INTER-SESSION ACTIVITY REPORT

(April 2016 – October 2016)

Of Honourable Commissioner Jamesina Essie L. 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 59th Ordinary Session of the African Commission on Human and Peoples’ Rights
Banjul, the Islamic Republic of The Gambia
21st October to 4th November 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 in Africa, as a member of the Working Group on Communications, a Member of the Working Group on Older Persons and Persons with Disability and as a member of the Working Group on Indigenous Populations/Communities in Africa.

2. The Report which is divided into three main parts covers activities carried out in the period between the 58th Ordinary Session held from the 6th to 20th April 2016 in Banjul, the Islamic Republic of The Gambia and this 59th Ordinary Session.

I. Activities undertaken in my capacity as Commissioner

➢ Participation in the 20th Extraordinary Session of the African Commission on Human and Peoples’ Rights

3. I participated in activities of the 20th Extraordinary Session of the Commission in June 2016 which considered Communications, other human rights issues on the continent and preparations for the commemoration of the African Year on Human Rights with a particular focus on the Rights of Women as highlighted in the Final Communiqué which is accessible on the website of the Commission.

➢ Participation in the promotion mission to the Republic of Côte d’Ivoire

4. Following the invitation of the Republic of Côte d’Ivoire, a Delegation of the Commission undertook a promotion mission to this country, from 26 September to 4 October 2016. I participated in the said mission which was headed by Honourable Commissioner Kayitesi, Commissioner responsible for
human rights promotion in Côte d’Ivoire and Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa.

5. The mission was undertaken in accordance with Article 45(1) of the African Charter on Human and Peoples’ Rights (the African Charter), and the objectives were to promote the African Charter and other regional and international human rights legal instruments, as well as strengthen relations between the Commission and the Republic of Côte d’Ivoire in the area of human rights promotion and protection.

6. The Delegation issued a press release\(^1\) on the preliminary findings, and a comprehensive Report of the said mission would be adopted by the Commission in due course. I would like to reiterate the thanks of the Delegation and the entire Commission to the Government and people of Cote d’Ivoire for inviting the Commission to undertake this mission, and for the efforts made in order to enable the smooth conduct of the said mission.

➢ **Participation in the European union visitors program (EUVP) 2016**

7. In September I participated in the European Visitors Program 2016 in Brussels and Strasbourg and I visited the European Union Parliament, the European Union Commission and other EU institutions as well as the European Court of Human Rights. I had very productive meetings and discussions with members of these institutions pertaining to the promotion and protection of human rights.

➢ **Opening ceremony of the NGO Forum, 17 October 2016**

8. I attended the opening ceremony of the NGO Forum at which I delivered the opening remarks of the Chairperson of the Commission who could not be present due to reasons beyond her control.

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9. I attended the training program for National Human Rights Institutions (NHRIs) on the implementation of African Union Human Rights Organ decisions. The training seeks to enhance institutional capacity of African NHRIs to implement decisions made by African Union Human Rights Organs.

10. On the 19 April 2016, during the 58th Ordinary Session, in my capacity as Commissioner Rapporteur responsible for the promotion and protection of Human Rights in the Islamic Republic of The Gambia, together with Commissioner Med S. K. Kaggwa, Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa sent a joint letter to the Minister of Interior of the Islamic Republic of The Gambia regarding the events of April 14 and 16 2016 and requested to visit the people who were arrested and detained in the Mile II prison or in any other detention centre where they were being held in order to verify the allegations that their conditions of detention were below acceptable international standards. The Commission could not conduct the visit as there was no immediate response to the joint letter.


12. On 18 May 2016, a joint letter of appeal was sent to the Liberian President regarding reports reaching the Commission regarding the alleged negative impact a large-scale project to outsource Liberia’s pre-primary and primary schools to private providers under the programme ‘Partnership Schools for Liberia’.

13. Liberia has not yet responded to this joint letter of Urgent Appeal.

15. The Joint letter requested the Government of the Islamic Republic of The Gambia to do the following:

- Reiterate its assurances that the 59th Ordinary Session and the Celebrations of the African Year of Human Rights with a Special Focus on Women’s Rights would hold in a peaceful and safe environment;

- Guarantee that necessary security, freedom of association and movement and acceptable facilitation would be assured and extended to all participants to the 59th Ordinary Session and the Celebrations of the African Year of Human Rights with a Special Focus on Women’s Rights; and

- Take steps to improve on the political, social and human rights situation specifically:
  
  - Ensure that due process and respect for the rule of law is followed in relation to all proceedings against all accused persons, including opposition members and journalists; and
  
  - Create a political and social environment which is conducive and necessary for fair, free, open and peaceful elections

16. Though no formal response was received from the Government, I can induce that our call was heeded as we are all here at the 59th Ordinary Session and discussing freely the political, social, economic and human rights situation of African countries, including of the host country.
17. The Commission continues to urge the government to ensure that the political and social environment is conducive for fair, free, open and peaceful elections.

