





TOC and human rights dialogues: expanding ACHPR and CSO collaboration

Background

Established in 1987 under the African Charter on Human and Peoples' Rights (the African¹ Charter), the African Commission on Human and Peoples' Rights (ACHPR or the Commission) has since engaged with civil society organisations (CSOs) in line with the Constitutive Act of the African Union (AU),² the 1990 African Charter on Popular Participation in Development and Transformation³ and the 1991 Treaty Establishing the African Economic Community (Abuja Treaty).⁴ The establishment of the AU's Economic, Social and Cultural Council⁵ in 2004 as the official platform for African CSO participation in AU activities, compelled the Commission to strengthen its collaboration with CSOs across the continent.

With the adoption of the AU's Agenda 2063 in 2015, this collaborative work with CSOs 'took up a renewed urgency, and we started very active collaboration with CSOs all over the world, though combating TOCs [transnational organised crimes] was not part of it,' said Bahame Tom Nyanduga, former chairperson of the Commi ssion.

Although legal and normative instruments exist for citizen participation, especially through the Commission, CSOs are concerned that they remain excluded from genuine AU decision-making. As Dr Lamin Njie, Executive Director of 'Refuge' noted during the first dialogue in March 2025, 'The space is there on paper, but we are yet to feel it in our daily engagement with the AU system. We are often invited after decisions have already been made.' Another participant added, 'When civil society is absent from the room, the AU risks speaking to itself. The presence of grassroots voices ensures that our continental policies reflect continental realities.'

Alex Bangura, News Presenter at Citizen FM Radio, emphasised that involving CSOs makes the AU 'more relevant and responsive to the real needs of citizens.' Dr Lamin Njie, Executive Director of Refuge, said CSOs feel they are 'consulted too late.' This disengagement with citizens, who are supposed to help key institutions within the AU to drive development and human rights, continues to be a major impediment to the realisation of Agenda 2063.

It was within this framework that two human rights dialogues focusing on how CSOs can support the Commission do its work more effectively were convened in Banjul, The Gambia. The first, entitled TOC and human rights dialogue: expanding ACHPR and CSO collaboration, was held on 14 March 2025 in Banjul, The Gambia. The second, entitled Combating migrant smuggling, human trafficking and contemporary forms of slavery in Africa: strengthening the role of the African Commission on Human and Peoples' Rights in partnership with civil society, took place on 18 July 2025.

The events convened key stakeholders, including representatives from the European Union, the Commission, CSOs, law enforcement agencies, policymakers, the Gambian Human Rights Commission, academia and international partners to discuss the intersection of TOC and human rights. The dialogues identified important legal and policy gaps and developed recommendations for enhancing ACHPR-CSO engagement.

Introduction

TOC has a devastating effect on lives and societies across Africa. People and communities bear the impact of its effects, whether it is trafficking in drugs and human beings, smuggling of migrants (SOM) and arms, cybercrime, extortion, manufacturing and selling counterfeit products, wildlife poaching or illegal logging. Acting with impunity, criminals take advantage of the opportunities present where governments are weak or absent and institutions are fragile. In its 2024 report, the United Nations Office on Drugs and Crime stated, 'Criminal groups find traction in communities because they exploit the structural vulnerabilities [of the region] and unmet needs of the population.'6

Echoing this concern, the Executive Secretary of the Commission, Abiola Idowu-Oju said,

The huge amounts of money criminals are making are not only undermining governance and economies around the world but, in many cases, are the direct causes of serious violations of human rights. As a Commission, in collaboration with Member States and civil society, we are determined to play our part in combating TOCs, many of which violate many provisions of the African Charter on Human and Peoples' Rights and other regional and international instruments.

