Intersession Activity Report of the Working Group on Indigenous Populations/Communities

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59th Ordinary Session of the African Commission on Human and Peoples’ Rights

Banjul, The Gambia

21 October - 4 November 2016
Part 1

Introduction

1. The present Report is presented in accordance with Rule 23(3) of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in my capacity as the Chairperson of the Working Group on Indigenous Populations/Communities in Africa (the Working Group or WGIP). It highlights the promotion activities undertaken since the 58th Ordinary Session of the Commission held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia. The Report is divided into two parts: Part I deals with the activities undertaken by the Working Group on Indigenous Populations/Communities, and Part II deals with the activities undertaken in my capacity as the Vice-Chairperson of the Commission.

I- Activities undertaken in my capacity as the Chairperson of the WGIP

Promotion mission to the DRC, Kinshasa, 6 - 12 August 2016

2. Representing my Mechanism, I participated in a promotion mission to the DRC led by the Chairperson of the Commission. The objective was to learn about the legislative measures, programmes, plans and policies adopted and implemented in the DRC, and those that are ongoing, since April 2011 in the area of the promotion and protection of the rights of indigenous populations.

3. During the mission, we met and discussed with Ministers, including the Minister of Justice, the Minister for Women, Family and Children Affairs, and the Minister of Arts and Culture. We had fruitful discussions with NGOs working in the area of the protection of the rights of indigenous populations in Kinshasa and in the other provinces of the country.

4. The issues discussed included the various forms of insecurity and discrimination faced by indigenous populations, in particular women and children, in the enjoyment of their rights, including economic, social and cultural rights. Enriching discussions were also held with the relevant stakeholders on access to land and forests and their collective ownership by indigenous communities, as well as the lack of compensation measures and mechanisms for free, prior and informed consultation.
5. We were informed of a draft law on the promotion and protection of the rights of indigenous populations that is pending in parliament and of the measures taken towards its adoption.

6. Regarding land and forests, the involvement of the indigenous populations concerned in the management of national parks was mentioned as the demonstration of a genuine political will to include these populations in the sharing of income generated from tourism.

7. I provided NGOs with useful information on the outcome document of the UN World Conference on Indigenous Peoples of September 2014, and on which the WGIP plans to organise awareness-raising seminars on the various themes contained in the document.

8. A detailed mission report will be prepared and presented to the Commission for the latter to make relevant recommendations, the implementation of which will enhance efforts in addressing the needs and concerns of indigenous communities.

II- Activities undertaken by Members of the WGIP

1) Yaoundé meeting, 21-22 June 2016

9. The WGIP was represented by Ms Hawe Bouba, at the invitation of the DRC-based NGO International Forest Peoples Project, at an event that was organised in Yaoundé for the launch of a project aimed at supporting the development of community forestry in the Congo Basin.

2) Training session on the rights of indigenous peoples at the University of Pretoria

10. The training session was organised in collaboration with the Centre for Human Rights of the University of Pretoria and members of the Working Group on the dates indicated on the programme.


11. The Working Group organised its second annual meeting on 18 and 19 October 2016 in Banjul, The Gambia, during which several items were considered, including a briefing and follow-up on the activities undertaken by
the Working Group during the inter-Session, discussions on activities planned for 2017, strategic framework of the Working Group, status of implementation of the Decision on the Endorois case, and an update on the Ogiek case. Participants also discussed the situation of indigenous populations and communities in Africa. The Working Group also held a working session with a representative of the Gaia Foundation, during which the report on sacred sites and territories was discussed.

12. The members of the Working Group also considered the candidatures received following the vacancy announcement published on the Commission’s website for the replacement of Dr Naomi Kipuri, one of the longest-serving members of the Working Group who resigned in April. The selected candidature will be presented to the Commission for adoption during the Private Session.

13. I would like to seize this opportunity to express, on behalf of the Working Group and the Commission, our sincere gratitude for Dr Naomi Kipuri’s efforts, commitment and contribution towards the realisation of the rights of indigenous populations and communities in Africa, as well as wish her success in her future endeavours.

III- Study on the Impact of Extractive Industries on Indigenous Peoples in Africa

14. The Study was officially adopted by the Commission at its 58th Ordinary Session. Dissemination and information activities regarding the content and the recommendations of the Study will be conducted in Cameroon and in Kenya, through two regional seminars, to be attended by government stakeholders and indigenous communities. Another activity is planned to be organised in Tanzania.

IV- Letter of urgent appeal/correspondence/press release

Correspondence

15. The WGIP is in constant consultation with the World Bank regarding the draft Environmental and Social Standards Framework and the impact of its implementation on the living conditions of indigenous peoples, through the exchange of correspondences and invitations to attend meetings in Africa and at the World Bank Headquarters in Washington.

