INTER-SESSION REPORT

Presented by

Honourable Commissioner Reine ALAPINI GANSOU

- Special Rapporteur on the Situation of Human Rights Defenders in Africa
- Chairperson of the Joint Working Group on ACHPR and UN Special Procedures
- Member of the Committee on the Protection of People Living with HIV, and those at Risk, Vulnerable to and Affected by HIV/AIDS
- Member of the Working Group on the Rights of Older Persons and People with Disabilities in Africa
- Member of the Working Group on Indigenous Populations/Communities in Africa
- Member of the Working Group on Communications.
INTRODUCTION

1. This report is presented in accordance with Rule 72 of the Rules of Procedure and Resolutions ACHPR/ 69(XXXV) of 4 June 2004 and ACHPR/ Res.248 (LIV) of 5 November 2013.

2. It mainly presents activities conducted in my capacity as the Special Rapporteur on the Situation of Human Rights Defenders in Africa since the 58th Ordinary Session of the Commission held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia (Part Two).

3. In the first place, the report presents the activities conducted in my capacity as Member of the Commission, Chairperson of the Joint Working Group on ACHPR and UN Special Procedures, Member of the Committee on the Protection of PLHIV and those at Risk, Vulnerable to and Affected by HIV/AIDS, Member of the Working Group on Indigenous Populations/Communities and Member of the Working Group on the Rights of Older Persons and People with Disabilities in Africa.

   A summary report will also be provided on the work carried out in my capacity as member of the ACHPR Working Group on Communications.

4. In conclusion, the report presents an analysis of the situation of human rights defenders in Africa and recommendations.
Part One

Activities undertaken in my capacity as Member of the Commission, Chairperson of the Joint Working Group on ACHPR and UN Special Procedures, Member of the Committee on the Protection of the Rights of PLHIV and those at Risk, Vulnerable to and Affected by HIV/AIDS, Member of the Working Group on Indigenous Populations/Communities; Member of the Working Group on the Rights of Older Persons and People with Disabilities in Africa and Member of the Working Group on Communications.

I. As a Member of the African Commission

1. Participation in the 20th Extraordinary Session of the African Commission held from 9 to 18 June 2016 in The Gambia

I participated in the work of the 20th Extraordinary Session held from 9 to 18 June, 2016 in The Gambia during which the Commission considered and adopted a number of papers, among which were resolutions as well as decisions on individual cases of human rights violations.


I conducted a promotion mission to the DRC at the invitation of the Government from 6 to 12 August 2016. This mission which was led by the Chairperson of the Commission, Honourable Commissioner Pansy Tlakula, was aimed, among others, at promoting the Charter and other regional and international human rights legal instruments and at monitoring the recommendations made by the Commission in its Concluding and Final Observations on the Combined Periodic Report of the DRC (8th, 9th and 10th) covering the period from July 2003 to July 2007, presented in 2009, including the recommendations contained in the mission report issued by the Commission to the country at the end of its 2011 mission. It was a follow-up mission intended essentially to maintain and strengthen the constructive dialogue.
that had been initiated for some time between the African Commission and the authorities of the State party in promoting and protecting the rights enshrined in the Charter, including other relevant regional and international legal instruments.

During the mission, the delegation met State and non-State actors and engaged with all stakeholders involved in the human rights situation in the DRC. The delegation held an important meeting led by the Minister of Justice, Keeper of the Seals and Human Rights with a panel of Ministers and senior officials from State institutions, and they included the Minister of Communication and the Media, the Minister of Arts and Culture, the Minister of Women, Family and Children’s Affairs, the Minister of Youth and Sports, the Deputy Minister of the Interior, the Deputy Minister of Foreign Affairs and International Cooperation, the Commissioner General of Police, a Senior Official from the Ministry of Health and the Administrator-General of the National Intelligence Agency. The Delegation also had discussions with the President of the Independent National Electoral Commission, the High Audiovisual and Communication Council and the National Human Rights Commission. The delegation also had an audience with the Facilitator appointed by the AU to promote dialogue among the different stakeholders in the DRC.

3. Regional high-level consultation on the Judiciary in West Africa, from 29 to 31 August 2016 in Abidjan, Côte d’Ivoire.

On the above-mentioned dates, I participated in this sub-regional consultation in my capacity as a member of the Commission, on the theme “Constitutionalism as a factor of Democracy and the Rule of Law”.