It is within this landscape that the Commission emerges as the key mechanism for safeguarding human rights. Pertinent to this is Article 45(1) of the African Charter that provides for the establishment of a premier regional human rights body – the Commission. As Africa's leading human rights organisation, it is mandated to promote the observance of the Charter, monitor

its implementation, ensure the protection of the rights and freedoms set out therein, interpret the Charter and advise on its implementation.⁸

In conjunction, meaningful civic participation, as part of the African human rights system is a strategic necessity to enable the AU's broader vision of a people-centred, rights-driven continental governance framework. Articles 3 and 4 of the Constitutive Act call for citizen participation in the activities of the AU in accordance with the African Charter. Using Article 46 of the Charter, the Commission

TOC has a devastating effect on lives and societies across Africa

has given due respect to the work of CSOs in the field of human rights, as part of its engagement with the African human rights system.⁹ Rule 79(3) of the Commission's Rules of Procedure invites 'institutions, organisations or any interested party' to submit contributions, including shadow reports, to help the Commission in its consideration of state reports.¹⁰

Purpose of the dialogues

The involvement of CSOs and human rights institutions that explore the interconnection between TOC-related harms is critical for exposing violations, advocating for victims, holding states accountable and shaping rights-based responses. As stated by Michael Davies, Executive Director of Public-Private Integrity, 'our unique position allows us to expose gross human rights violations in the region, help victims, hold the Commission and states accountable to the standard they have set for themselves, while coming up with practical, human rights-based answers.'

It is within this context that ENACT hosted two dialogues in Banjul, The Gambia, which brought together leading CSOs to:

- Strengthen ACHPR-CSO collaboration for coordinated, rights-based responses to TOC-related human rights violations
- Identify gaps and challenges in the Commission's current approach to addressing TOC, particularly in engagement with CSOs

Building on the report, *Understanding the African Commission's role in combating TOCs in Africa*,¹¹ a key premise of the dialogues is that TOCs violate core human rights norms,¹² including many provisions of the African Charter and other regional human rights instruments. Since the Commission is the continent's leading human rights body tasked with securing human rights in the region, helping states combat TOCs should be a key part of its regional response and work.

The first dialogue brought together CSO representatives and commission officials to:

- Identify gaps and challenges in the Commission's approach to TOC, particularly in engagement with CSOs, including legal, operational and resource issues
- Explore ways to expand ACHPR-CSO collaboration to include TOC-related human rights violations

Because of the prevalence of SOM and human trafficking in the West African sub-region, and following a recommendation from the March event, the second dialogue, in July, aimed to:

- Deepen ACHPR-CSO collaboration for coordinated, rights-based responses to SOM, human trafficking and modern slavery
- Review existing frameworks, identify challenges and explore ways to enhance ACHPR-CSO cooperation
- Produce proposals to guide ACHPR resolutions, special mechanisms and engagement with Member States, while sharing best practices

Participants

Both events brought together key stakeholders from the European Union, the Commission, the Institute for Human Rights and Democracy in Africa, the Gambian Human Rights Commission, the African Centre for Democracy and Human Rights Studies, the Ministry of Justice, the Economic Community of West African States and policy organs of the AU. Other participants included the United Nations High Commissioner for Refugees, the International Organization for Migration, the Gambia National Agency Against Trafficking in Persons, law enforcement agencies, various CSOs, international organisations, academia and members of the media.

Procedure

The dialogues adopted a cross-sectoral approach including opening speeches and expert presentations, panel discussions, breakout sessions, case studies and testimonies, Q&A sessions, plenary discussions and participants' feedback. An outcome document in the form of a briefing note, containing key findings, discussions and recommendations was produced to inform future ACHPR-CSO engagements and policy development.

Scene setting

In both dialogues, the Commission agreed that TOCs violate key provisions of the African Charter and other regional and international instruments. It further agreed that the Commission can and should do more. The dialogues showed that its response to TOCs has so far been insufficient and has failed to leverage the collective power of CSOs in addressing the issue.