16. The WGIP sent a correspondence to the World Bank on 25 July 2016 requesting for information on the impact of the Tanzania corridor project in the
context of the review of the safeguards and standards on the indigenous peoples concerned.

**Letters of urgent appeal**

17. In the context of the events that occurred in Ethiopia following the confiscation of land presumed to belong to the Mursi community of the Lower Omo Valley, the Working Group held discussions with the delegation of the Federal Democratic Republic of Ethiopia during the 58th Ordinary Session and handed the delegation a copy of the letter of Urgent Appeal containing allegations of human rights violations. The delegation promised to investigate and to provide a response to the Working Group.

18. On 22 August 2016, the Working Group wrote to the authorities of the United Republic of Tanzania after receiving information on allegations of arrests, unlawful detention and intimidation targeting defenders of the rights of indigenous pastoralists working in the Loliondo region. There has been no response to the letter and the WGIP will continue to follow up.

**Press release**

19. On the occasion of the International Day of the World’s Indigenous People, celebrated every year on 9 August in order to reflect on the rights of indigenous peoples to education, the Working Group published a press release highlighting the importance of the theme, given the needs of African indigenous populations in the area of capacity building towards the improvement of their living conditions and an understanding and effective exercise of their rights.

20. The Working Group held its meeting in Banjul, on the margins of the 59th Ordinary Session, on the impact of its activities on the promotion and protection of the rights of indigenous populations in Africa.

**V- Situation of the rights of indigenous populations/communities and recommendations**

21. Given the little progress noted in the course of the past six months regarding the enjoyment of the rights of indigenous populations, the WGIP recalls its conclusions and recommendations contained in its previous report, including those made to States Parties and the World Bank towards the effective implementation of the African Charter and other relevant regional and international instruments on the promotion and protection of the rights of indigenous communities, including: refraining from carrying out acts of expropriation, forced expulsion and all forms of inhuman and degrading
treatment against indigenous populations, in their legitimate quest to preserve their ancestral lands in Kenya, Tanzania and Ethiopia, and the taking into account of the needs and concerns of indigenous women and children in the national policies and programmes of their respective countries; the ratification by States Parties of ILO Convention 169 and the urgent need to take the necessary measures for the effective implementation of the UN Declaration of 2007 and the outcome document of the World Conference on Indigenous Peoples of September 2014.

Part 2

Activities undertaken in my capacity as the Vice-Chairperson of the Commission

I - Participation in the Extraordinary Session, Banjul, June 2016

I participated in the Extraordinary Session of the Commission held in Banjul, The Gambia, from 9 to 18 June 2016, during which the Commission considered Communications and other documents on its activities.

II - Participation in meetings of African Union (AU) Policy Organs

Kigali, 10-18 July 2016

1- I participated in the meetings of AU policy organs held from 10-18 July 2016 in Kigali, on the occasion of the 27th AU Summit of Heads of State and Government. The meetings attended included the 32nd Ordinary Session of the Permanent Representatives Committee (PRC), the 29th Ordinary Session of the Executive Council, and the 27th Ordinary Session of the Assembly of Heads of State and Government.

2- The Commission’s 40th Activity Report was presented by the Chairperson who also provided the relevant comments and responses, as reflected in her Intersession Report. The Commission’s 40th Activity Report was adopted for publication by Executive Council Decision EX.CL/Dec.922(XXIX).

III- Participation in other meetings and activities organised on the margins of the 27th AU Summit

3rd High-level Panel on Gender, Kigali, 8-9 July 2016
3- At the invitation of the AUC Gender Director, I attended the 3rd High-level Panel on Gender Equality and Women’s Empowerment organized under the theme: *The Contributions of Maputo Protocol on Women’s Rights in Achieving Gender Equality in Africa: Stocktaking, Opportunities and Accountability.*

4- The High-level Panel was attended by Ministers of Gender, representatives of AU Organs, regional economic institutions, national gender institutions, NGOs, civil society networks and the diaspora.

5- During the discussions, participants were informed of the best practices in the various countries regarding policies and affirmative action measures adopted towards gender equality and women’s empowerment. The forum also provided the opportunity to identify common challenges faced by African countries and which continue to restrict the effective implementation of several initiatives and progressive laws.

6- The meeting ended with the adoption of the Kigali Declaration. The important commitment document recalls the various declarations adopted by the Heads of State and Government during the previous Summits and the Agenda 2063 First 10-Year Implementation Plan.

7- Participants underscored the undeniable progress made regarding commitments towards achieving gender equality and expressed concern at the continuous conflict, the increasing number of refugees and internally displaced persons with the majority being women and children, and the growing violence against women and girls.

8- Several recommendations were made to States and all stakeholders on the strengthening of national women’s rights mechanisms towards promoting the integration of the needs and concerns of women in all areas of activity.

