

## ACTIVITY REPORT

### COMMISSIONER SANJI M MONAGENG – CHAIRPERSON

I present below a report of my activities during the intersession period June to November 2008:

1. From 21st to 22nd June 2008, I participated in a Forum which was convened by Femmes Africa Solidarite (FAS) with the support of the African Union Commission, the African Union Gender Directorate, the United Nations Economic Commission for Africa (UN-ECA), the Susan Mubarak Women's International Peace Movement (SMWIPM), the Egyptian Business Women's Association (EBWA), Open Society Initiative for West Africa (OSIWA), Action Aid International, the Department for International Development (DFID), the African Development Bank, the African Women's Development Fund (AWDF) and the Ministry of Foreign Affairs of Finland.

This meeting preceded the 12<sup>th</sup> African Union summit held in Sharm el Sheik, Egypt. This Forum was attended by a variety of African women's civil society organizations. Thematic issues discussed were, among others, peace and security, human rights, health, education, land and productive resources, economic empowerment and preparations for the Second Summit of Heads of State on Gender. The Solemn Declaration on Gender Equality in Africa and the United Nations Resolution 1325 were discussed, and an assessment of the impact of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa was also undertaken. The theme of the meeting was 'Gender is my agenda'. The Forum called for the effective participation of the ACHPR in the forthcoming conference to be held in Liberia in March 2009 on women leadership. The Forum also resolved to continue with advocacy and lobbying for the inclusion of the recommendations coming out of the Forum, in the decisions of the Assembly of Heads of State and Government.

2. The Forum was followed by a meeting of the Permanent Representative Committee of the African Union, which prepares the work of the Executive Council. Immediately thereafter, I attended the meeting of the Executive Council of the African Union where I presented the Report of the Activities of the African Commission on Human and Peoples' Rights, which was debated and adopted by the Council. Among other things, I highlighted the failure of member states to adhere to their obligations under Article 62 of the African Charter on Human and Peoples Rights, in failing to submit initial and periodic human rights reports to the ACHPR. I cannot overstate the importance of such human rights reports, and wish to thank those states parties that have presented and continue presenting their reports. During this intersession I note that Nigeria, the DRC, Uganda and Madagascar have complied with this Charter obligation. The Nigerian report was presented yesterday

2. I also highlighted my concern at the seeming lack of support for the sessions of the Commission and by extension for its work, by some member states. I further extended a general invitation to states parties to attend this particular session, which comes immediately before the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, for the member states to share the holistic picture of the human rights landscape on the continent generally and in their own countries specifically. I am happy to note that this morning we have registered 26 member states, but I would have appreciated a full house attendance by states parties. I should note here that there are a number of states that have become our traditional supporters and that open and virtually close every session with us and these are, among others, Algeria, Tunisia, Egypt, Uganda, Ethiopia, Zimbabwe, Botswana, Nigeria, Cameroon, Libya and South Africa and I wish to extend my appreciation to these member states. I also wish to take this opportunity to thank the other member states that are in attendance at this session. I further wish to restate that sessions of the ACHPR are not only an important source of information for member states, but a good vehicle for exposing governments to the mandate of the ACHPR as provided for under the Charter, and to learn human

rights best practices from other Member States. It is also an opportunity for all of us to showcase what Africa has to offer. I will raise the issue again at the forthcoming summit of the African Union.