Speaking at the March dialogue, EU Programme Manager for Governance Cooperation, Enya Braun, emphasised the critical role of the ACHPR in addressing security challenges and promoting human rights across Africa. She highlighted that stronger collaboration with CSOs can bridge policy gaps, ensure victim-centred approaches and elevate community voices in response to TOC. Sadikh Niass, a member of the NGO Forum Steering Committee for CSOs, noted,

As frontline actors, CSOs provide unique, ground-level perspectives on the human rights impacts of organised crime – insights that are often inaccessible to state actors. Their proximity to affected communities allows them to identify emerging trends, document abuses, support victims, and amplify the voices of marginalised populations who are most vulnerable to exploitation and violence linked to TOC.

Idowu-Oju added, 'To effectively address the complex and evolving threat of TOC, this collaborative role must be further institutionalised and strengthened through a more inclusive and systematic engagement strategy between the Commission and CSOs.'

Speaking at the July dialogue, Senior Legal Officer, Dr Francis Magare of the African Commission on Human and Peoples' Rights, representing Mrs Idowu-Oju, stated,

Africa is failing millions of its young people who are desperate to leave the continent for Europe and America and falling into the hands of criminal gangs who smuggle and traffic many of them, but the Commission, with the help of CSOs, is determined to contribute its part in tackling the crises.

Deputy Executive of the Institute for Human Rights and Democracy in Africa, Michael Gyan Nyarko, said, 'CSOs are ready to answer the call of the Commission. With dedicated funding and technical resources, we stand ready to work with the Commission to address migrant smuggling, human trafficking and contemporary forms of slavery in Africa.'

Fatim Njie, Executive Director of the Gambia National Agency Against Trafficking in Persons, noted, 'The Gambia is at the centre of SOM, and we are calling upon the Commission to assist us to prevent, detect, and prosecute trafficking offences in The Gambia, as well as to providing assistance and protection to victims.'

Hannah Forster, Executive Director of the African Centre for Democracy and Human Rights Studies, said,

We have crucial frontline data that can assist the AU, but we don't have the means to analyse or present it in ways that meet regional standards. We need the Commission, as equal partner, to assist us in the fight against TOCs, especially human trafficking.

A series of panel discussions at the dialogues resulted in a set of key findings and concrete recommendations that captured the progress of the engagement. Africa is failing millions of its young people who are desperate to leave the continent for Europe and America and falling into the hands of criminal gangs who smuggle and traffic many of them

Findings and recommendations

Cumbersome institutional and legal structures

Participants lamented that though the AU and the Commission have established many institutional, legal and normative structures for CSO participation, many of them are complicated to access, especially for smaller CSOs that cannot raise the funds to attend meetings.

Participants stated that while Observer Status is theoretically available to any CSO, satisfying all the requirements to obtain it is challenging. Elizabeth Ndeye Sankoh of Publicity Secretary of Tanneneh Women for Human Rights noted, 'The door is open, but many of us cannot afford the travel or are excluded through bureaucratic filters.'

Recommendations

- The Commission should urgently establish a dedicated TOC unit within the Secretariat, as it has agreed to explore and formally integrate TOC into its mandate.
- The AU and Commission should establish digital and virtual platforms to enhance CSO participation, especially for those working in challenging environments.
- The AU, in collaboration with the NGO Forum, should organise TOC training for CSOs, potentially during the Commission's open sessions.

Clarifying Articles 1 and 45(3) of the African Charter

The dialogues reveal that, although the Commission has been (re)interpreting Article 1 of the African Charter as its basis for addressing TOC,¹³ it is hamstrung without an explicit mandate from the Charter empowering it to address TOCs. Participants also noted that national laws are fragmented and actions by Member States are too often militarised, without a full understanding of the issues and challenges.

Recommendations

- CSOs and the Commission should pursue a Protocol to the African Charter on Transnational Organised Crimes in Africa to supplement the Charter.
- With AU policy organs and international support, the Commission should initiate a regional conversation on drafting an African Convention Against TOC, starting with a continent-wide study.
- The Commission should develop a soft law instrument, such as a General Comment or a Guideline, clarifying that Article 1 of the Charter encompasses TOC work.
- To address concerns about its mandate, the Commission should invoke Article 45(3) to interpret the Charter in line with prevailing regional and international norms related to TOCs.
- The Commission should hold a sub-regional dialogue with Member States to harmonise national laws with regional and international TOC instruments.

