INTER-SESSION ACTIVITY REPORT
(November 2015 – April 2016)

Of Honourable Commissioner Jamesina Essie. King

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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 58th Ordinary Session of the African Commission on Human and Peoples’ Rights

Banjul, The Gambia

6 to 20 April 2016
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). 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, as a member of the Working Group on Indigenous Populations/Communities in Africa, as a member of the Working Group on Extractive Industries, the Environment and Human Rights Violations, as a member of the Working Group on Communications and a Member of the Working Group on Older Persons and Persons with Disability.

2. The Report which is divided into three main parts covers activities carried out in the period between the 57th Ordinary Session held from the 4th to 18th November 2015 in Banjul, the Gambia and this 58th Ordinary Session.

A. Part I - Activities undertaken in my capacity as Commissioner

- Participation in the fact finding mission to the Republic of Burundi


4. The objective of the mission was to investigate all the human rights violations and other abuses in Burundi since the beginning of the crisis in April 2015; establish the causes, facts and circumstances that precipitated and constituted such violations and abuses within the framework of the African Charter on Human and Peoples’ Rights and relevant international human rights law; as well as specify and qualify the human rights violations and other abuses that emerged since the beginning of the current crisis.
5. In that regard, the delegation held discussions with various government authorities of Burundi, representatives of the UN Systems, representatives of various religious groups and civil society organisations as well as internally displaced persons. The delegation also visited a detention centre, a hospital and received testimonies from victims of the crisis.


- **Participation in the Regional Workshop on the “Outcome Document of the World Conference on Indigenous Peoples”**

7. I participated in the regional workshop on the “Outcome Document of the World Conference on Indigenous Peoples” held from 15 to 16 December 2015, in Yaoundé, Cameroon. The meeting was organised by the Working Group on Indigenous Populations in collaboration with the Association for the Social and Cultural Development of the Mbororo (MBOSCUDA).

8. The purpose of the regional workshop was to inform and raise awareness among participants on the contents of the Outcome Document, the cornerstone for implementation of the UN Declaration on the Rights of Indigenous Peoples (the Declaration) and other relevant international legal instruments; encourage its ownership for a wider dissemination in the various countries; and initiate dialogue between the different stakeholders for the operationalization of the Outcome Document at national and local levels.

9. Participants discussed several themes and made concrete recommendations for implementation of the Outcome Document.

- **Participation in the African regional seminar on finding practical solutions for addressing violence and discrimination based on sexual orientation, gender identity and gender expression**

10. The above mentioned seminar was held in Johannesburg, South Africa from 3 to 5 March 2016. It was organised by the South African Human Rights Commission in collaboration with the Department of Justice and Constitutional Development and the Department of International Relations and Cooperation.

11. The aim of the seminar was to facilitate an open, constructive, informed and transparent dialogue on the issue of discrimination and acts of violence against individuals based on sexual orientation, gender identity and
expression and generate greater understanding on the root causes and manifestation of these challenges.

- **Participation in the 19th Extraordinary Session of the African Commission on Human and Peoples’ Rights**

12. In accordance with Rule 26 of its Rules of Procedure, the Commission held its 19th Extraordinary Session from 16 to 25 February in Banjul, The Gambia. I participated in activities of the said Session. The Commission adopted decisions on 37 Communications and other documents\(^1\) during this Session.

- **Participation in the Meeting of the Working Group on Communication**

13. I participated in the meeting of the Working Group on Communications held on 3rd and 4th April 2016. The meeting considered Communications and other documents relating to Communications.

**Meeting with the Hon. Vice President, Ministers and Heads of Institutions of the Islamic Republic of the Gambia**

14. Together with the Chairperson, Vice Chairperson of the African Commission and in my capacity as Commissioner Rapporteur of the Gambia, I participated in a meeting with the above mentioned officials of the Islamic Republic of the Gambia on the 12 November 2015. During the meeting, various issues of concern to the Commission were discussed by both parties with a view to work together in resolving them.

