

Activity Report of the Special Rapporteur on Human Rights Defenders in Africa

**COMMISSIONER
ALAPINI- GANSOU**

INTRODUCTION

This Report, by virtue of Point 3 of Article 87 of our Rules of Procedure, gives an account of the promotional activities which I carried out during the period between the 40th Session of the African Commission on Human and Peoples' Rights and now.

I will give a Report of my activities in two parts as I did during the preceding session; first in my capacity as a Member of the Commission and then by virtue of my mandate as Special Rapporteur on Human Rights Defenders in Africa.

I- IN MY CAPACITY AS MEMBER OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

1. I was invited, in this capacity, to participate in four workshops, notably:
 - A workshop on the validation of a draft law relating to individuals suffering from mental disorders;
 - A validation workshop of a Policy Document on the Education and Training of the Girl Child in Benin;
 - A feedback workshop on the Conclusions and Recommendations of the United Nations Commission on the Rights of the Child;
 - A sub-regional workshop on the integration of the Rights of Women in the Education System.

a) Validation Workshop on the draft law on individuals suffering from mental disorders

2. Within the context of the pursuit of its initiative on the implementation of the measures aimed at improving the protection of the human rights of mentally deranged persons in West Africa, the WHO sub-regional Office organized in November 2005 in Brazzaville, CONGO, a workshop to which I was invited. The objective of this workshop was to provide the experts who had been invited to it with tools for drafting, in their respective countries, a law which would better protect and promote the rights of individuals suffering from mental disorders.
3. It was therefore in reaction to the commitments made during this Brazzaville workshop that I assisted, on behalf of BENIN, in the drafting, then the validation, on the 30th November 2006, of a draft law on individuals suffering from mental disorders, with financial support from the National WHO Office, and with the technical support of the Ministry of Public Health of Benin.
4. The validation workshop held in Benin was therefore designed to implement the recommendations emanating from the Congo workshop. What now remains is the process of enactment of this law.

b) Validation Workshop of a Policy Document relative to the Education and Training of the Girl Child in Benin

5. At the invitation of the Ministry of Primary and Secondary Education and Professional Training of Benin, I participated, on the 14th December 2006, at a validation workshop of a Policy Document on the Education and Training of the Girl Child in Benin. This is a document which is in keeping with the vision of the International Community for the attainment of Education and Schooling for all by the year 2015. This document had been drafted by an independent expert who, in fulfilling

his mission, benefited from the collaboration of the national network working in the area of education of the girl child and other actors of civil society. The judicious use of this document requires the putting in place, by the Government of BENIN, of adequate structures for the implementation of the Education Policy and the education of the girl child.

c) Feedback Workshop on the Conclusions and Recommendations of the United Nations Commission on the Rights of the Child.

6. On the 20th September 2006, the State of Benin submitted its second Periodic Report on the Rights of the Child to the United Nations Commission on the Rights of the Child. From the 11th to 13th January 2007, I was invited to participate at a feedback workshop on the final conclusions of the Commission on the Rights of the Child held under the auspices of the Human Rights Head Office within the Ministry of Justice of Benin responsible for relations with the Institutions and Civil Society. According to the recommendations of the United Nations Commission on the Rights of the Child, laudable efforts had been noted in Benin, but a lot still remains to be done in the field of, among others, child trafficking, homeless children, child labour ...

d) Sub-regional Workshop on the integration of the Rights of Women in the Education System.

7. From 17th to 20th March 2000 in Algiers, Algeria, I participated in a sub-regional workshop on the integration of the Rights of Women in the Educational System. This workshop was jointly organized by the African Union's Political Affairs Commission, the Economic Commission for Africa, and the Algerian Ministry of Education among others, and which was designed to respond to the concerns of the programme on Education for All, and of the UNESCO Action Plan. The participants at this workshop were Government representatives, NGOs and partners from North Africa, namely Tunisia, the Sahrawi Arab Republic, Egypt and Libya.
8. During this workshop several communications were presented relating to the basis of this workshop, namely the context, the experiences of States and NGOs. At the end of the presentations which were followed by group work, it was concluded that there was need to accord a suitably broad meaning to the notion of Education by extending it to include formal and informal Education.
9. It had also been proposed that in order to better determine the problems linked to the integration of the Rights of Women in the Education system, there was no need to provide special subjects, and that formulas

could be found within the framework of civic education by adapting, for instance, already existing manuals. Finally, the conclusion had been reached that there was need to train the Educators and Parents, since Education should also be provided from a transversal standpoint in the school, family and social environments which in fact play an important role in human development.