Participatory limitations at the NGO Forum

A recurring concern at both dialogues was the limited space for CSOs to engage with the Commission through the NGO Forum. The Forum serves as Africa's official platform for CSOs to contribute to the

Commission's work, meeting for three days before each public session to discuss the agenda, coordinate interventions and set priorities. Over the years, it has been a valuable space for raising emerging and urgent human rights issues.

Though this framework is a credible effort to promote inclusive participation in the work and activities of the Commission, the dialogue revealed shortcomings in how the Forum operates. Participants noted that the highly centralised structure limits full participation, favouring larger CSOs from the West. Smaller CSOs reported that their views are rarely considered, and many are unable to attend due to high participation costs.

Recommendations

- The Forum should diversify participation to ensure marginalised and smaller CSOs are fully represented.
- The Commission, with regional and international partners, should establish a funding stream to support smaller CSOs in attending, including reducing registration fees.
- A broad sub-committee should monitor the recommendations and resolutions submitted to the Commission.

Unlocking collaboration and teamwork

The dialogues stressed the need to turn the little-used partnerships between the Commission and CSOs into a strong tactical alliance to address human rights linked to TOC-related crimes. Kwame Addo of the West African Anti-Trafficking Network noted, 'We see the tears, we hear the stories. This ground-level intelligence is critical and needs to reach the ACHPR to inform their interventions.'

Both dialogues emphasised that effective regional action requires a partnership between the Commission, Member States, National Human Rights Institutions and Regional Economic Communities, with CSOs as the backbone. Human rights advocate Louis Gomez highlighted that CSOs, as first responders, are uniquely positioned to bridge critical information gaps. Existing (sub)regional fora for collaboration are weak, ad hoc and lack information-sharing structures.

Recommendations

- The NGO Forum, with the Commission, National Human Rights Institutions and Member States, should establish a formal network to address TOC harms and share information.
- Participants asked that Dr Feyi Ogunade, in collaboration with the NGO Forum, produce a
 position paper authorising the Forum to issue General Comments, Urgent Appeals and Public
 Statements.

Growing recognition of the TOC-human rights nexus in Africa

The dialogues recognised that TOC is not solely a criminal justice concern, it is also a human rights challenge. However, there is little engagement between the criminal justice and human rights sectors. The harmful consequences of TOC are, among others, severe environmental damage, biodiversity loss, weakened government institutions, national and regional instability, burdens on the health and social welfare systems, decreased direct investment and human rights abuses.

TOC perpetuates a spectrum of abuses¹⁴ along the organised criminal value chain. These crimes involve organised transnational criminal networks, often in association with government officials who facilitate the flow of goods and people through corrupt actions.

Chart 1: Linking TOC crimes to human rights violations and obligations

Examples of TOC crimes	Related human rights abuse/ violation	TOC-related human rights protection/obligation
Trafficking of people Torture Forced labour Enslavement including sexual exploitation Extortion Identity theft	Violations of the right to life and physical integrity; prohibition of slavery and forced labour; protection from torture and cruel, inhuman or degrading treatment	Right to liberty and security of person; prohibition of slavery or servitude
 Illicit drug trafficking and banned substances Money laundering and illicit financial flows Illegal firearms use Production of false documentation Links to modern slavery and human trafficking 	Violations of the right to life, health, liberty and security; prohibition of torture; rights of the child	Right to life, health and security
Poaching and illegal logging Tax evasion Fraudulent permits and document fraud Money laundering Bribery Violence against local communities and forest rangers	Violations of the right to health, life and security; right to a healthy environment; adequate standard of living; rights of Indigenous peoples	Right to a healthy environment; rights of Indigenous peoples including land, culture and livelihood
Illegal trade and proliferation of small arms Murder Armed robbery Kidnapping Terrorism and war crimes Supports other illicit markets; often facilitated by corruption, weak governance and porous borders	Violations of the right to life and security; prohibition of torture; violations of freedom of movement; inadequate standard of living, education, health and liberty	Right to life, security of person and peace

Source: Analytical framework developed by ENACT, synthesised from the African Charter on Human and Peoples' Rights (1981), and relevant international frameworks. It establishes international legal obligation of states to exercise due diligence to protect citizens from human rights abuses committed by non-state actors.

