

**INTERSESSION ACTIVITY REPORT OF  
COMMISSIONER CATHERINE DUPE ATOKI  
44<sup>TH</sup> ORDINARY SESSION OF THE ACHPR**

**From 10 – 13 June 2008**, I attended a meeting on Slavery and follow – up to the world conference against Racism in Banjul.

**From 21 June – 1<sup>st</sup> July 2008**, I undertook a promotion mission to the Republic of Ethiopia. During the promotional mission I held discussions with several Government Officials including the Minister of Justice, President of the Federal Supreme Court, Minister of Capacity Building, Director General of the Ministry of Foreign Affairs, the Deputy Minister of Foreign Affairs, Ministers of Health, Education, Social Welfare, Labour and Social Affairs, Ministry of Women’s Affairs, and other ministries.

As it is usual the mission provided an opportunity to introduce the Robben Island Guidelines and encouraged their use in the prevention of torture.

I also held discussions with various NGOs, the Ethiopian Human Rights Commission and with the Regional UN High Commission for Human Rights, and with the Office of the Ombudsman. NGOs were encouraged to apply for observer status to facilitate their engagement with the commission. The general discussions focused mainly on human rights situation in Ethiopia and how the Commission could be a constructive partner in promoting human right in Ethiopia. Such discussions amongst other include the long standing fighting between the Ethiopian army and the ogaden National Liberation front, (ONLF).

I also had discussion with the President of the Federal Republic of Ethiopia, His Excellency, Girma Wolgegeorgis.

**From 21 – 29 July 2008**, I attended the 5th Extra-ordinary Session held in Banjul, the Republic of The Gambia. The Session was mainly to harmonize and concretize the Rules of Procedure between the African Commission and the African Court on Human and People Rights and to expatiate on the complementarities between the commission and the court.

**On 27 August 2008** the Nigerian Bar Association held its annual General Meeting in Abuja, Federal Republic of Nigeria. I was invited to this meeting in my capacity as a Commissioner to present a paper on the Role of the ACHPR in the merged African court of justice and Human Rights.

**On 27 August 2008**, I was also invited by an NGO ( CADAF) to present a paper on consumer rights and the ACHPR.

From **8 - 12 September 2008**, I undertook a joint promotional mission with the Chair of the commission, Hon Justice Monageng and Commissioner Mumber Malila, Commission's Special Rapporteur on Prisons and Conditions of detention in Africa. During the promotional mission we held discussions with several government officials including the Director General of police, Director of Immigration, the Attorney General, Deputy Minister for Rehabilitation who is also responsible for prisons, the Chief Justice, Minister of Foreign Affairs and Her Excellency Ellen Sirilif Johnson, President of the Republic of Liberia.

We also held discussions with other law enforcement officials. Discussions focused mainly on human rights situation of Liberia. During the promotional mission, we discussed issues ranging from the need for Liberia to send its Periodic Report to the Commission especially on the challenges of the judiciary.

I also undertook prison visits during this period to the Monrovia Central Prisons and few Police holding cells. We also visited a magistrate court, and held discussion with magistrates on the judicial system of Liberia. These discussions revealed that in some Counties, for example detention facilities do not exist.

From **20 – 22 October 2008**, I attended a 3-day conference on Strategic Partnering in Kampala, Uganda. On 21<sup>st</sup> October 2008, Africa Human Rights Day was commemorated, where I read a statement on the African Human Rights Day on behalf of Chairperson of the Commission.

A Stakeholders round table discussion was also held on the theme “Human Rights, Our Collective Responsibility” and was well attended. Participants were drawn from state parties, AU Organs, NHRI, Academic Institutions and non-Governmental Organizations.

The objective of the Conference was to examine our relationship with civil societies and other partners and to inform other partners on the framework for cooperation

between AU organs, including the Commission.

During discussions, participants raised a number of issues regarding the cooperation between the commission and its partners, such as the need for more resources for the Commission, the need for equal representation of stakeholders in the subsidiary bodies of the

commission and the need to allocate time more equitably during the Ordinary Sessions of the commission.

### **Report of the Special Mechanism - Chairperson of the follow – up committee on the Implementation of the Robben Island Guidelines**

This report is presented as the Chairperson of the follow – up committee on the Implementation of the Robben Island Guidelines on the prevention and prohibition of torture in Africa.

In the light of the prevalence of torture in Africa, the ACHPR was convinced of the need to develop a special mechanism to attend to the continuous practice in Africa. The Robben Island Guidelines was therefore developed, adopted in 2002 and also by the summit in 2003.

Torture never the less still remains not only endemic but also more adventurous in its practice.

The follow-up committee in its analysis of this practice concludes that state parties and their agents need to be vigorously sensitized on the contents and practice of the RIG in the prevention and protection of torture.

Consequently 2 workshops were organized during the intercession.