This sub-regional consultation was organised by the Department of Political Affairs of the African Union Commission as part of the governance architecture in Africa.
The meeting brought together representatives from the highest national courts including constitutional courts, high courts, sub-regional judicial bodies (including the ECOWAS Court of Justice) and parliamentarians from West African countries.

This West African regional consultation is part of a comprehensive agenda which should have been a continent-wide event for Africa.

During this consultation, I had the opportunity to present the African Commission on Human and Peoples’ Rights as a body with a quasi-judicial mandate and as a promoter of governance and democratic issues in Africa.

4. Participation in the 5th international workshop on strengthening of cooperation between regional and international human rights promotion and protection mechanisms, Geneva, Switzerland, 4 to 5 October 2016

The objective of this workshop was to assess the latest developments since the 2014 workshop by incorporating discussions on interactions with civil society and human rights defenders based on concrete and practical experiences of regional mechanisms. The participants at this workshop were representatives from the different regional, sub-regional human rights mechanisms and organisations including secretariats and superior court registries, experts representing the United Nations human rights system such as treaty implementing bodies, representatives of the Human Rights Council, the United Nations Special Procedures, mandate-holders, representatives of national human rights institutions, civil society, academia and staff of the Office of the United Nations Human Rights Commissioner.

I took an active part in this event during which I presented the latest developments on cooperation between the African Commission on Human and Peoples’ Rights and similar bodies. In this regard, I laid emphasis on issues and concerns relating to the life of human rights defenders, the latest resolutions adopted by the ACHPR while emphasising the results of the ADDIS ABABA roadmap and the recent cooperation with the Inter-American Human Rights system.
I participated in a specific meeting of focal points on cooperation between the regional systems on 6 October 2016; during this meeting, I touched on the various recommendations that emerged from the workshop on regional arrangements. These different recommendations focused on procedural aspects of cooperation, collaboration on women’s rights, issues on minorities as well as challenges and difficulties confronting human rights defenders and activists. Some of the recommendations also touched on cooperation on rights to demonstrate and freedom of association and on modalities for monitoring all these issues.

On the sidelines of the Geneva workshop, I took part in:

- A parallel event jointly organised by the Office of the UN High Commissioner for Human Rights and UNAIDS in Geneva. During this meeting, I was called upon to make a brief presentation on the conclusions of the joint dialogue between the ACHPR and the Inter-American Human Rights system, the report of which was launched in April 2016 during the Commission’s 58th Ordinary Session.

II. In my capacity as the Chairperson of the Joint Working Group on the ACHPR and UN Special Procedures (UN)

Meeting of the Joint Working Group of the Commission on Special Procedures

In my capacity as the Chairperson of the Joint Working Group on ACHPR and UN Special Procedures, I discussed with the two new members (Mr Addo Michael and Mrs Ikponsua Ero) the need to strengthen cooperation between the international and regional mechanisms and actions to be taken by the working group and its new perspectives.

In this regard, as a short term measure, we are committed to encouraging similar special procedures to take actions and to organise joint meetings.

III. In my capacity as a Member of the Committee on the Protection of People Living with HIV, those at Risk, Vulnerable to and Affected by HIV/AIDS

5. Promotion Visit to the Republic of Côte d’Ivoire, from 23 to 28 May 2016
I participated in the promotion mission on behalf of the Committee’s Working Group.

This mission was undertaken within the framework of the implementation of Resolution No.… which, among others, requests the Committee to promote the rights of the above-mentioned people and the plan of action prepared by the Committee.

The objective of the mission, among others, was to consult with the authorities, civil society organisations and other stakeholders on the human rights situation of the above-mentioned people.

The African Commission delegation was led by Honourable Commissioner Soyata Maiga, Chairperson of the Committee on HIV/AIDS, who was accompanied by a member of the delegation, Mr. EBA Patrice, an Expert on the Committee.

The delegation met personalities at the highest level of government and they included in particular, the first lady of Cote d’Ivoire, Mrs Dominique OUATTARA in her capacity as the Special Ambassador of UNAIDS to accelerate access to paediatric treatment for children living with HIV.

The report of this mission will be presented in line with the usual procedure.

IV. In my capacity as a member of the working group on indigenous populations -18 to 19 October 2016, Banjul, The Gambia

The Working Group on Indigenous Populations held a statutory meeting from 18 to 19 October 2016, in Banjul which I had the honour to chair in the absence of our colleague, Me Soyata MAIGA, who could not attend the meeting. At this meeting, members of the Working Group handled several items on the agenda, in particular, briefing and follow-up of activities carried out by the Working Group during the inter-sessional, activities planned for 2017, the Working Group's strategic framework, the implementation of the decisions concerning the Endorois and update on the case of
the Ogiek people. The discussions also focused on the situation of indigenous people in Africa. The Working Group also had a working session with a representative of the GAIA Foundation to discuss issues concerning the report on holy sites and territories.

