

AFRICAN UNION		UNION AFRICAINE
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

(May - November 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 61st Ordinary Session of the African Commission on Human and Peoples' Rights

Banjul, The Gambia

1st to 15th November 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 May 2017 and November 2017.

I. Activities undertaken in my capacity as Commissioner

➤ *Participation in the 60th Ordinary Session of the African Commission on Human and Peoples' Rights*

4. Pursuant to Rule 26 of the Rules of Procedure of the Commission, the 60th Ordinary Session took place in Niamey, Niger from 8 to 22 May 2017.
5. I participated in activities and deliberations of the said Session as highlighted in the Final Communiqué available on <http://www.achpr.org/sessions/60th/info/communiqu60/>.
6. One of the outcomes of this Session which is of particular interest for the Working Group I chair is Resolution ACHPR/Res. 374 (LX) 2017, which is titled "Resolution on the Right to Food and Food Insecurity in Africa" adopted by the Commission during the said Ordinary Session. This Resolution is available on <http://www.achpr.org/sessions/60th/resolutions/374/>.

➤ *Participation in the Strategic Planning Meeting for the Implementation of the Luanda Guidelines in Freetown, Sierra Leone - 26th -27th May 2017*

7. I participated in a Strategic Planning Meeting for the Implementation of the Luanda Guidelines in Freetown Sierra Leone on 26th May 2017. I chaired the meeting on the first day and made a statement on behalf of the Commission. The meeting was co-hosted by the African Policing Civilian Oversight Forum, TINAP for Justice, Advocaid and the Independent Police Complaints Board of Sierra Leone.
8. The outcome of this meeting was the development of a Strategic Plan for arrest, police custody and pre-trial detention in Sierra Leone as well as identification of immediate and mid-term opportunities for reform.
 - ***Participation in East African Consultation on the Draft Guidelines on Access to Information and Elections for Africa in Nairobi, Kenya - 14th- 15th June 2017***
9. I attended the East African Consultation on the Draft Guidelines on Access to Information and Elections for Africa in Nairobi, Kenya on 14th & 15th June 2017.
10. The Guidelines seeks to outline the minimum access to information obligations of key stakeholders in the electoral process such as Election Management Bodies, election monitors and observers, media practitioners and civil society organizations. This meeting was organized by the Centre for Human Rights, University of Pretoria, and the Faculty of Law, University of Kenya in collaboration with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, Commissioner Pansy Tlakula.
 - ***Participation in the 22nd Extraordinary Session of the African Commission on Human and Peoples' Rights***
11. In accordance with Rule 27 of its Rules of Procedure, the Commission held its 22nd Extraordinary Session from 29th July– 7th August 2017 in Dakar, Senegal. 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/22st-eo/info/communique-22eos/>.

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

➤ *Participation in a High Level Panel on Strengthening Fundamental Principles and Rights at Work on 7th June 2017 in Geneva Switzerland*

12. On the invitation of the International Labour Organization, on 7th June 2017 I participated in a High Level Panel on Strengthening Fundamental Principles and Rights at Work in the International Arena in Geneva Switzerland.

13. During the discussion I highlighted Article 15 of the African Charter on Human and People's Rights which states that " every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work" and some of the steps taken by the Commission to promote and protect this right.

14. I also highlighted the AU Africa's Agenda 2063 which aspires for "an Africa of good governance, democracy, respect for human rights, justice and the rule of law which cannot be achieved without full respect for the fundamental principles and rights at work.

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

15. The First Draft of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security was considered during a joint meeting of the Working Group on Economic, Social and Cultural Rights, and the Working Group on the Rights of Older Persons and Persons with Disabilities. This meeting was held in Algiers, Algeria from 16 to 17 July 2017.

16. It reviewed the First Draft of the said Protocol which would be considered and adopted by the Commission after incorporating comments and inputs from the public. It is our expectation that this process would be finalised by mid-2018 so

that the Draft Protocol can be submitted to the treaty-making process of the African Union towards the end of 2018.

17. I would like to take this opportunity to extend my gratitude to all stakeholders supporting this process and this includes, the experts who have generated the initial draft of the documents, colleagues Commissioners and Experts of the two Working Groups tasked with leading the drafting process, and the Government of Algeria which provided the courtesies and facilities necessary for the success of the meeting of July 2017.

➤ *Internal Meeting of the Working Group on Economic, Social and Cultural Rights*

18. Taking advantage of the joint meeting above and with a view to minimise costs, the Working Group on Economic, Social and Cultural Rights held a half day internal meeting on the 17th July 2017 in Algiers, Algeria.

19. The meeting dealt with internal issues relative to the mandate of the Working Group on Economic, Social and Cultural Rights.

20. It was an occasion for the Working Group on Economic, Social and Cultural Rights to do a midterm evaluation of its annual work plan and plan its activities for the rest of the year.

➤ *Development of Guidelines on the Right to Water*

21. The Draft Principles and Guidelines on the Right to Water is being reviewed for consideration of the Working Group on Economic, Social and Cultural Rights.

22. The Working Group on Economic, Social and Cultural Rights plans to dedicate its first meeting of 2018 to reviewing and adopting this document so that it is processed as per the practice of the Commission and adopted by end of 2018.