**From 17 – 18 July 2008**, I conducted a 2-day workshop for heads of police and prison in West Africa in Abuja, Nigeria. The workshop was designed for Heads of police and prisons to bring them together and introduce them to the African human Rights System, the work of the commission and developments in the field of the prevention, prohibition and criminalization of torture and the work of the follow – up committee.

The workshop was well attended and we train over 40 participants from 14 West African countries, Benin, Burkina Faso, Cameroon, Gambia, Ghana, Guinea

Conakry, Ivory Coast, Liberia, Mali, Nigeria, Niger, Senegal, Sierra Leone and Togo.

The objective of the workshop was to sensitize participants on the RIG and how State Parties and Law enforcement official from these countries can use the guidelines in their day-to- activities and throw more insight into the activities of the African Commission and the work of her committee in providing direction to and necessary clarifications on the RIG mechanism and modalities of its implementation.

From **4 – 6 September 2008**, I conducted another 2 day training workshop for senior Law enforcement officials on the Robben Island Guidelines (RIG), in Monrovia, Liberia. The workshop was also attended by Chair of the Commission who is also the Commissioner responsible for human rights issues in Liberia. The workshop was a follow up of a workshop for heads of Police and Prison in West Africa held in Abuja, Nigeria from 17 – 18 July 2008.

We trained more than 70 senior law enforcement officials, from the police, prisons Department, Immigration, Ministry of Justice and Ministry of Foreign Affairs. The main objective of the Liberia workshop was to among other things, train law enforcement officials on the use of the RIG in their day-to-day work, and to explore Liberia's obligations using regional and international human rights instruments. It was also intended to encourage Liberia to abolish and criminalize torture or any other form of cruel and degrading treatment; and to share experiences, and to explore the role of the police and prisons officials with respect to the prevention of torture and the promotion of alternative forms of punishment.

I am pleased to report to the commission that the Liberian police force will be reviewing their police curriculum to include training on the RIG. The Gambia Police has approved the ACHPR to collaborate on developing a syllabus for police officers that will form part of the training of officers.

### **Publication**

In facilitating the use of the RIG, the working group in collaboration with our partner APT has commence a publication on practical ways in which the RIG can be used by state actors, NGOs and the Commission. They contain comments and suggestions on each article and it portends to be a useful handbook for all involve in the prevention of torture.

Upon adoption by the commission, the publication will be launched and available to the public.

**Between 7<sup>th</sup> and 9<sup>th</sup> November 2008**, I attended the NGO Forum and chaired the special mechanism sector dealing with torture. NGOs involved in this theme had the opportunity to indicate areas of cooperation with the commission towards not only the prevention but also ultimate prohibition of torture in Africa.

The follow-up Committee plans to strategically brace up to this challenge regionally. The Regional Workshop in Abuja is the first in the series. The Republic of Liberia and Gambia have come out of this workshop with concrete plans to incorporate the RIG in the national police training curriculum. We are following on other Countries for progress made on their Commitment.

In the coming intercession, we will choose another African region for similar advocacy and training activity. It is hoped that the visibility that the Abuja workshop gave to 14 countries will be replicated as we take each region on board.

Police holding cells and prisons remain base from where torture is practiced and overcrowded and congestion fuels the practice.

Slow judicial response to accused person brought before law courts is linked to the congestion in both holding cells and prisons.

State parties are urged to undertake necessary law reform programmes to free prisons and police detention centre.

Whilst our intervention with government bodies is intended to attend to the prevention of torture as defined by CAT, cruel, inhuman and degrading ill-treatment and punishment, which are within the purview of the ordinary citizen is also on our banner. The cooperation of NGOs on ground is expected.

## **Report of the Special Mechanism on Economic, Social and Cultural Rights (ECOSOC)**

The Commission established the working group on ECOSOC after the African Commission on Human and Peoples Rights (the Commission) adopted a resolution **78.ACHPR/Res.73 (XXXVI) 04** on Economic, Social and Cultural Rights in Africa at its 36<sup>th</sup> Ordinary session held from 23 November to 7 December 2004 in Dakar, Senegal. In this Resolution the Commission adopted the Declaration of the Pretoria Seminar on Economic, Social and Cultural Rights. The Commission also decided to establish a working group on Economic, Social and Cultural Rights (the working group).

As part of its mandate the working group was established to develop draft Principles and Guidelines on Economic, Social and Cultural Rights and draft revised guidelines pertaining to economic, social and cultural rights, for State reporting. The working group has made great progress in the preparation of these guidelines.

As a member, I attended a meeting in Abuja between 6 – 7 November 2008 of the working group on ECOSOC. The draft guidelines will soon be ready for presentation to the Commission.

On **1<sup>st</sup> September 2008**, I presented a paper in Lagos, Nigeria on the invitation of Social Economic Rights and Project (SERAP) on corruption, ECOSOC and the role of the ACHPR. The presentation will form part of a regular publication of the organization aimed at sensitizing the public on the challenges of enforcing ECOSOC rights. In the presentation, I highlighted the need for NGOs to take up litigation using the African Charter as a tool to ensure compliance with ECOSOC rights.