

INTERSESSIONAL ACTIVITY REPORT OF THE VICE PRESIDENT

1. ACTIVITIES UNDERTAKEN TO IMPROVE THE METHOD OF WORK AT THE SECRETARIAT OF THE ACHPR

I held discussions with the bureau and the Secretariat about the following issues:

- The preparation of thematic seminars on strengthening cooperation between the African Union and its organs including the African Court.
- The improvement of the organisation and distribution of tasks to the personnel of the Secretariat aims at providing effective service to Commissioners.

At the end of the discussions, the Secretariat was to:

- 1) Undertake a compilation of the recommendations made by the Commission arising from complaints and the provisional measures during the past six years so as to see to the implementation of these recommendations. The outcome of such a work would assist in the adoption of a monitoring system of our recommendations on complaints and decisions.
- 2) In the course of public sessions, the Secretariat should compile all the proposals and recommendations from the participants to enable the Commission to take an appropriate decision.

2. REFLECTION ON CONCEPTUAL POLICIES ON THEMATIC AREAS RELATING TO HUMAN RIGHTS

In order to enhance and effectively execute the mandate of the Commission in accordance with the terms stipulated in Article 45 (al. b) of the African Charter, the following items were taken into consideration:

- Improvement of the working relations with the NGO Forum which makes a significant contribution to the work of the Commission. On this issue, it is recommended that :
 - The steering committee of the NGO Forum formally and expeditiously communicates the information in its possession after collecting the facts on gross human rights violations as reported and documented.
 - The Forum should not only give an overview of the situation of human rights in the past as well as activities carried out by the NGOs but also inform participants that the Commission has been seized of the facts in

question. This action would enable the Commission to intervene through the mechanisms provided for by the Charter and the Protocol on Peace and Security (Article 58 of the African Charter, Article 111 of the rules of procedure in force and Article 19 of the protocol on peace and security).

- The State Parties to the African Charter are urged to designate a focal person in each of the countries to coordinate the relations between the Ambassadors in Addis. Such a strategy would help place emphasis on cooperation between the Commission and the Permanent Representatives Committee at the African Union (COREP). This emerged out of the brainstorming meeting held in Banjul in May 2006.

3. FORMULATION OF THEMES FOR THE AGENDA AT OUR ORDINARY SESSIONS:

- FORMULATION OF ITEMS ON THE AGENDA OF ORDINARY SESSIONS

- I recommend that to select the items for the agenda during ordinary sessions , the Commission incorporates (the human rights situation in Africa) in item 4 of the agenda as well as specific human rights-related issues such as :
 - The right to food
 - Safety standards on preventive detention
 - Human rights in preventive custody
 - The right to development, the consideration of which is yet to be completed at the United Nations. This would help to effectively improve the mandate of the Commission on the following items :
 - 1) Incorporation of the different components of the economic, social and cultural rights that are not expressly provided for in the Charter so as to enrich the mandate for interpretation.
 - 2) Better targeting of terms of reference of our promotional missions;
 - 3) Implementation of economic, social and cultural rights provided for in the Charter by State Parties;
 - 4) Division of item 4 of the agenda into two parts, into a general part and a specific part.

4. COOPERATION ACTIVITIES

- **In June 2008**, I attended a meeting in Nantes (France) with the representatives of the International Organisation of la Francophonie (OIF) with the view to establishing cooperation links between the Commission and the OIF.
- There was a meeting on 12 November, with the representative of the International Organisation of la Francophonie to consolidate the modalities for cooperation between the Organisation and the Commission.

- A meeting would be scheduled with the Bureau and the Secretariat for the incorporation of this cooperation activity into the 2009 budget ;
- Meeting in **September 2008** in Maputo, Mozambique with the National Director of Special Education Programmes with the aim of evolving sex-disaggregated statistics in the field of education.
- A meeting will be organized with the Director of Education to have comprehensive statistics on the subject. The purpose of such a meeting was to create a gender-based database in the area of education. On this issue, I not only urge my colleagues to do same but I also urge my partners to get involved.
- **In October 2008**, in Maputo, Mozambique, I had a meeting with OXFAM Mozambique to draw conclusions on the modalities for the implementation of an integrated project on the topics treated in the protocol on women's rights in Africa. It is a project which promotes the participation of all women's NGOs endowed with expertise on women's rights issues in Maputo. This project will enable donors to have a holistic vision about the implementation of the protocol on women's rights in order to provide financial support for the said project financially;
- A community radio station project will be undertaken at the beginning of 2009 in six out of the eleven provinces of the country.
- Meeting in **October 2008** with the Minister of Justice to make some comments on prison reforms in Mozambique. During this meeting, the Mechanism of the Special Rapporteur on detention conditions in Africa was raised. Another meeting will be held with the Director General of Prisons of Mozambique for the implementation of the recommendations.