II- IN THE CONTEXT OF THE SPECIAL PROCEDURE ON THE RIGHTS OF HUMAN RIGHTS DEFENDERS IN AFRICA

A- The Promotional Activities

a) The Seminars and Meetings with the Members of Civil Society.

10. From the 19th to 23rd November 2006, I opened and closed a working session organized by the Coalition of Human Rights Defenders in West Africa on the revival of the activities of this Coalition. At the end of this working session, an Action Plan aimed at determining the future activities of the Coalition had been prepared.
11. From the 4th to 8th December 2006, I participated, in Gisenyi in Rwanda at a Consultative/Training workshop organized by the International Human Rights Service in collaboration with the Great Lakes Human Rights League, a group of NGOs working in the field of Human Rights in the Great Lakes region whose Executive Secretariat is based in Kigali.
12. The objective of the Consultative meeting was to brainstorm on the situation of Women Human Rights Defenders in the Great Lakes region so as to propose strategies for responding to the problems that women face in the execution of their activities. For five days the participants who were from the DRC, Burundi and Rwanda familiarized themselves with the international and regional instruments on the protection of the rights of Women Human Rights Defenders and of Women in general.
13. On this occasion I made a presentation on the mandate of the Special Rapporteur on the rights of Human Rights Defenders in Africa. My presentation focused on the review of the United Nations Special Procedures and those within the African Commission on Human and Peoples' Rights as well as the laws which constitute the basis of our mandate.
14. The participants identified strategies for the protection of Women Human Rights Defenders in this region and proposed a Plan of Action for the monitoring of the international campaign on the rights of Women Defenders.

15. The participants were also trained with regard to the international and regional legal instruments on the Rights of Women and the Girl Child. It was noted that the participants greatly needed the building of their capacities in relation to the instruments which constituted the basis for their activities in the field.
16. From the 6th to 12th February 2007, I was invited as a resource person to a workshop on the capacity building of the Human Rights Defenders in KPALIME in TOGO. This workshop falls within the framework of the implementation of a Plan of Action which had been drafted by the West African Human Rights Defenders Network for the promotion and protection of the rights of Human Rights Defenders. It is the first of a series of workshops which are to be organized in the entire West African region.
17. The specific objectives of this workshop were to first of all allow the 25 participants, representatives of Human Rights Defender NGOs from the West African region to familiarize themselves with the international, regional and national legal instruments on the rights of Human Rights Defenders.
18. Finally it was intended to equip the participants with the tools for the judicious and appropriate use of the protection mechanisms of Human Rights Defenders as well as the various procedures to be used in the event of established violations of the rights of Human Rights Defenders.
19. I had, on this occasion, made a speech during which I highlighted the importance of training and information as factors of development; of the need for dialogue between our Commission and the States; but above all the importance, for my mandate, of being received by the Togolese State.
20. I also made two presentations on the African Commission and on my mandate respectively. This enabled me to enhance their knowledge of the Commission and its special procedure of the protection of Human Rights Defenders.
21. I participated at the training workshop of Human Rights Defenders in Kinshasa in DRC from the 21st to 24th April 2007. Organized by the International Human Rights Service, the workshop focused on African UN mechanisms of the protection of human rights. The main objective of this workshop was to build the capacities of the Human Rights Defenders. I had the opportunity of making a presentation on the African Commission's mandate of promotion and protection. I also met this country's Human Rights Defenders as well as the Local Government Authorities.

b) Collaboration with the States

In Rwanda

22. Within the context of an informal visit, I met some Senior Officials in Rwanda on the 8th December 2006. I first of all met Mrs. Immaculée MUKARURANGWA, Deputy Ombudsman of Rwanda. She made a presentation about her Office which is a new national institution provided for by the Constitution and governed by the Law of 2003. The mission of her Office is to prevent and fight against injustice and corruption. It is required, among other duties, to teach human rights. It is a Unit which also receives complaints from individuals who have not obtained satisfaction at the level of the Public Service.
23. I also met the Head of the National Human Rights Commission of Rwanda with whom I discussed about her mission, its difficulties and prospects. We agreed on the principle of scheduling a country visit to Rwanda.
24. Finally I was received by Mrs. Marcelline MUKARURANGWA, Secretary General of the Rwandan Ministry of Justice in the absence of the Minister of Justice who was busy with other duties relating to the celebration of the 10th December.