V. In my capacity as a member of the Working Group on the Rights of Older Persons and People with Disabilities in Africa

6. On the sidelines of the *** session of the Human Rights Council held from *** to ***, I met Messrs; the United Nations Special Rapporteur on People with Disabilities, Mrs. IKPOBKA ERO, an independent expert on the rights of people with albinism respectively.

Discussions were held at this meeting on the modalities for a possible cooperation between the Human Rights Mechanism of People with Disabilities and People with Albinism and the ACHPR Special Human Rights Mechanism on Older Persons and People with Disabilities.

VI. In my capacity as a member of the Working Group on Communications

5. Meeting of the Working Group on Communications, from 16 to 18 October 2016, in Banjul, Gambia

During our deliberations, we handled many individual cases on human rights violations. We took decisions on a number of cases of seizure and admissibility. The members of the Working Group considered a number of Communications which needed guidance.

The Working Group also took a number of decisions on Communications that needed adoption of provisional measures.

Part Two
ACTIVITIES UNDERTAKEN IN MY CAPACITY AS THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS IN AFRICA

I. PROMOTION ACTIVITIES

Concerning promotion activities:

7. Limited Consultation on the Guidelines on the Freedom of Association and Assembly in Africa, from 28 April to 2 May 2016 at the Palm Beach Hotel, Cotonou, Benin.

A working meeting was organised from 28 April to 2 May 2016 for the development of guidelines on freedom of association and assembly in Africa. This activity was organised in line with Resolution 319 [http://www.achpr.org/fr/sessions/57th/resolutions/319/] which authorises the Study Group on Freedom of Association and Assembly, under the oversight responsibility of the Special Rapporteur on the Situation of Human Rights Defenders in Africa, to propose draft guidelines on freedom of association and assembly in Africa. This draft will be presented for consideration at the 59th Session of the African Commission on Human and Peoples’ Rights. Furthermore, it must be pointed out that as a result of the importance of its role in monitoring human rights promotion and protection activities, the African Commission, aware of the problems undermining freedom of association and assembly in Africa, adopted Resolution ACHHPR/Res. 151(XLVI) 09 in 2009 on the need to conduct a study on freedom of association and assembly in Africa. According to this resolution, a study of freedom of association and assembly was conducted by a Group of Experts established by Resolution ACHPR/Res. 186 (XLIX) 11, of 12 May 2011. This Group has produced a report which has been published and is available on the African Commission’s website. ([www.achpr.org/fr/human-rights-defenders/Freedom_of-Association/] )

This meeting which was held in Abidjan from 27 to 29 May 2016, in Abidjan, served as a platform for consultation of Experts on the draft guidelines as proposed by the Study Group. As part of our strategy, we identified representatives of State Parties and other stakeholders based on their experience on the subject matter.

At the end of the consultation, the opinion and comments by identified experts enabled us to improve the form and substance of the document for submission to the African Commission for its consideration.


This meeting was preceded by the East and Southern African meetings, and it was the West African phase which led to the compilation of contributions by key stakeholders on this issue, in order to improve the Draft Principles and Standards to be submitted to the African Commission on Human and Peoples’ Rights for adoption at the 59th Ordinary Session. The Ouagadougou meeting brought together key stakeholders such as human rights defenders, police officers and university professors. The participants were mainly from West Africa, but Central Africa was represented by a Police Officer from Cameroon. The opening of the meeting was marked by the presence of the Minister of Justice, Human Rights and Civic Promotion and Keeper of the Seals of Burkina Faso, H.E. Mr René Bagoro. The Ouagadougou meeting enabled us to review the draft principles and standards and to compile contributions on the document, in both form and substance.

On the sidelines of the consultative meeting, the Special Rapporteur had a meeting with the two partners involved in the project, in particular, the African Forum for Citizens’ Control of Policing and the Danish Human Rights Institute in order to discuss the subsequent stages of the project on the development of the principles and standards. The following points are to be noted after the meeting.

10. North African Consultation on Development of Operational Principles and Standards for Policing by Officers in charge of Law Enforcement during
demonstrations and assembles in Africa held at the Cairo Marriott Hotel, Egypt, 10 & 11 October 2016

This meeting which came off after the Ouagadougou meeting enabled us to put together the contributions by stakeholders from North Africa.

