony of the Session was held on 22 May 2017, in Niamey, Niger.

Done in Niamey, Republic of Niger, on 22 May 2017