- **Letters sent to State Parties**

15. On 11th January 2016, a joint letter of appreciation was sent to H.E. the President of the Islamic Republic of The Gambia by the Special Rapporteur on the Rights of Women in Africa and myself as Commissioner Rapporteur on the human rights situation in the Islamic Republic of the Gambia, regarding his pronouncement banning Female Genital Mutilation in the Gambia.

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16. By a Note Verbale dated 17 February 2016, H.E. the President of the Islamic Republic of The Gambia acknowledged receipt and conveyed his thanks and appreciation for the said letter.

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

➢ Working Group meeting of 5 April 2016 in Banjul, The Gambia


18. The purpose of the meeting was to discuss the implementation of its 2015-2018 work plan, as well as the development of the Guidelines on the Right to Water Obligation pursuant to the tasks given to the Working Group in Resolution ACHPR/Res.300 (EXT.OS/XVII) 2015, on the Right to Water. The Guidelines aims at assisting States in the implementation of their Charter obligations (the Guidelines).

19. The Working Group evaluated the progress of drafting the Guidelines on Water Obligation; developed an implementation plan for the Resolution; evaluated the implementation of the Work plan; and discussed the sources and methods of funding for activities to be undertaken within the framework of the Work plan;

20. The meeting also allowed me to meet for the first time, with members of the Working Group since I became the Chairperson of the said mechanism in November 2015.

➢ Meeting with Partners

22. Human Rights Development Institute was appointed by the Commission, pursuant to **Resolution ACHPR/Res.236 (LIII) 2013**, to carry out a Study on the impact of the Illicit flight of capital on human rights in Africa. The discussion was centred on the various preliminary issues as well as the next steps for the said study.

**Panel discussion on ECOSOC Rights**

23. On the 11 April 2016, on the margins of the 58th Ordinary Session, the Working Group on ECOSOC Rights in collaboration with the NGO Coalition on the Optional Protocol on the International Covenant on Economic, Social and Cultural Rights (OP- ICESCR) led by ESCR-Net, held a panel discussion on the role of the Optional Protocol on ESCR in advancing human rights for all. The objective was to articulate the importance of AU Member States ratifying the OP-ICESCR in supporting the realization of ESCR in Africa, and to encourage Member States to do so. Also, to deepen dialogue with the State delegates and all other partners/stakeholders on the urgent need to increase our concerted efforts in promoting and protecting ECOSOC rights on the continent.

**C. Part III - Conclusion and Recommendations**

24. It is clear that AU Member States are yet to give ECOSOC rights the attention they deserve. It is important to note that human rights are indivisible and the development of our continent can only be achieved if considerable effort and substantial funds are committed to the realisation of ECOSOC rights. The Working Group continues to be actively engaged in raising the awareness of African States for the effective implementation of ECOSOC rights in all our countries.

25. The Working Group makes the following recommendations:

**I. To the African Union**

- Encourage Member States to comply with regional instruments relating to economic, social and cultural rights;
- Include the question of ECOSOC rights on the list of priority objectives to be attained;

- Involve the Working Group in key AU initiatives relating to economic, social and cultural rights.

II. To Member States

- Implement and ensure the enjoyment of economic, social and cultural rights of their populations, in particular the right to housing, the right to work, the right to health and the right to education using the Principles and Guidelines on the Implementation of the Economic and Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (The Nairobi Principles and Guidelines);

- Prioritize economic, social and cultural rights and build on the above Principles and Guidelines for adoption in national development plans, policies and laws.

- Review all national policies and laws which undermine the realization of specific economic, social and cultural rights;

- Take into account the State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter (Tunis Guidelines) when preparing periodic reports;

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights which was adopted by the UN General Assembly on 10 December 2008 and became effective since May 2013.

III. To partners and civil society organizations

- Advocate at the national level for the realisation of economic, social and cultural rights;

- Collaborate and support similar advocacy efforts at the continental level;

- Provide financial and technical support to the Working Group to enable the latter to effectively implement its mandate;

- Increase opportunities for collaboration with the Working Group.