In Togo

25. Within the framework of an informal visit, I met Mrs. AÏDAM Akouavi Célestine, Minister of Human Rights of Togo. On this occasion I voiced the problem relating to the perceived slowness of the procedures of registration of Associations in Togo and of the need to obtain the compliance of the Togolese Authorities concerning a visit by the Special Rapporteur. I made a particular point of mentioning my concern on the need to have undisputed elections taking place in Togo, since it was no longer a secret that the economic and socio-political stability of our States depends to a great extent, among other things, on transparent and undisputed elections.

In the Democratic Republic of Congo

In the sidelines of the workshop to which I had been invited from the 21st to 23rd April in the DRC, I met the Deputy Minister of Justice.

c) Collaboration with the Partners

26. From the 17th to 18th January 2007 I met, in Banjul, The Gambia, Mr. Patrick GAVIGAN, Consultant for the Carter Center.

Following this meeting, the Carter Center offered to provide assistance to the mandate in situ;

27. On the 14th March 07, I launched, in collaboration with Mr. Sidiki Kaba, President of the FIDH, the Report of the Human Rights Defense Observatory on the situation of the rights of Human Rights Defenders (joint programme of the FIDH and the OMCT (WOAT) for the year 2006 in Ouagadougou, Burkina Faso.
28. The analysis of this Report shows that contrary to the preceding year, the identified number of cases of violations has regressed. In effect, the Report for 2006 recorded 1311 cases in 90 countries among which Latin America carries the trophy, this of course in relation to the 1427 cases identified.
29. In the context of this Report, Africa does not take the lead; but it is still true that in several cases the situation has worsened in some countries like *Burundi, Ethiopia, the Central African Republic (CAR), Sudan, Chad*, countries ravaged by armed conflicts or are subjected to strong political oppression and this situation remains one of great concern in the DRC, Zimbabwe and Guinea.
30. I also noted that even where the cases recorded in Africa do not constitute massive human rights violations, they are still subtle and recurrent. In some countries laws restricting individual freedoms still subsist and the cases of violations which have been registered can be categorized according to three factors:
 - A situation of political crisis
 - A situation of conflict and post conflict
 - A deliberate situation of human rights violations, a deliberate choice in a context of bad governance.
31. On this occasion I made a presentation on the African Human Rights Commission and its achievements through the mandate of the Special Rapporteur for Human Rights Defenders in Africa.
32. From the 24th to 30th March 2007 I went on a working mission to Geneva with the support of the International Human Rights Service. The objective of this mission was to participate in the session of the Human Rights Council and to meet my colleague from the United Nations.
33. I participated in several Fora organized by the Human Rights Defender Organizations, Fora during which I expressed my views in my capacity as Special Rapporteur on Human Rights Defenders in Africa. I had

discussions with the Special Representative of the Secretary General on Human Rights Defenders, Mme. Hina Jilani on matters of common interest. I also had meetings with the delegations from Morocco, Norway and Ireland on the possibility of our future collaboration.

- **Meeting with the delegations from Norway and Ireland**

34. On the 27th and 28th March 2007, I discussed with the Norwegian and Irish delegations on the possibilities of obtaining technical support for the mandate of the Special Rapporteur on Human Rights Defenders.

- **Meeting with the Moroccan delegation.**

35. On the 28th March 2007, I met with the Moroccan delegation for the purpose of discussing the various current trends relating to the Special UN Procedures which correspond to our Special Mechanisms in the African context.

36. It is important to recall that since the creation of the Human Rights Council in March 2006, the United Nations gave itself one year in which to complete all the reforms provided for in the United Nations General Assembly Resolution 60/251 which established the said Council. Thus, with the holding of the first session of the Council in June 2006, the completion of the current reforms is expected to take place in June 2007.

37. One of the salient points in the Agenda of the Council was the reform of the procedures in which I would have loved to see our Commission take greater interest. Indeed the enhanced involvement of our Commission would perhaps have facilitated the guidance of the African group within the framework of the discussions on the code of conduct currently under consideration at the level of the special procedures. The ultimate aim would have been to sensitize the group on the importance of the special procedures.