5. PROMOTION ACTIVITIES:

Promotion Missions

- Two missions were projected in the budget of the Commission, one mission to Angola and the other to Equatorial Guinea.

On Angola

- The initial dates were scheduled for April 2008; however no response was received from the Government in spite of efforts made by the Ministry of Justice of Angola to receive us.
- Other dates were proposed, but authorisation from the Government came after other commitments had to be honoured; therefore a new date has to be fixed for this mission.
- Concerning Equatorial Guinea, a note verbale for authorisation of the mission was sent but because of communication difficulties experienced with this

country, no answer was received; moreover the country has no diplomatic representation in Addis Ababa.

- However, while waiting for a response from Equatorial Guinea, contacts were established for a mission to Guinea Bissau; it is now up to the Secretariat to follow up by sending a note verbale.

- At this juncture, as my colleagues who preceded me did in their presentation, I renew my call to State Parties to immediately grant authorisation for missions into their countries.

6. Seminars

- **From 28 to 30 June 2008**, I participated in the 3rd Human Rights Forum in Nantes, France as a resource person and a panelist at the opening ceremony of a round table on the celebration on the 60th anniversary of the Declaration of Human Rights. In attendance at this celebration were the Special Rapporteur on religious freedom of the United Nations, the former Special Rapporteur on children's rights and other dignitaries such as the French Secretary of State for Human Rights.
- **On 16 July 2008**, I attended a meeting in Maputo, Mozambique organised by the Legal Department of the Ministry of Foreign Affairs with members of the Technical Council of the Ministry of Justice and other invited lawyers on the ratification of the Rome Statute of the ICC. The purpose of this meeting was to seek the legal opinion of the participants on the ratification of the Rome Treaty by Mozambique.
- **From 25 to 27 July 2008**, I participated in the first World Social Forum organised by Fondazione Rome and Fondazione Celsious, two research groups. This World Social Forum was intended to build a platform for discussion on current social problems. The theme for this forum was: "Social Apprehension from the Sociological Perspective. My theme was on promotion of human rights. From the sociological perspective, I focused on hunger in Africa. During the forum, I drew the attention of the participants to the fact that the alacrity with which an answer is provided for the global financial crisis by the Western countries does not manifest in the same way as their financial commitment vis-à-vis developing countries. The observation was supported by all the participants at this forum. The participants included academicians, professors, lawyers, senators, parliamentarians, international professors, mayors of major cities and students.
- However, during this same period, I could not take part in a meeting organised by Minority Rights in London. I would like to express my gratitude to this organization for extending an invitation to me.
 - Participation in a meeting in Ouagadougou on the consolidation of relations between the Commission and the AU organs. A report and recommendations are in the process of being issued by the Commission.

- **27 October 2008**, I attended a meeting on human rights development perspectives in Africa organised by the African Union and the European Union. In this regard, I wish to thank the African Union Commission and especially the political department for deploying all possible efforts to ensure my participation in the meeting. Unfortunately, the Secretariat did not do anything to ensure my going to Addis Ababa though the ticket was sent.
- **Mid-October to the early part of November 2008**, meeting with NGOs in Cape Verde on capacity building in response to complaints made by the Portuguese-speaking nations.
- Another seminar is in the pipeline for lawyers, prosecuting judges, parliamentarians on capacity building.
- **From 3 to 4 November 2008**, I provided lessons on capacity building to prosecuting judges, lawyers and academicians; this was organised by the Faculty of Law of the University of Maputo.
- During the same period, I had discussions with judges from the Regional Court of SADAC and the President of the African Court on Human and Peoples' Rights.
- **From 8 to 9 November 2008**, participation in a meeting co-hosted by INTERIGHTS and Mccarthur Foundation with the support of the European Union. The theme of this meeting was: Interaction between the Community Courts including the African Court of Human and Peoples' Rights. During this meeting, I presided over a session on challenges and opportunities that exist for the various organs of the Union handling human rights issues.
- **From 7 to 9 November 2008**, during the NGO forum, I presided over a stakeholders meeting on economic, social and cultural rights.
- **On 14 November 2008**, I participated in a meeting organised by COHRE during which Commissioner Maiga presided over a theme on women, their right to housing and HIV/AIDS.
- It must be noted that during the intersession, I consolidated my relations with Angolan and Mozambican NGOs within the framework of human rights promotion and protection in these countries. I urge these NGOs that have not yet requested for observer status at the African Commission to do so. Indeed, this status helps the NGOs to cooperate with the African Commission in its mandate on promotion and protection of human rights in Africa. Thus, these NGOs can seize the African Commission or the African Court about cases of human rights violations through communications; they can even seize the African Court of Human Rights on individual cases according to the status of ratification by the State concerned of the protocol establishing this court

or the status of ratification of the new protocol relating to the general rules of the Court of Justice and Human rights .

- Notes verbales will be sent to the State parties present at the 44th Session with the view to encouraging them to ratify the protocol on women's rights in Africa.

I thank you for your kind attention.