3. These two meetings were followed by the Summit of the Assembly of Heads of State and Government, which adopted the Activity Report of the ACHPR. The Summit ended on the 2<sup>nd</sup> July 2008.
4. Following the Summit, the Secretary of the Commission and I held a meeting with the Centre for Human Rights, the University of Pretoria, on the 4<sup>th</sup> July 2008, which was the starting point of a rich and strategic dialogue on Human Rights Education, an activity that the ACHPR is currently engaged in. This meeting was followed by the Africa Moot Court Competition on the 5<sup>th</sup> July 2008, in which the Secretary and I participated as judges at the invitation of the Centre for Human Rights of the University of Pretoria, a long-standing partner of the African Commission.
5. From the 10<sup>th</sup> to the 24<sup>th</sup> July I presided over the 5<sup>th</sup> Extra Ordinary Session of the ACHPR in Banjul, The Gambia. The purpose of the Session was for the ACHPR to attend to pending issues, including the ACHPR's Rules of Procedure.
6. I also participated in and presented a paper on the role of the ACHPR in conflict prevention, resolution and management, at a seminar that was organized by the Centre for Conflict Resolution, in Cape Town, South Africa, from the 26<sup>th</sup> to 30<sup>th</sup> August 2008. My participation was to assist the seminar in situating human rights in conflict situations. Among others, the African Court on Human and Peoples' Rights and the Committee on the Rights and Welfare of the Child were also represented.
7. On the 5<sup>th</sup> and 6<sup>th</sup> September 2008, Commissioner Atoki, the Chairperson of the Working group on Torture and I assisted by two legal officers, Dr Ogunade and Mr Hydera, in collaboration with the University of Bristol, undertook training of law

- enforcement agencies on prevention and prohibition of torture and on the ACHPR Robben Island Guidelines on prevention and prohibition of torture, in Monrovia, Liberia. A session was dedicated to the United Nations Convention against Torture and its Optional protocol.
8. The training session was followed by a joint promotion mission, which I undertook with Commissioners Atoki and Mumba Malila, the Special Rapporteur on prisons and other places of detention in Africa. The mission ended on the 12<sup>th</sup> of September 2008. During the promotion mission we met government Ministries and departments, the Truth and Reconciliation Commission, the Human Rights Unit of the United Nations Mission to Liberia and some civil society organizations among others. We were unable to exchange ideas with civil society organizations, although we met the organizations, for the reason that they said we met them last and they said that they were no longer prepared to be made an afterthought by the government and all visitors to Liberia. I regret that this was an opportunity lost for an exchange of views and for the work of the ACHPR to be introduced to those organizations. I however encouraged organizations that have a human rights mandate to apply for observer status with the ACHPR.
  9. I also represented the Commission and made a presentation on the work of the Commission at a seminar that was run by the Konrad Adenauer Stiftung, a foundation for safeguarding peace and freedom, strengthening democracy, combating poverty and the rule of law. The seminar sought to introduce the African, Inter American and European human rights systems, to among others, the German public. The seminar was held on the 17<sup>th</sup> and 18<sup>th</sup> September 2008, and was addressed by representatives of the European Court and the Inter American Court.
  10. On the 26<sup>th</sup> and 27<sup>th</sup> September 2008 I presided over a session of the ACHPR on the Working Methods of the Commission in Ouagadougou, Burkina Faso, which was organized by the Commission and facilitated by a former Commissioner of the ACHPR, Professor Dankwa.

11. Following a Resolution adopted by the ACHPR in Accra, Ghana, in May 2007 to establish a Focal Point on the Rights of Older Persons, the Commission organized a Seminar in Mauritius on the 2<sup>nd</sup> and 3<sup>rd</sup> October 2008 to take stock of the human rights situation of older persons on the continent, identify what processes are already on-going to redress their plight, and see how best to engage with these processes, given the comparative strategic advantages of the ACHPR. This would help to chart the way forward in the work of this mechanism and help concretize it.
12. The meeting was attended by experts from HelpAge Africa, an international NGO specializing in the rights of older persons and the Africa Rehabilitation Institution, a specialized agency of the African Union. Among other things, the participants considered the possibility of drafting a Protocol to the African Charter as mandated by the ACHPR through the Resolution establishing this special mechanism. The African Union Directorate of Social Affairs could not attend the meeting, but they are part of the endeavour.
13. I also presided over a consultation convened by the ACHPR to consider alternatives to formal human rights education. The consultation took place here in Abuja, Nigeria, from 4<sup>th</sup> to 5<sup>th</sup> November 2008. In particular, the consultation focused on the use of theatre as a vehicle for human rights education and dissemination of the Charter, the Commission, and its work. Experts on theatre and human rights from Africa were invited for their input. Academics also formed part of the deliberations, as well as representatives of National Human Rights Institutions. The group set up a taskforce to work with the ACHPR Secretariat on the initial groundwork, for consideration by the Commission at a later date.
14. On the 8<sup>th</sup> and 9<sup>th</sup> November 2008 in Abuja, I attended a seminar organized by Interights and the MacArthur Foundation. The seminar brought together Regional Economic Communities, Courts and tribunals, and the ACHPR. The ACHPR's sister organization – the Inter American Commission

on Human Rights and the European Court on Human Rights were also represented. The participants highlighted the need for Regional Courts, Tribunals and Commissions in Africa to share experiences and jurisprudence on a continuous basis.

