

## **ACHPR68 | Outcome of the 68th session of the African Commission**

05.05.2021

**The African Commission on Human and People's Rights (ACHPR) held its 68<sup>th</sup> ordinary session virtually between 14 April and 4 May 2021. Once again, the session was convened in the context of the Covid-19 pandemic, which continues to have an appalling impact on human rights in Africa.**



Following the African Union (AU) theme for 2021 "Arts, Culture and Heritage: Levers for Building the Africa We Want", the session touched upon a number of issues, such as the human rights situation in Africa, the Activity Reports of the Commissioners, the Review of State Parties' reports and several panel discussions on related topics.

A total of 454 delegates attended the session including 72 representatives from 15 State Parties; 6 AU Organs; 44 members of National Human Rights Institutions (NHRIs); 4 international and intergovernmental organisations; 196 African and international NGOs; 38 other observers, 2 of them from the media.

During the opening ceremony, speakers unanimously recognised the increase in serious human rights violations triggered by the enforcement of Covid-19 restrictive measures in Africa. Those involved arbitrary arrest and detention, excessive use of force and unlawful killings by law enforcement personnel, severe restrictions on the rights to freedom of expression, assembly and peaceful association resulting in a shrinking civic space. The pandemic has also caused a surge in sexual and gender-based violence against women and girls, including domestic violence. In addition to this, speakers caught the opportunity to reaffirm the fundamental role of arts, culture and heritage in shaping democratic societies and building back better post pandemic.

Watch the Opening Session [here](#).

### **Observer Status of NGOs**

In accordance with the [Resolution 361](#) and the [Resolution on Granting Affiliate Status](#), during each ordinary session the Commission has the opportunity to grant observer status to NGOs and affiliate status to NHRIs. In this session, no applications for affiliate status were received, while the Commission granted Observer Status to 7 NGOs, namely:

- SOS Information Juridique Multisectorielle (SOS IJM);
- Plataforma Mulheres em Ação;
- Associacao Observatorio de Politicas Publicas de Prospective de Genero (ASSOGE);
- Akina Mama wa Afrika;
- Association of Egyptian Female Lawyers (AEFL);
- Association des Utilisateurs des Technologies de l'Information et de la Communication (ASUTIC); and
- Changement Social Benin (CSB).

This brings the total number of NGOs with Observer Status to 535.

Watch the Consideration of Applications for Observer and Affiliate Status [here](#).

### **State Reviews**

In line with article 62 of the African Charter, during this session the Commission reviewed the periodic reports of two states, namely Malawi and Niger.

The review of the [Republic of Malawi's report](#), covering the period between 2015 and 2019, took place on 16 and 19 April 2021. It was marked by the positive steps taken regarding access to justice and accountability,

gender equality and freedom of association and of peaceful assembly. However, members of the Commission raised concerns about the conditions of vulnerable people including people living with HIV, women, minors, elderly people, people with disabilities, people in detention, refugees and asylum seekers.

On 21 and 23 April 2021, the African Commission reviewed the periodic [report of the Republic of Niger](#), covering the period between 2017 and 2019. In spite of the progress made concerning the implementation of some of the recommendations made by the ACHPR during the previous review, Commissioners noted that Niger has not yet ratified the Maputo Protocol, and has failed to abolish the death penalty.

Watch the review of Malawi [here](#) and [here](#).

Watch the review of Niger [here](#) and [here](#).

### **Panel on the launch of the proposed General Comment on article 23 of the African Charter**

Article 23 of the African Charter provides that '[a]ll peoples shall have the right to national and international peace and security.' Still, persisting conflict, war and human rights violations pervade the African continent. This prompted the African Commission to launch, on 15 April 2021, the drafting process of a [General Comment \(GC\)](#) to explain the implications of Article 23.

Speakers agreed that all State Parties to the African Charter should take part in the drafting, which must follow a human rights-based approach. Furthermore, emphasis was given to the importance of providing practical applicability to the GC. In order to be effectively implemented, the GC must be drafted concisely and pragmatically.

Watch the launch of the GC [here](#).

### **Human rights defenders in Africa**

On 14 April, ISHR delivered a [statement](#) on the human rights situation in Africa, with a particular focus on the issue of the criminalisation and arrest of defenders that denounce human rights violations and fight for democracy. In this context, Adélaïde Etong Kame, ISHR Africa Programme Manager, reminded States of the importance of establishing a legal framework to protect defenders and to enable them to carry out their work freely and safely.

In line with the ACHPR's rules of procedure, on 24 April the Special Rapporteur on human rights defenders and focal point on reprisals in Africa, Rémy Ngoy Lumbu, presented his [inter-session activity report](#). Following his presentation, ISHR delivered a [statement](#) highlighting the persistence of reprisals and intimidation against defenders, as well as violations of their rights during electoral periods, which has a dire impact on the shrinking civic space in Africa.

To conclude, the Commission adopted:

### **Resolutions**

- [Resolution on the conduct of a study on the impact of COVID-19 on Indigenous Peoples/Communities in Africa](#);
- [Resolution on military instability in northern Mozambique](#);
- [Resolution on the Human Rights Situation in Niger](#);
- [Resolution on the Human Rights Situation in Benin](#);
- [Resolution on the re-distribution of Country Rapporteurship and Special Mechanism mandates among the Commissioners](#); and
- [Resolution on the need for a study on African responses to migration and the protection of migrants with a view to developing guidelines on the rights of migrants, refugees and asylum seekers](#);

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