Participants stated that unchecked corruption and state fragility, limited access to education and income opportunities and entrenched poverty are key drivers pushing young people into TOC-related crimes as a source of income. Several participants cautioned that state responses have been overly militarised and security-driven, often ignoring victims' rights and failing to address root causes.

Sadikh Niass, Member of the NGO Forum Steering Committee, observed: 'The increasing entrenchment of TOCs across Africa has exposed deep-seated links between criminal networks and systemic human rights violations. We have found out that TOCs flourish in the cracks of weak institutions. It exploits the very systems meant to protect people.

This sentiment was echoed by Hafisatou Jorbateh of AU Watch, who said, 'We are seeing women trafficked from rural areas into urban hubs and across borders with almost complete impunity. Their rights are being trampled under the guise of border control or ignored in the name of national security.'

Recommendations

- The NGO Forum should develop a human-rights based approach document with guidelines on victim-centred approaches, drawing on instruments such as 'Ten Year Action Plan on the Eradication of Child Labour, Forced Labour, Human Trafficking and Modern Slavery in Africa (2020–2030): Agenda 2063-SDG Target 8.7,15 to present at the 85th Ordinary Session.
- Discussions on migrant smuggling, human trafficking and modern slavery should continue at the NGO Forum and the 85th Ordinary Session.
- The NGO Forum should conduct a practical study on routes used to transport trafficked and smuggled migrants.
- The Commission should develop curricula and syllabi on (anti-)TOC and its human rights implications.

Centring victims: a human rights imperative in addressing TOC

A central finding of the dialogues was the urgent need to anchor all responses to organised crime-related harms in a victim-centred, human rights-based framework. Participants underscored that prevailing state responses remain overwhelmingly security-driven, often relegating the needs, dignity and rights of victims to the margins.

This misalignment undermines international commitments under the African Charter, the AU Migration Policy Framework for Africa of 2018 and the Plan of Action,¹⁶ all of which call for the protection and empowerment of victims and vulnerable populations.

As Honourable Justice Momodou Jalloh stated, 'We cannot talk about combating TOC without putting the victims at the heart of our efforts. Their experiences must inform our policies, and their needs for justice, healing and reintegration must be prioritised.' Participants noted that victims including trafficked people,

Dr Saikou Kawsu Gassama, said: 'Victims are treated as evidence, not as people.'

smuggled migrants and communities displaced by illicit mining, are often retraumatised by systems meant to protect them. Dr Saikou Kawsu Gassama, Executive Secretary of the National Human Rights Commission of the Gambia, said, 'Victims are treated as evidence, not as people, underscoring the lack of trauma-informed approaches in current legal and procedural frameworks.'

Davies added, 'We cannot expect survivors to cooperate in criminal investigations when they don't feel safe or believed by the very institutions meant to protect them.' Participants also emphasised that survivors' voices should shape national policy and reporting to the ACHPR.

Recommendations

- Access to justice Guarantee victims legal aid, protection from reprisals, reparations and meaningful participation in judicial processes. Improve implementation of existing legal frameworks.
- **Protection and safety** Provide specialised protections for vulnerable groups (women, children and irregular migrants) including shelters, trauma-informed and confidential support services.
- **Guidelines on victim-centred approaches** Develop clear guidelines drawing on instruments such as the Plan of Action, promoting trauma-informed policing, gender-sensitive judicial procedures and culturally responsive psychosocial services.
- National-level mechanisms Establish victim compensation funds and referral systems that guarantee protection, legal aid and access to redress regardless of migration or legal status.
- **Integration of survivor testimony** Incorporate testimonies from TOC victims via CSOs into special procedures and state reporting, grounding recommendations and urgent appeals in lived experience.
- **Prevention and awareness** Prioritise public awareness campaigns and structural interventions addressing poverty, inequality and lack of education to reduce vulnerability and the conditions that allow organised crime to thrive.

