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الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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INTER-SESSION ACTIVITY REPORT

(November 2016 – May 2017)

Of Honourable Commissioner Jamesina Essie L. King

AS

A Member of the African Commission on Human and Peoples' Rights;

Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;

A member of the Working Group on Indigenous Populations/Communities in Africa;

A member of the Working Group on Extractive Industries the Environment and Human Rights Violations;

A member of the Working Group on Older Persons and Persons with Disability

AND

A member of the Working Group on Communications

Presented to the 60th Ordinary Session of the African Commission on Human and

Peoples' Rights

Niamey, Niger

8th to 22 May 2017

Introduction

1. This report is prepared in accordance with Rules 23(3) and 72 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission).
2. I present this report in my capacities as a member of the Commission; as the Chairperson of the Working Group on Economic Social and Cultural Rights in Africa, as a member of the Working Group on Communications, a Member of the Working Group on Older Persons and Persons with Disability, as a member of the Working Group on Indigenous Populations/Communities in Africa and as a member of the Working Group on Extractive Industries the Environment and Human Rights Violations.
3. The Report covers activities carried out during the intersession period between 4th November 2016 and 7th May 2017.

I. Activities undertaken in my capacity as Commissioner

➤ *Participation in the 21st Extraordinary Session of the African Commission on Human and Peoples' Rights*

4. In accordance with Rule 27 of its Rules of Procedure, the Commission held its 21st Extraordinary Session from 23rd February – 4th March 2017 in Banjul, The Gambia. I participated in the activities of the said Session as highlighted in the Final Communiqué which is accessible on the website of the Commission at <http://www.achpr.org/sessions/21st-ao/info/communique-21eos/>.
5. I would like to highlight a number of engagements and meetings that took place at the margins and in the framework of this Session and

which are linked to the political impasse in The Gambia and its aftermath in late 2016 and early 2017.

6. The Commission paid a courtesy call to the newly elected President of The Gambia, His Excellency President Adama Barrow on the 23rd of February and at this meeting the Head of State made a commitment to promote and protect human rights in the Gambia. During the Session, the Commission also had a meeting with the Minister of Foreign Affairs of The Gambia Hon Ousainou Darboe during which issues pertaining to the protection and promotion of human rights in the Gambia were discussed. On 28th February 2017 the Vice Chairperson of the Commission Commissioner Soyata Maiga and myself attended and participated in a consultative meeting with the delegation from the United Nations led by its Under-Secretary General for Political Affairs Mr Jeffrey Feltman and Mr Mohamed Chambas Special Representative of the Secretary General for West Africa. The meeting was also attended by ambassadors and representatives of UN Agencies working in the Gambia and discussions were held on areas of intervention and assistance to be provided to the new Government.
7. These meetings enabled the Commission as a whole and particularly myself as the Commissioner responsible for the promotion and protection of human rights in The Gambia, to contribute to on-going efforts to ensure that the gains of the new dispensation are maintained, and contribute to the institutional and policy reforms to build a culture of respect for human rights and address impunity in respect of human rights violations. .
8. Thus, a follow up action of these activities was the recently conducted promotion mission of the Commission to The Gambia, which I will elaborate on in another part of this report.

➤ *Regional Consultation Meeting on the Zero Draft Principles on the Declassification and Decriminalization of Petty Offences in Africa*

9. I attended a Regional Consultation Meeting on the Zero Draft Principles on the Declassification and Decriminalization of Petty Offences in Africa, from 5 to 6 December 2016, in Johannesburg, South Africa.
10. The meeting was jointly organised by the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa of the Commission, the African Policing Civilian Oversight Forum (APCOF), Southern African Litigation Centre (SALC) and Open Society Foundations (OSF).
11. The meeting provided to key stakeholders from across Africa with an opportunity to review the Zero Draft Principle on the Declassification and Decriminalization of Petty Offences in Africa.

➤ *Participation in a Regional Capacity Building Workshop on State Reporting to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*

12. From the 22nd to 24th March 2017, I participated in a Regional Capacity Building Workshop on State Reporting to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa held in Freetown, Sierra Leone.
13. The workshop was organized by the Centre for Human Rights, University of Pretoria in collaboration with the Ministry of Foreign Affairs and International Cooperation of Sierra Leone and was attended by participants from Sierra Leone, Guinea, Liberia and Ghana.

➤ *Participation in the 2nd International Colloquium on Human Rights Defenders in Africa*

14. I took part in the 2nd International Colloquium on Human Rights Defenders in Africa, which was convened by the Special Rapporteur for Human Rights Defenders in Africa from 27 March to 01 April 2017, in Cotonou, Benin. Following the meeting, the **Cotonou Declaration on strengthening and expanding the protection of all human rights defenders in Africa** was adopted, which decried the attacks, harassment and restrictions facing human rights defenders in Africa, and further called on all stakeholders including State Parties, national human rights institutions and the Commission, among others, to ensure protection of human rights defenders, while recognizing the resilience, creativity and innovation of human rights defenders in the face of these violations.

➤ *Participation in the promotion mission to the Republic of The Gambia*

15. At the invitation of the Government of the Republic of Gambia, the Commission undertook a Promotion Mission to the Republic of The Gambia from 19 to 24 April 2017.