9- It should be recalled that at the end of the meeting, during a special and colourful event, the African Women Movements presented the “African Gender Award” to President Paul Kagame and the AUC Chairperson Dr Nkosazana Dlamini Zuma, in recognition of their vision, commitment and concrete and visible initiatives towards gender equality.

**IV- Participation in GIMAC, 10-11 July 2016**

10- I was invited to participate in the GIMAC meeting during which I made a presentation on “The way forward”. The objective was to draw valuable lessons
from women’s activism towards inspiring younger generations. The subject was handled taking into account several parameters, including inter-generational relations, researching information, capacity building and excellence.

V- Participation in the 9th Joint Meeting of the Bureaux of the Commission and the Court, 16 July 2016

11- The two Bureaux discussed matters of common interest and agreed to set the date of the meeting between the two Organs for 19-22 September 2016 in Arusha.

VI. Participation in the Annual Meeting of the Commission and the Court, Arusha, Tanzania, 19-22 September 2016

12- I participated in the 10th Meeting of the Bureaux of the Commission and the Court and the 5th Joint Annual Meeting of the two institutions. The objective was to strengthen cooperation based on the complementarity relationship between the two institutions. The two institutions discussed the progress made in the establishment of a Legal Aid Fund, establishment of the Pan African Human Rights Institute, and activities planned for the commemoration of 2016 declared African Year of Human Rights with particular focus on the rights of women.

13- The two institutions also discussed other issues of common interest and the various programmes and agendas being implemented and which require their contributions, including the transfer of communications, establishment of the Pan African Human Rights Institute and the joint publications project.

VII- Participation in a promotion mission to the Republic of Angola, 3 - 7 October 2016

14- The Commission’s mandate under the African Charter includes promoting human and peoples’ rights, mainly by undertaking promotion missions to States Parties. It is within this framework that the Commission requested and obtained authorisation from the Government of the Republic of Angola to undertake a human rights promotion mission in the country from 3 to 7 October 2016.

15- The Commission’s delegation included the Chairperson, Commissioner Pansy Tlakula, and I. The objectives of the mission were to promote the African Charter and other regional and international human rights legal instruments;
collect information on the human rights situation in the Republic of Angola; engage in dialogue with the Government on the legislative and other measures taken to give full effect to the provisions of the African Charter and other instruments ratified by Angola; and where necessary, identify the challenges faced.

16- During the mission, the delegation met with senior officials and other stakeholders involved in human rights promotion and protection, in particular representatives of ministries, institutions, private organisations, UN agencies and civil society organisations. The delegation visited the National Institute for the Fight against HIV/AIDS, the Viana Prison, and the Sao Paulo Prison Hospital. The various meetings and visits enabled the delegation to make an objective assessment of the human rights situation in the Republic of Angola.

17- A detailed mission report will be submitted at the next Session of the Commission for adoption.

**Collaboration with NGOs**

1- Centre for Human Rights of the University of Pretoria

**Kinshasa, 24-25 June 2016**

18- I facilitated the Dialogue on Child Marriage organised by the Gender Unit of the Centre as part of a project bringing together stakeholders working at the community level towards eradicating this harmful traditional practice in countries where the phenomenon is still common.

**Dakar, 28-29 September 2016**

19- Participation and facilitation of a workshop on child marriage organised by the Centre for Human Rights for NGOs working in the area of child marriage from the following countries: Mali, Mauritania and Cameroon.

2- FIDH

**Johannesburg, 22 August 2016**

20- Participation in discussions on the content of the draft Guidelines on Sexual Violence and its Consequences in Africa developed by FIDH and Lawyers for Human Rights, in collaboration with the Commission. The panel discussion featured the Special Rapporteur on the Rights of Women in Africa, as well as
Ms Bineta Diop, Special Envoy of the AUC Chairperson on Women, Peace and Security, and Rashida Manjoo, former UN Special Rapporteur on Violence against Women, its Causes and Consequences.

21- The objective of the meeting was to highlight the initiatives and challenges faced by the various AU, UN and civil society mechanisms towards ensuring greater collaboration and promoting the added value of the Guidelines.

22- I made a presentation on the draft document, highlighting the importance of collaboration among the various partners in the effectiveness of the work of the Commission.

Johannesburg, 23-24 August 2016

23- I attended the FIDH Forum organised on the occasion of its 39th Congress under the theme: Fighting back for human rights: Enabling a vision, implementing a strategy and ensuring the space for civil society as the cornerstone of human development.

24- I made a presentation during Session 7/8 which was devoted to discussions on initiatives developed in other countries and parts of the world to address attacks against human rights organisations and to enable the latter to organise a response and affirm their legitimacy.

It was an opportunity for us to talk about the negative stereotypes and factors that restrict the recognition of the rights of women in Africa.