15. I also participated in some activities of the NGO Forum that preceded the Session of the Commission.
16. In my capacity as Chairperson of the Commission, I provided guidance and overall oversight on the activities of the Commission and its Secretariat.

In that regard, I am heartened to inform you that, with the exception of the meeting scheduled between the Commission and the African Court to harmonize their Rules of Procedure which could not take place due to calendar constraints, the Commission has been able to implement all the activities that were planned and budgeted for in the 2008 fiscal year. To that end, I would like to extend my sincere thanks to my colleagues, members of the African Commission, as well as to the Secretary and her dedicated and very hard working staff, for a job well done. I know it has been a particularly gruelling year, and I am aware of the many sacrifices that many of you have put in, to make the work of the Commission a success.

Indeed, this is why it would be remiss of me not to stress the need to match the number and scope of activities of the Commission with the available resources – in terms of the time that Commissioners are able to devote to Commission work, given that they hold full-time jobs in their respective countries, as well as the capacity of the Commission's Secretariat to provide the technical and administrative backstopping required. Yes, a number of Legal Officers have been engaged to alleviate the staff shortage, but this is on a short-term basis. What is needed is a more permanent solution. This is why I have continued to raise the issue of the human resource constraints at the Secretariat as a continuing concern, including at the 12<sup>th</sup> Summit of the AU Heads of State and Government in Sharm el Sheikh, Egypt. To that end, I am happy to report that the Heads of State, through Decision Assembly/AU/Dec.205 (XI), among other things mandated the AU Permanent Representatives Committee to expedite consideration of the structure of the Secretariat of the

Commission with a view to a decision being taken at the forthcoming meetings of the AU Policy Organs in January 2009. That Assembly Decision, which reflects the spirit of positive and constructive engagement that exists between the Member States of the Union and the Commission, can be found on the website of the ACHPR. I will, however, remain seized of the matter until a final and more lasting solution is found, because the Secretariat is the engine that drives the work of the Commission.

I have already referred to some of the initiatives that we have undertaken in an effort to improve the way we work, in order to improve our efficiency and our service delivery. I talked about the two meetings in Ouagadougou, on the working methods of the Commission and on the relations between AU Organs with a human rights mandate. Let me add that the Conference on Strategic Partnering for Human Rights in Africa sought to review the way in which the Commission interfaces with its partners. That Conference brought together different stakeholders, including Member States, National Human Rights Institutions, NGOs, Academic and Research Institutions, donors as well as individual experts, and provided a lot of insight into how the Commission and its partners can work smarter and more strategically.

In the same vein, we have been taking measures to deal with the backlog of outstanding work, such as finalization of our draft Rules of Procedure and consideration of Communications before the Commission. The amount of work on our table is going to increase, especially as Member States respond to our calls to submit their State and Periodic Reports under Article 62 of the Charter, and approve our requests to undertake promotional missions in their respective territories. We can already feel the load from the sheer number of the missions that were undertaken this year, and the volume of the reports that are before the Commission for consideration. This is why we held two Extra-Ordinary Sessions this year, and we are planning another one for next year.

Lastly, I have continued to network and actively engage with other human rights bodies and institutions, in order to disseminate information on the Commission and its work, as well as on the African Charter itself.

Let me end on this note: quite clearly, we have to coordinate our activities. We have to synergize with each other. We are working for the same constituency, for as we say at the ACHPR, human rights are truly our collective responsibility.

Finally, I want to recognize the efforts of my colleague Commissioners, and the different activities and initiatives by the various special mechanisms, which together constitute the collective work of the Commission, for, without them, the Commission would not be able to deliver on its mandate.

15<sup>th</sup> November 2008

ABUJA

NIGERIA