- **Meeting with Mrs. Hina Jilani, Special Representative of the Secretary General of the United Nations on Human Rights Defenders.**

38. I discussed with my colleague of the United Nations, Mme. Hina Jilani, the possibility of her participating in the 41st Ordinary Session of the African Commission, the need for the Special Rapporteur on HRDs in Africa to participate in the next session of the Human Rights Council, and the possibility of convening a meeting between the two procedures for the purpose of finalizing and fixing a date for the follow-up of the individual African cases which are already under investigation. We finally discussed the idea of fielding a joint mission in the near future.

The NGO Forum

39. From the 12th to 14th May 2007, I participated in the NGO Forum which, as you know, precedes the Ordinary Sessions of the Commission. During this Forum, and during the meetings held specially with the Human Rights Defender activists present, I shared our current activity programme with the participants and the representatives of the Human Rights Defender Organizations. I also outlined the difficulties encountered in the context of my mission and the activities I intend to undertake in the coming months. On the sidelines of the NGO Forum, I held a special session with the network of Human Rights Defenders, namely the East African and Horn of Africa Network, the West African and Mano River Network and the Northern Africa Network, to discuss about the best method of collaboration between these networks and our mandate.

III- PROTECTION ACTIVITIES

40. These can be summarized as the activities I carried out within the context of my mandate which consists, among other things, in seeking, receiving, examining and acting on information relative to the situation of Human Rights Defenders in Africa; but which also consists in collaborating and establishing a dialogue with the Member States.

41. Towards this end I received information from reliable sources relating to a large number of cases of allegations of the violation of the rights of the Defenders. In some cases, I had conveyed letters to the Governments concerned to engage in dialogue with them, and in others, I issued Press Releases.

a) Communications

42. **Angola:** I sent a letter on the 26th June 2007 to the Government of Angola about the case of Messrs. **Agostinho Chicaia** and **Raul Manuel Danda**, Chairperson and Spokes-person respectively of the Civic Association NGO of Cabinda, who had been the object of arbitrary arrest.

43. **Congo Brazzaville:** On the 26th January 2007, I sent a letter to the Government of Congo on the fate of Messrs. **Christian Mounzé** and **Brice Makosso**, Chairperson of the NGO "Meeting for Peace and Human Rights" (RPDH) and the Permanent Secretary of the Episcopal Commission « Justice and Peace » in Pointe-Noire respectively, this in the context of a lawsuit which had been brought against them. Furthermore, I had sent a reminder to the Government of Congo on the 22nd February 2007 following the allegations of hindrance to the freedom of movement which the above-named continued to suffer.

44. **The Central African Republic:** I conveyed a letter dated 26th January 2007 to the Authorities of the Central African Republic pertaining to the case of **Mrs. Bernadette Sayo Nzale**, Chairperson of the Organization for the Compassion and the Development (Assistance) of Families in Distress. I await the honouring of the promise made to me by the Central African Republic regarding Mme. Bernadette Sayo Nzale.
45. **Zimbabwe:** On the 20th February 2007, I sent a letter to the Zimbabwean Authorities concerning certain Defenders including **Arnold Tsunga**, Executive Director of the Zimbabwe Lawyers for Human Rights (ZLHR) and Chairperson of the Zimbabwe Human Rights Association (Zimrights) ; **Charles Kaguramhamba**, **Mr. Henry Chinorumba**, **P. Dube**; **Raymond Majongwe**, and **MacDonald Mangauzani**.
46. I also sent a letter to the Government of Zimbabwe dated 7th May 2007 concerning the allegations of death threats against a number of Human Rights Defenders and Journalists including Messrs. **Arnold Tsunga**, Executive Director of the Zimbabwe Lawyers for Human Rights (ZLHR), Mr. **Lovemore Madhuku**, Speaker of the National Constitutional Assembly (NCA), Mr. **Raymond Majongwe**, Secretary General of “the Progressive Teachers’ Union of Zimbabwe”, and Mr. **Gift Phiri** and **Wilf Nyarota**, Journalist and Editor of “*The Zimbabwean*”, an independent newspaper, respectively.
47. **D.R. Congo:** On the 13th March 2007, I sent a letter to the Authorities of the DRC on the matter of **Me. Benjamin Luanda Mitsindo**, Chairperson of the NGO « *Action for a peaceful and developed Congo* » (ACPD).
48. **Djibouti:** I sent a letter on the 22nd March 2007 to the Djiboutian Authorities pertaining to the sentencing of Mr. **Jean-Paul Noël Abdi** , Chairperson of the Djiboutian Human Rights League (DHRL).
49. **Somalia:** On the 22nd March 2007 I sent a letter to the Somali Authorities concerning the assassination on the 14th March 2007 of **Mr. Isse Abdi Isse**, Chairperson of the NGO Kisima based in Kismayo.
50. **Egypt:** On the 8th May I addressed a letter to the Egyptian Authorities concerning the worrisome situation of the closure of the offices of the Organization known as “**the Centre for Trade Union and Workers Services (CTUWS)**”.

