

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

**By: Dr. Angela Melo,
Chairperson of the Working Group**

1. At its 37th Ordinary session held from 27th April to 11th May 2005 in Banjul, the African Commission established a Working Group on Specific Issues Relevant to the Work of the Commission (W G) by Resolution **ACHPR/Res.77 (XXXVII) 05**.

II- THE MANDATE OF THE WORKING GROUP

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;

- 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.
2. Up until November 2007, the composition of the WG has been as follows:

Commissioner Angela Melo
 Commissioner Faith Pansy Tlakula
 Mr. Ibrahima Kane, representing Interights
 Mr. Maxwell, K., representing Open Society Justice Initiative, Nigeria;
 Mr. Alpha Fall, representing Institut pour les Droits Humains et le Développement en Afrique (IDHDA) ;
 Ms. Julia Harrington, Open Society Justice Initiative, New York

- 3. At its 42nd session held in Brazzaville, Congo, the Commission elected Commissioner Silvie Zainabo Kayitesi as a new Member of the WG.
- 4. Thus, based on the mandate it has been entrusted in the above resolution; the Working Group undertook to review the rules of the procedure of the African Commission.

III- METHODOLOGY ADOPTED BY THE WORKING GROUP

- 5. The working group based its work on information collected from numerous documents on comments, research, and criticism done within the contest of African human rights system by researchers, scholars and students alike. The WG drew also its information from recommendations contained in the September 2003 Addis Ababa brainstorming report , the 2004 report of the Uppsala consultation on the African Commission, 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.

6. Moreover, thanks to the visit to the Inter-American Commission from 05-12 March 2007 in Washington D.C. by a delegation consisting of two Commissioners, including the Chairperson of the WG, staff of the Secretariat, the WG has been able to take a comparative view on the working methods of both the African Commission and its counterpart in the American system. Lessons learn from this visit have enriched and enhanced the views of the WG during its deliberations on the proposed Rules of Procedures of the African Commission.

IV-ACTIVITIES OF THE WORKING GROUP

7. It is important to indicate that the WG focused on the first art of the above mandate. Therefore, the WG activities in implementing this first part consist in meetings to review the Rules of Procedure of the African commission. It took the WG six meetings to finalize the review of the rules of procedure of the African Commission.

FIRST MEETING

8. At its first meeting held in Cotonou, Benin from **4th to 7th July 2005**, the WG decided to review entirely the current rules of procedure which dates back to October 1995. Therefore, 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.
 - 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;

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- 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;

SECOND MEETING

9. At its second meeting held in Pretoria, South Africa from 24th-**26th April, 2005**, the WG built on previous progress to advance the review of the rules of the procedure of the African Commission. During this meeting the, WG drew from the recommendations contained in the 2003 Addis Ababa retreat as well as the recommendations of the evaluation report on the Commission and the Uppsala consultation Report.

THIRD MEETING

10. The WG held its third meeting in Addis Ababa, Ethiopia, from **24th-27th October 2006**. The main objective of this meeting was to consult with all departments at the African Union Commission including the department for political Affairs. The WG met also the Chairperson of the Permanent Representatives Committee (PRC) with the view to collect their views on the review of the rules of procedures and specifically regarding the relationship between the ACHPR and the organs of the African Union. It is important to indicate that emphasis was put in the consultations of two key departments, the financial and the department for peace and security. These fruitful consultations helped the WG in dealing with budgeting issues in the rules of procedure.

FOURTH MEETING

11. The four meeting of the WG was held in Brazzaville, Congo during the 42nd ordinary session of the Commission held from **14th-28th November 2007**. The WG undertook to further the review of the rules of procedure article by article.

FIFTH MEETING

12. The WG continued the review of the rules during the fifth meeting held in Banjul, The Gambia from **fifteenth to seventeenth February 2008**. Though few articles remained to be reviewed, the working group went ahead to submit the reviewed part of the draft to the Commission for consideration during the 4th Extraordinary Session held in Banjul the Gambia from **eighteenth to twenty-eighth February 2008**.

SIXTH MEETING

13. Finally, the WG finalized the remaining articles of the draft during the fifth (5th) Extraordinary Session held in Banjul, the Gambia from **21st -29th July 2008**.

V- CONCLUSION

14. It took two Extraordinary Sessions, the last of which held from **21st- 29th July 2008**, in Banjul, the Gambia for the Commission itself to consider the draft rule which will later be harmonized with those of the African court on human and peoples' rights once they are finalized. It is hoped that once this harmonization is done and the new Rules of Procedure are implemented, the overall African human rights system would be enhanced.
15. As regard to the way forward, it is worth mentioning that, it becomes obvious that the first part of the mandate given to the working group came to an end with the submission of the draft Rules of Procedure to the African Commission. Therefore, it is imperative for the group members to consult among themselves on the next issues to work on, that is: the mechanism and

procedure on the follow-up on decisions and recommendations of the African Commission and other issues as provided for in the above resolution.

I thank you