23. 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 the right to water as well as provide guidelines for monitoring this right.

➤ *Participation in a Panel Discussion at World Water Week, Stockholm, Sweden on 27 August 2017*

24. With support from WaterLex and MISEREOR I participated in a Panel Discussion at World Water Week, Stockholm, Sweden on 27 August 2017.
25. The Panel included Mr Léo Heller, the UN Special Rapporteur on the human rights to safe drinking water and sanitation. It was an opportunity to highlight the relevance and work of the Commission's mechanisms and resolutions to date and how actors can interact with the Working Group as well as contribute to the development of the Commission's Guidelines on the Right to Water.
26. This event is the world's foremost gathering of water policy professionals including heads of State and government, government ministries, the donor community, water service providers, civil society, development and human rights professionals working on water and sanitation, and others.
27. I would like to thank WaterLex and MISEREOR for facilitating my participation at this event.

➤ *Other Activities of the Working Group*

- **Brochure of the Working Group on the occasion of the 30th Anniversary of the Commission**
28. On the occasion of the celebrations of the 30th Anniversary of the operationalisation of the Commission, the Working Group would publish a brochure which gives an overview of the nature, work, composition, perspectives and challenges of the Working Group since its establishment. This aims at enabling the public and most importantly partners and stakeholders to be well familiar with the work and mandate of the Working Group in order to facilitate interaction and collaboration.

- **Collaboration with partners**

- a. FIAN International**

29. FIAN International initiated collaboration with the Working Group on the margins of the 59th Ordinary Session of the Commission on the right to adequate food and nutrition, and human rights defenders.
30. Since then, the two parties have been working on the elaboration and signature of a memorandum of understanding to formally guide this collaboration.
31. In line with this framework, FIAN International solicited from the Chairperson of the Working Group the drafting of a blurb for its publication called “Watch” commemorating ten years of existence. The blurb submitted is as follows:

"This publication presents a diversity of analyses and examples of grassroots' struggles to guarantee the right to food, alleviate hunger and promote dignity around the world, including the African continent. The Watch seeks to be unique in its field and its conceptual analyses could promote academic debates, social movements' discussions, dialogue with policy makers and eventually transformation."
32. I would like to extend my appreciation to our focal persons within FIAN International who relentlessly are working to ensure that this collaboration yearn the expected results.

- b. AMCOW, WaterLex and other stakeholders**

33. The Working Group has reached out to the African Ministers Council on Water with a view to establish a formal collaboration framework between the two institutions.
34. This is of a particular interest in relation to the drafting process of the Guidelines on the Rights to Water.
35. The same efforts are ongoing with WaterLex which has already extended an invitation to the Chairperson of the Working Group to participate in one of its events reported earlier.
36. The Working Group would continue this networking with key stakeholders intervening in the field covered by its mandate to promote the implementation of economic, social and cultural rights guaranteed in the Charter.

37. Stakeholders are therefore invited to contact the Working Group to devise the appropriate approaches and strategies of collaboration and cooperation.

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

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

38. The July 2017 joint meeting of the two Special Mechanisms tasked with the drafting of the Protocol on the Rights of Citizens to Social Protection and Social Security falls under this paragraph and it is not necessary to come back to it as this has been extensively dealt with when reporting on activities undertaken in my capacity as chairperson of the Working Group on Economic, Social and Cultural Rights.

➤ *Activities as Member of the Working Group on Indigenous Populations / Communities*

39. On 4th November 2017 as a member of the Working Group on Indigenous Populations/Communities in Africa, I chaired a side event on the margins of the 61st Ordinary Session on the topic “From Resolution to Reality: exploring customary governance and the protection of sacred natural sites and ancestral lands across Africa”. The Commission adopted ACHPR Resolutions 372 in May 2017 which calls on states Parties to recognize sacred natural sites and territories, and their customary governance systems, as contributing to the protection of human and peoples’ rights. The meeting discussed the importance of Africa’s sacred natural sites for human rights, biocultural diversity, and climate change resilience, the crucial role and importance of indigenous knowledge systems and their relevance to social development as well as the need to popularize Resolution 272.

Conclusion

40. In conclusion, there are a lot of challenges and barriers to the full enjoyment of economic, social and cultural rights on the continent contributing to inequalities, discrimination, poverty and insecurity. States are therefore urged to take urgent steps to adopt legislative, policy, institutional and other measures towards the full realization of these rights.
41. States should ensure that national budgets are consistent with commitments to devote agreed percentages of their budget towards health and education.
42. The right to property and housing, the rights to work, food and water are equally integral to the dignity and wellbeing of all individuals on the continent and also requires the urgent attention of State Parties.
43. The Commission's instruments on economic social and cultural rights namely **the Pretoria Declaration on Economic Social and Cultural Rights, the Principles and Guidelines on Economic Social and Cultural Rights in the African Charter on Human & Peoples' Rights (The Nairobi Guidelines) and the State Party Reporting Guidelines for Economic Social and Cultural Rights in the African Charter on Human & Peoples' Rights (The Tunis Guidelines)** which are on its website are essential tools to assist State Parties in fulfilling their obligations to implement these rights guaranteed in the African Charter.