16. In my capacity as Commissioner in charge of the promotion and protection of human rights in the Republic of Gambia, I led the delegation of the Commission composed of myself and Commissioner Reine Alapini-Gansou, Special Rapporteur on Human Rights Defenders in Africa.

17. The terms of reference of this mission included among others, to promote the African Charter and all other regional and international human rights instruments which the country has ratified; strengthen relations between the Commission and The Gambia, engage with relevant stakeholders, exchange views on ways and means of

enhancing the enjoyment of human rights in the country and seek information on human rights issues of particular concern to the Commission.

18. The preliminary findings of the mission have been presented to the authorities and at a press conference held at the end of the mission on 24 February 2017. A press release on the preliminary findings is available on the website of the Commission¹.
 19. I would like to seize this opportunity to reiterate the appreciation of the delegation and the entire Commission to the government of the Republic of the Gambia for authorising this mission upon assuming power and specifically because for more than 21 years, the Commission has been unsuccessful in its requests for authorisation to undertake such a mission.
 20. Appreciation goes also to all stakeholders met for their frank exchanges on the human rights situation in the country.
 21. I have no doubt that with the firm resolve of the Government and people of the Gambia and the unflinching support of the Commission and other relevant stakeholders, Gambian government will succeed in its pledge “to reclaim its status of African capital of human rights”.
- *Participation in the NGO Forum, 4 - 6 May 2017*
22. I attended the opening ceremony of the NGO Forum on the 4th of May 2017 at which I delivered the opening remarks of the Chairperson of the Commission who could not be present due to reasons beyond her control.

¹ <http://www.achpr.org/press/2017/04/d353/>

II. Activities undertaken in my capacity as Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa

➤ *The Development of a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security*

23. The development of a Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security is on-going and drafting has commenced by the two experts tasked with leading the process of drafting the Protocol.

24. A joint meeting of the Working Group on ECOSOC Rights in Africa and the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa will soon take place to review the draft of the Protocol.

➤ *Development of Guidelines on the Right to Water*

25. The Draft Principles and Guidelines on the Right to Water is still being reviewed for publication on the website of the Commission for comments from stakeholders.

26. I would like to recall that the purpose of these Principles and Guidelines on the Right to Water is to provide a useful tool for States Parties to understand their obligations to respect, protect and fulfil this right as well as to provide guidelines for monitoring the right.

➤ *Activities of Experts Members of the Working Group*

27. The Working Group was represented by its Expert-Member Dr Martial Jeugue at three activities These are:

- i. Workshop on exploring the Human rights-based approach in the context of implementation and monitoring of the SSF Guidelines (Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication) - 24-26 October 2016 in FAO, Rome.
- ii. Regional Consultation Workshop (Southern Africa and Indian Ocean Region), on exploring the Human rights-based approach in the context of implementation and monitoring of the SSF Guidelines (Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication), 12 -15 December 2016, Mauritius.
- iii. Workshop on "The Right to Adequate Food" organized by the Permanent Representation of Norway to the United Nations Organizations in partnership with the International Civil Society Mechanism on Food Security and Nutrition and Committee on World Food Security, 24 January 2017, FAO, Rome, Italy.

28. I should express my gratitude to the institutions that have organised these activities for extending an invitation to the Working Group and I hope that this collaboration continues.

29. I also want to thank the Expert-Member Dr Martial Jeugue for availing himself to represent the Working Group at these activities.

III. Activities as Member of other Special Mechanisms of the Commission

➤ *Activities Member of the Working Group on Communications - Participation in the Meetings of the Working Group on Communication and the its joint meeting with the Working Group on Specific Issues*

30. I participated in these meetings of the Working Group on Communications and the Working Group on Specific Issues held from

5 to 7 May 2017. The meetings considered Communications and other issues critical to the work of the Commission.

➤ *Activities as Member of the Working Group on the Rights of Older Persons and Persons with Disability in Africa*

31. As a member of the Working Group on the Rights of Older Persons and Persons with Disability in Africa, I represented the Chairperson of the said Working Group at the Experts Validation Workshop of the Draft Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, from 29 to 30 November 2016 in Addis Ababa, Ethiopia.

32. During this Workshop, I made the welcome remarks on behalf the Chairperson of the Working Group the Rights of Older Persons and Persons with Disability in Africa.

➤ *Activities as a member of the Working Group on Extractive Industries, the Environment and Human Rights Violations*

33. As a member of the Working Group, I participated in an Experts' Consultative meeting on the drafting of Guidelines for State Reporting on Extractive Industries, Human Rights and the Environment held in Dakar Senegal from the 2nd to 3rd December 2016.

Conclusion

34. In conclusion, I want to call on States Parties to intensify their efforts to adopt legislative and other measures to give effect to economic, social and cultural rights provided in the African Charter on Human and Peoples' Rights.
35. The Charter reminds us that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights.
36. Without the full enjoyment of economic, social and cultural rights, the dignity of the individual and of peoples is threatened and they become vulnerable, economically deprived and marginalized which result in social conflicts and instability.
37. I also want to highlight the Commission's Principles and Guidelines on the Implementation of Economic, social and Cultural Rights in the African Charter on Human and Peoples' rights that can assist States Parties in complying with their obligations under the Charter.
38. I also want to call on all NGOs and civil society organizations to increase advocacy, awareness raising and monitoring of economic social and cultural rights and to assure you all that the Commission

and the Working Group remains committed to collaborate with all stakeholders in promoting and protecting these rights.