Towards this end, the document was reviewed with the actual inclusion of the observations of the stakeholders.

The partners will be in Banjul to present the document with instructions from the Special Rapporteur on Freedom of Expression and Access to Information in Africa since the project concerns the two special mechanisms.


During this workshop prior to the 59th Ordinary Session of the African Commission on Human and Peoples’ Rights, through discussions with civil society organisations, I presented and explained clearly the missions and rules of procedure of the ACHPR as a human rights safeguard measure in Africa.

I presented the dual mandate of the ACHPR concerning the promotion and protection of human rights.

I made a brief presentation on the special mechanisms headed by the special rapporteurs to the participants at this workshop.

Finally, I laid much emphasis on the vital collaboration needed between Civil Society Organisations (CSOs) and the ACHPR.

II. PROTECTION ACTIVITIES

During the period under review, allegations of arbitrary arrests, travel bans, illegal detentions, judicial harassments, denial of freedom of association and assembly were submitted for review by the Special Rapporteur. I am still concerned about the risks which have to be addressed concerning the freezing of
assets of human rights defenders as well as restrictive laws which continue to stifle the efforts of human rights activists; which human and peoples’ rights have to be protected together with the State Parties as part of their participation in good governance for the development of their respective countries.

Moreover, as a response to some serious situations, I published three (3) press releases, a statement and forwarded three (3) letters of urgent appeals.

Furthermore, together with the Special Rapporteur on Freedom of Expression, I engaged in a dialogue with a State Party on the situation of a female journalist by issuing a Statement.

The situation as presented does not reflect the actual situation of human rights defenders in Africa.

At this material moment of reporting, the Office has recorded several cases of violations against human rights defenders and is busily preparing evidence and proof to address these violations.

Additionally, aware of the fact that terrorism is a source of great fear for our States and our people, the Special Rapporteur would like to appeal to State Parties to be very circumspect in their heroic struggle to put down terrorism. This is all the more necessary since the States themselves recently encouraged the ACHPR to adopt the principles and guidelines on the subject matter.…

Indeed, State Parties are duty bound to adopt policies and measures to protect the people from the scourge of terrorism. But these measures and policies must meet human rights requirements.

III- ANALYSIS OF THE SITUATION OF HUMAN RIGHTS DEFENDERS IN AFRICA

During the period under review, the rapporteur realised that the human rights situation in Africa has taken an alarming turn, particularly, in African
countries where governance issues and political conflicts arise out of the refusal to recognise the notion of democratic change. In countries experiencing relative peace, the situation of human rights defenders is very dangerous in the face of the position of States on sensitive issues such as the right to development, the right to freedom of association, demonstration and eligibility for funding.

The African legal framework for the promotion and protection of women’s rights continues to be strengthened; however, the risks faced by activists have continued to increase.

An effective and adequate protection of women’s rights defenders should enable the latter to fully take part in democratic development and the rule of law; and also in the peace and reconciliation process.

Since the establishment of the Special Rapporteur on the United Nations Human Rights Defenders’ Mechanism, the African Commission recognises the vital role played by human rights defenders in promoting and protecting human rights towards peace, security and defence of democracy on the continent. The African Commission, through several Resolutions, has exhorted and continues to exhort States to fulfil their obligations by protecting human rights defenders in carrying out their activities. In this regard, the mechanism of the Special Rapporteur on Human Rights Defenders is one of the supervisory bodies promoting the protection of human rights defenders in Africa.

I would like to call for dialogue, cooperation and a sense of responsibility both on the part of the human rights defenders and State Parties for a better inclusion of all issues relating to the promotion and protection of human rights on the continent.

IV- CONCLUSION

On this particular occasion of 2016, a year of human rights with a special focus on women’s rights, I would like to appeal to African States to comply with
their obligations under the 1998 United Nations Declaration on Human Rights Defenders, the 1999 Grand Bay Declaration and the 2003 Kigali Declaration. I take this opportunity offered by this platform to request all State actors to open up the realm of associations and ensure the protection of the rights of human rights defenders, in all situations, without any restrictions nor impediments. The situation of women’s rights defenders is a constant concern for the Special Rapporteur’s Mechanism.

In this regard, I take this opportunity to request State Parties and other partners to assist in the implementation of the recommendations of the Rapporteur’s report on the situation of women human rights defenders in Africa.