

**Report of the Working Group on Specific Issues Relevant to the
Work of the Commission on the Review of the Rules of
Procedure of the African Commission on Human and Peoples'
Rights**

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INTRODUCTION

1. Since inception, both the African Charter on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights have been subjects to numerous studies by

scholars, researchers, fellows and students alike eager to further their knowledge on the African human rights system and how this system cope in managing the massive human rights violations in the continent. Hence, the suspicion and sarcasm born out of these studies led to a plethora of literature¹.

2. The immense contribution of literature in the human right promotion and protection in Africa paved the way to the establishment of a Working Group on Specific Issues Relevant to the Work of the Commission. Thus, at its 37th Ordinary session of the African Commission held from 27th April to 11th May 2005 in Banjul, the Working Group on Specific Issues Relevant to the Work of the Commission (the Working Group) was established by the Resolution ACHPR/Res.77 (XXXVII) 05.
3. The Working Group (WG) was task with the following mandate:
 - a. The review of the Rules of Procedure of the African Commission on Human and Peoples' Rights, ensuring that the following items are included:
 - The relationship between the Bureau and the Secretariat of the African Commission on Human and Peoples' Rights;
 - The relationship between the African Commission and its various partners;
 - The relationship between the African Commission and the various organs and institutions of the African Union; and
 - Any other relevant issues.
 - b. The mechanism and procedure on the follow-up on decisions and recommendations of the African Commission;
 - c. The structure of different reports of the African Commission;

¹ See annex 1

- d. The modalities for the establishment of a Voluntary Fund for Human Rights in Africa; and
 - e. The follow-up on the implementation of the recommendations of the Retreat of the African Commission in Addis Ababa of September 2003, the evaluation report on the work of the African Commission and the UPPSALA consultation of June 2004.
4. It is worth mentioning that the present report is on the Operative Paragraph (OP) 8(a) of the above resolution. Thus, based on the mandate it has been entrusted in the aforementioned resolution; the Working Group undertook to review the rules of the procedure of the African Commission.
 5. The WG drew from numerous comments, criticisms and researches done within the contest of African human rights system by researchers, scholars and students. If, at its first meeting the Working Group drew mainly from the September 2003 Addis Ababa brainstorming report and the 2004 report of the Uppsala consultation on the African Commission, in its subsequent meetings, the Working Group drew also from the May 2006 report of the Banjul brainstorming and the May 2007 brainstorming between the African Commission and Members of the Permanent Representatives Committee (PRC) held in Maseru, Lesotho.

MEETINGS HELD

6. At its first meeting held in Cotonou, Benin from 4 to 7 July 2005, the WG set up a timetable to implement the task it has been entrusted. Hence, during its first meeting the following points of the rules of procedure were discussed:
 - The relationship between the Bureau and the Secretariat of the ACHPR(with Rules 17(5) new and 18 (1) new);
 - Functions and composition of the bureau of the Commission;
 - The Secretariat of the ACHPR;
 - The relationship between the ACHPR and its partners;

- The relationship between the ACHPR and the different organs and institutions of the African Union;
 - Communications submitted in accordance with article 55 of the African Charter;
 - Communications submitted in accordance with article 47 of the African Charter;
 - State reporting;
 - Missions;
 - The speech of the Chairperson before the Executive Council;
 - The issue of incompatibility;
 - Integrity and independence of the African Commission;
 - The establishment of a human rights voluntary contribution fund;
 - Potential Donors;
7. At its second meeting held in Addis Ababa in October 2005, the Group undertook consultations with various African Union departments and organs such as the Political department, the legal department, Peace and security council department and its chairperson, finance department, the Secretariat of the Committee on the rights and welfare of the child.
 8. in South Africa in April 2006, the WG built on previous progress to advance the review of the rules of the procedure of the African Commission.
 9. During meetings held in Brazzaville, the Congo at the margin of the 42nd Ordinary session, the Working Group continued its review of the Rules of Procedure.
 10. At the meeting held in Banjul, the Gambia from 15-17 February 2008; the group undertook to finalize the review of the Rules, however, only 95% of the work has been achieved before the matter was tabled before the Commission for consideration at its 4th extraordinary session held in Banjul from 18th to 25th February 2008.

CONCLUSION

11. The Rule of Procedure being one of the important points within the mandate entrusted to the working group, most of the meetings held were focused on reviewing these rules. The group is yet to work on the harmonization of the rules of the Commission and the African Court on Human rights. It is hoped that once this first segment of its mandate is done, the WG will be able to approach the other segments of the mandate.
12. I shall also note that the lack of funding has impeded the Working Group to meet as often as it should and it is our expectation that the new shift from AU in funding programs of the Commission would enable the group to fulfill its mandate under the resolution establishing it.