Press Releases:

51. On the 19th February 2007, I issued a press release following the events in Guinea and the cases of blatant violations of human rights the victims of which are said to include Trade Union leaders.

52. On the 13th March 2007, I issued a press release on the case in DRC of **Me. Benjamin Luanda Mitsindo**, Chairperson of the NGO « *Action for a Peaceful and Developed Congo* » (ACPD)
53. On the 16th March 2007, I issued a press release pertaining to the case of Mr. **Jean-Paul Noël Abdi**, Chairperson of the Djiboutian Human Rights League (LDDH).
54. On the 28th March 2007 I issued a press release germane to established cases of human rights violations to the detriment of Messrs. **Promise Mkwanzani**, Chairperson of the Zimbabwean National Students Union “*Zimbabwe National Students Union*” (ZINASU), **Washington Katema**, Coordinator of ZINASU, and the members of ZINASU, **Zwelithini Viki, Kudakwashe Mapunda and Tellington Kwashira**.
55. I await the reaction of these States to the concerns I have expressed and the hope that we will continue to maintain dialogue on the basis of our shared aspirations.
56. I would like to share, in a special way, some examples of collaboration which are worthy of commendation and which I would wish to establish with the other States Parties to our Charter.
57. By letter dated 2nd November 2006, the Republic of Cameroon sent me a response to our letter in pursuit of a memo it had sent on the 4th September 2006 about the case of Mr. Adama Mal Sali.
58. By letter dated 24th January 2007, Tunisia reacted to my letter of the 4th September 2006 pertaining to the case of Mrs. Naziha Réjiba, member of the Tunisian National Liberty Council.
59. Such acts constitute adequate evidence that a permanent dialogue can be established between the States and our mandate and therefrom with our Commission. I wish to call on those States which have not yet done so to follow suit which will be a testimony of their good faith. This dialogue constitutes, I am convinced, a melting pot from which we can draw better promotion, and an improved protection of the rights of our populations, as the saying goes, “it is in discussing that we see the light”.

Notes Verbale

60. Since the last session I have sent Notes Verbale to the States requesting their approval for me to field visits to their countries. I sent Notes Verbale to the following countries:
- Algeria

- Sierra Leone
- The Central African Republic
- Guinea
- Liberia
- Cote d'Ivoire
- The Republic of Congo

61. I wish to thank those countries which, like Algeria, have reacted favorably to my request. The mission to Algeria could not take place for reasons beyond the control of the Commission and of the State.

62. I also wish to thank Sierra Leone which responded favorably to my request and with which I am maintaining contact.

63. The Central African Republic invited me for a country visit in February 2007. This mission has been postponed to July 2007.

64. I would really like to see some reaction by the States to my Notes Verbale or have them initiate the contacts; why not?! I would be that much more assured of their will to cooperate with me in all transparency; but more so for the happiness and peace of the people they govern.

65. I would like to reiterate to the States my wish to see them fully honor their commitments under the African Charter on Human and Peoples' Rights; as for them to react to our Notes Verbale and approve our country visits is also part of this commitment.

In Conclusion

66. The recurring concerns of the last six months are those relative to the need to inform the Human Rights Defenders and to find adequate resources to build their capacities. The Women Defenders constitute an important target whose competence needs to be strengthened to enable them better understand the mechanisms of promotion and protection of the said human rights.

67. I have also identified as a matter of grave concern, the harassment and unjustified arrests suffered by some Human Rights Defenders. I would like, in this particular regard, to draw the attention of our Commission on the urgency of specific cases like Guinea, Zimbabwe, the Democratic Republic of Congo and the Central African Republic.

68. In conclusion, I would like to draw the attention of all the actors namely the States and the NGOs on the opportunity that the mandate has just given them by placing a questionnaire at their disposal for the evaluation of the situation of the rights of Human Rights Defenders on the Continent. This is an opportunity which has been provided for all the actors to enhance the relations between them and the mandate.