Conclusion

The dialogues served as a useful platform to explore collaboration between CSOs and the Commission in addressing TOCs. While reaffirming the relevance of existing frameworks, participants acknowledged persistent operational, financial and structural challenges. Both dialogues underscored the determination of CSOs and the Commission to strengthen cooperation and integrate TOCs into the Commission's mandate, with concrete proposals to be presented to the 11 Commissioners at the October public session.

Notes

- 1 African Charter, Article 45, https://au.int/en/treaties/ african-charter-human-and-peoples-rights
- 2 Constitutive Act, Article 4(c), https://au.int/sites/default/ files/pages/34873-file-constitutiveact_en.pdf
- 3 Popular Participation Charter, Article 7, https://digitallibrary.un.org/record/137197?ln=en
- 4 Treaty Establishing the African Economic Community (also Abuja Treaty), Article 88, https://au.int/en/treaties/treaty-establishing-african-economic-community
- 5 Economic, Social and Cultural Council, Article 4, https://ecosocc.au.int/en
- 6 United Nations Office on Drugs and Crime, Impact of Transnational Organized Crime on Stability and Development in the Sahel, https://www.unodc.org/ documents/data-and-analysis/tocta_sahel/TOCTA_ Sahel_Transversal_2024.pdf
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- 8 LS Wiseberg, The African Commission on Human and Peoples' Rights, *Journal of Opinion*, 22:2, 1994, 34-41; H Kam Kah and J Ngwefang Mbom, Human rights in Africa and challenges of the African Commission on Human and Peoples' Rights, *International Journal of Research and Innovation in Social Science*, 8:6, June 2024, 736-746.
- 9 ACHPR, Resolution on the Cooperation between the African Commission on Human and Peoples' Rights and NGOs having Observer Status with the Commission (adopted 5 May 1999, 25th Session, Bujumbura, 26 April-5 May 1999), https://achpr.au.int/index.php/ en/adopted-resolutions/30-resolution-cooperationbetween-african-commission-human-and-people

- 10 ACHPR, Guidelines on Shadow Reports (adopted 19 July-2 August 2022, 72nd Ordinary Session), https://achpr.au.int/en/documents/2022-10-28/guidelines-shadow-reports-african-commission-human-and-peoples; African Charter, Article 45(1)(c) empowers the Commission to collaborate with African and international organisations dedicated to global human rights protection and promotion.
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- 12 ACHPR, Addressing human rights issues in conflict situations towards a more systematic and effective role for the African Commission on Human and Peoples' Rights, 2019, para 58, https://achpr.au.int/en/node/895
- 13 Article 1 obliges States to respect and protect the rights in the Charter, implying an intrinsic duty to safeguard all human and peoples' rights.
- 14 AP Oliviera, Four reasons why human rights is an organized crime issue, Global Initiative Against TOC, October 2023, https://globalinitiative.net/wp-content/uploads/2023/10/Ana-Paula-Oliveira-Four-reasons-why-organized-crime-is-a-human-rights-issue-GI-TOC-October-2023.19October.pdf
- 15 Ten Year Action Plan on the Eradication of Child Labour, Forced Labour, Human Trafficking and Modern Slavery In Africa (2020-2030): Agenda 2063-SDG Target 8.7, https://www.ilo.org/publications/ten-year-action-planeradication-child-labour-forced-labour-human
- 16 Migration Policy Framework for Africa and Plan of Action (2018 2030), https://au.int/sites/default/files/documents/35956-doc-2018_mpfa_english_version.pdf





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About ENACT

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