

[ACHPR63 | Outcome of the 63rd session of the ACHPR](#)

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The African Commission on Human and Peoples' Rights (the African Commission) held its 63rd ordinary session from 24 October to 13 November 2018. This session was marked by the celebration of the 70th anniversary of the Universal Declaration on Human Rights and the 20 years of the UN Declaration on human rights defenders.



Once again, the situation of human rights in Africa was debated during the African Commission's ordinary session which took place in Banjul.

A total of 690 delegates took part in this session, which is 71 more participants than the last session (+11.5%). This includes 27 of the 53 States parties to the Charter, representing a participation rate of about 51%. This increase in the interest of the Commission's work is welcome, at a time when the situation of human rights on the continent deserves it the most.

The human rights situation of 3 countries, namely Angola, Botswana and [Togo](#) was reviewed. During the review, States presented their report in length and answered questions asked by the Commission, including Special Procedures. In addition, NGOs were also given the opportunity to share their views and comment the States' declarations regarding the human rights situation in each country.

This session was mainly an opportunity to reflect on what the Commission has brought to Africa, in terms of the promotion and protection of human rights, on its way towards becoming a more democratic continent. Panels organised as part of the above-mentioned celebrations allowed ISHR to reflect on the work of the Commission in the implementation of these crucial human rights instruments, but also on the negative impacts of corruption for the advancement of democracy, as it was the theme of this year's African human rights day.

70 years of the Universal Declaration on Human Rights: where is Africa?

In view of these important celebrations, Honourable Commissioner Soyata Maiga, Chair of the African Commission, introduced this session by emphasising the need to seize this opportunity to reflect on the human rights situation in Africa.

Key challenges currently faced in Africa in regards to the protection of human rights were highlighted. In particular, the Anglophone crisis in Cameroon, which led to multiple human rights violations, was discussed.

The political crisis in the Democratic Republic of Congo (DRC) was also discussed along with the continued crisis in Burundi which particularly affects, among others, human rights defenders.

In spite of all these alarming situations, it was recognised that the Commission made noticeable accomplishments in line with the provisions included in the Universal Declaration.

The Commission congratulated the Gambia for recently ratifying the second optional protocol of the International Covenant on Civil and Political Rights, which would make the abolition of the death penalty a reality in the country. In Ethiopia, a peace and disarmament agreement was recently signed with opposition groups.

There is still a long way to go to make the Declaration a full reality, and the Commission is aware of the remaining challenges which will only enable it to move forward for the next 70 years.

20 years since the adoption of the UN Declaration on human rights defenders: what are the current challenges?

One important observation was made during this session: human rights defenders are more at risk than ever in Africa. The Commission has received information of defenders being allegedly arrested and arbitrarily detained from Cameroon, Gabon, Egypt, the DRC and Sudan. Governments muzzle and prevent defenders from expressing themselves freely. NGOs succeeded each other in painting this worrying image of a continent which has made some improvement since the adoption of the Declaration to try and uphold its principles.

Indeed, Commissioner Remy Ngoy Lumbu, also Special Rapporteur on human rights defenders at the Commission, congratulated Côte d'Ivoire, Burkina Faso and Mali for being the first countries in Africa to adopt national laws promoting and protecting the work of defenders. He also called on States currently working toward the adoption of such a law not to use this opportunity to further restrict defenders rights, but to guarantee the provisions included in the Declaration.

Questions were raised during this session, especially: how can African countries guarantee the protection of defenders for the next twenty years?

The independence of the African Commission questioned

One of the thorny subjects surrounding this session was the question around the independence of the African Commission. Indeed, after bending under the pressure of the African Union and revoking the observer status of the Coalition of African Lesbians (CAL) last August, the Commission had to face the complaints of African civil society organisations.

Commissioner Maiga explained that she understood the frustration of everyone for what is perceived by a large number as hindering the independence of the African Commission and restricting the protection of defenders as well as the space dedicated to civil society. She reaffirmed the Commission's engagement to the universality of human rights and to the implementation of its mandate through the principles which are guaranteed by the African Charter such as non-discrimination, equal treatment for all, the protection of physical integrity and the respect of human dignity. She finally called on States, national human rights institutions and civil society to remain engaged to defend the African human rights system in order to dispel negative myths and stereotypes about the issue of sexual orientation and gender identity.

Later on, Honourable Justice Tujilane Chizumila, representing the President of the African Court on Human and Peoples' Rights, delivered a powerful statement emphasising the importance of the Commission delivering its mandate free of influence from other treaty bodies of the African Union.

'The Court remains concerned by the recent misunderstanding on how human rights institutions and organs that the African Union itself has set up and devoted specifically to the protection and promotion of human rights in Africa, should discharge their mandate. The trend is worrying because it runs opposite major commitments and values that the African Union and its member States have made for themselves without any external pressure. Two such values and principles are the rule of law and the independence of adjudicatory bodies. The African Union has consistently defended the rule of law and the independence of judicial organs and elevated them to the level of fundamental principles of the Union.'

Overall, these discussions highlighted some of the Commission's weaknesses and their impact on the current trends affecting civil society space.

To conclude, during this session the Commission had more time to focus on human rights situations that remain a concern on the continent and adopted eleven resolutions:

- [Resolution on the Interpretative and Protective Mandates of the African Commission on Human and Peoples' Rights](#);
- [Resolution on the Human Rights Situation in the Federal Republic of Somalia](#);
- [Resolution on the Human Rights Situation in the Republic of Burundi](#);
- [Resolution on the Continuing Human Rights Violations in the Republic of Cameroon](#);
- [Resolution on the Human Rights Situation in the Democratic Republic of Congo](#);
- [Resolution on the Need for a Study on the Situation of Africa's Sacred Natural Sites and Territories](#);
- [Resolution on the need to undertake a study on human rights violations against migrants](#);
- [Resolution on the need to adopt legal measures for the protection of women human rights defenders in Africa](#);
- [Resolution on the establishment of a support group for the Special Rapporteur on Human Rights Defenders and focal point on reprisals in Africa for the promotion and monitoring of the effective implementation of the Guidelines on Freedom of Assembly and Association in Africa](#);
- [Resolution on the Elaboration of a General Comment on Article 12 \(1\) of the African Charter on Human and Peoples' Rights](#); and
- [Resolution on the Expansion of the Mandate and Composition of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa](#).

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