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


18. Pursuant to a decision of the AU Executive Council, the AU Commission has been requested to work with the ACHPR to develop an additional Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security and to elaborate a Social Agenda for the AU Agenda 2063. By a resolution of the ACHPR the Working Group on ECOSOC Rights in Africa in collaboration with the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa were tasked to work with the AU Commission in this regard.

19. In view of the above, the AU Department of Social Affairs organized an Expert Roundtable on the Development of the said Protocol which was held in Botswana from 22-24 June 2016. However, the WG on ECOSOC was not represented due to circumstances beyond their control. The Commission was represented by Commissioner Yeung who is the Chairperson of the Commission’s Working Group on the Rights of Older Persons and Persons with Disabilities in Africa.

➢ Development of Draft Guidelines on the right to water

20. In 2015, the African Commission adopted the Resolution 300 on the right to water. The Resolution gives mandate to the ACHPR Working Group on
Economic, Social and Cultural Rights to develop ‘principles and guidelines on the right to water to assist States in the implementation of their obligations’.

21. Thus, Experts of the Working Group have prepared a first draft of the principles and guidelines which will be published on the website of the Commission for comments from stakeholders. State parties, partners and other stakeholders should be informed that the objective of the principles and guidelines on the right to water is to provide a useful tool for States to understand their obligations concerning the respect for, protection and fulfilment of the right to water and guidelines for monitoring the right.

➢ Study on the human rights implications and human rights-based solutions to illicit financial flows from Africa

22. In June 2016, Commissioner Solomon Dersso, Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa and myself as Chair of the Working Group on ECOSOC Rights in Africa signed a Memorandum of Understanding on the Study on the Human Rights Implication and Human Rights Based Solutions to Illicit Financial Flows from Africa with Human Rights Development Initiative. This Study will be undertaken pursuant to Resolution 236 of the Commission.

➢ Participation in the Discussions of the Special Interest Group on ECOSOC Rights at the NGO Forum 17 to 19 October 2016

23. I participated in a special interest discussions on economic, social and cultural rights during the NGO Forum. Recommendations from this interest group called on States to ensure among others that citizens have title to land and security of tenure particularly for customary rights to land, that communities give free, prior and informed consent for large scale agriculture and mining projects, strict regulation of multinational companies to guard against abuses, increased access to information for women on their reproductive rights, enforcement of economic and social rights, provision of accessible, affordable and quality education for all particularly for women and girls.
Contacts with Partners

24. During the intersession and on the margins of the 59th Ordinary Session, I worked closely with the Secretariat of the Commission to strengthen cooperation and collaboration with various stakeholders and partners working on issues pertaining to the mandate of the Working Group on ECOSOC Rights. These include African Ministers’ Council on Water, FIAN International, the Dullah Omar Institute (DOI) based at the University of the Western Cape, South Africa, and Open Society Initiative for Southern Africa (OSISA), etc. My expectations are that these partnerships will further the activities and actions of the Working Group for the coming years.

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

Activities as a Member of the Working Group on Communications

• Participation in the Meeting of the Working Group on Communications, 16 - 17 October 2016

25. I participated in the meeting of the Working Group on Communications held from 16 to 18 October 2016. The meeting considered eleven (11) Communications on seizure, one (1) Communication on admissibility and other briefs relating to Communications on which the Secretariat required guidance from the Commission.

• Participation in the joint Meeting of the Working Group on Specific Issues and the Working Group on Communications, 18 - 19 October 2016

26. The two Working Groups met to discuss the proposals relative to the revision of the Rules of procedures of the Commission.
Activities as a Member of the Working Group on the Rights of Older Persons and Persons with Disability in Africa


28. During this Workshop, I made a presentation on behalf the Chairperson of the Working Group the Rights of Older Persons and Persons with Disability in Africa on the topic “The African Union legal framework on the promotion and protection of the rights of persons living with disabilities”.

Activities as a member of the Working Group on Indigenous Populations/Communities in Africa

29. I participated in the meeting of the Working Group on Indigenous Populations/Communities in Africa held in Banjul from 18 – 19 October 2016.

30. During the meeting discussions were held on the Working Group’s activities for 2017 and the situation of indigenous peoples in Africa. A Report on Sacred Sites and Territories was also presented to the Working Group.

IV. Conclusion

31. In conclusion, I should underscore that, despite serious challenges, the Working Group with the support of its various partners, including State Parties continue to uphold its mandate. Thus, this is an opportunity for me to
acknowledge the efforts of all our partners and stakeholders who have been working tirelessly to assist the Working Group in delivering on its mandate and making ECOSOC Rights a reality in Africa. I have no doubt that your support to the Working Group and the collaboration will continue.

32. In this vein, I wish to inform you that the Working Group is finalising its 2017 work plan and this would be shared with partners in order to give them the avenues of a closer collaboration.