65th Ordinary Session of the African Commission on Human and Peoples’ Rights

Inter-Session Activity Report

of

Honourable Commissioner Soyata Maïga
Chairperson of the African Commission on Human and Peoples’ Rights

Banjul, The Gambia
21 October to 10 November 2019
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 or ACHPR). It provides an account of activities undertaken in my capacity as Chairperson and Member of the African Commission since the 64th Ordinary Session of the Commission held in Sharm El Sheikh (Egypt) from 24 April to 14 May 2019.

I. Coordination of the Commission’s activities and supervision of the work of the Secretariat

2. In accordance with Rule 13 of the Rules of Procedure of the Commission, I coordinated the promotion and protection activities of members of the African Commission on Human and Peoples’ Rights (the African Commission), in addition to supervising the work of the Secretariat during the period under review. In this regard, the necessary guidance was provided on various issues.

II. Participation in statutory meetings

   ➢ Meetings of AU Policy Organs: 35th Ordinary Session of the Executive Council and 12th Extraordinary Session of the Conference

3. The meetings of African Union (AU) Policy Organs were held in Addis Ababa (Ethiopia) on 17 and 18 June 2019 and in Niamey (Niger) from 4 to 8 July 2019, as follows:
   - 38th Ordinary Session of the Permanent Representatives’ Committee (PRC): 17–18 June 2019;
   - 35th Ordinary Session of the Executive Council (EC): 4 – 5 July 2019; and
   - 12th Extraordinary Session of the Assembly of Heads of State and Government (the Assembly): 7 – 8 July 2019.

4. The Commission was represented at the PRC meeting of 17 and 18 June 2019 in Addis Ababa by Honourable Commissioner Maria Teresa Manuela, who presented the 46th Activity Report of the Commission. She will provide a summary of the contributions and questions raised by the permanent representatives.

5. On 4 and 5 July, I led a delegation which took part in the 35th Ordinary Session of the Executive Council and 12th Extraordinary Session of the Assembly in
Niamey (Niger). The delegation included Honourable Commissioner Maya Sahli-Fadel and staff of the Secretariat.

6. Several observations were made by States Parties on the 46th Activity Report, specifically with regard to the areas of concern.

7. Through Decision EX.CL/Dec. 1164 (XXV), the Executive Council adopted the 46th Activity Report of the Commission and authorized its publication subject to the correction of factual information; with the written observations of State Parties annexed thereto.

➢ 26th Extraordinary Session, Banjul (The Gambia), 16 to 30 July 2019

8. I chaired the 26th Extraordinary Session held from 16 to 30 July 2019 in Banjul (The Gambia). This Session convened to deal with Communications and other documents relating to guidelines, reports, resolutions, studies and ongoing projects as well as other urgent matters from previous Sessions.

➢ 12th Meeting of Bureaus of the Commission and the African Court on Human and Peoples’ Rights and 8th Annual Joint Meeting of the Court and the Commission, Banjul (The Gambia), 17 – 18 October 2019

9. I took part in the Meeting of Bureaus of the Court and the Commission as well as in the Annual Joint Meeting between the judges of the Court and members of the Commission.

10. During the various meetings, we discussed the complementarity between the two organs and other areas of common interest relating to the protection of human rights on the continent, including issues relating to the operationalization of the Legal Aid Fund, the Pan African Human Rights Institute (PAHRI), the Ten-Year Action Plan for Human Rights, collaboration with the DPA, the engagement of human rights bodies with the AGA and the harmonisation of the Rules of Procedure of the Commission and of the Court.

III. Collaboration with States Parties

➢ Participation in the Ministerial Consultative Meeting on Women’s Rights in the Islamic Context, Cairo (Egypt), 17-18 June 2019

11. I participated in the Conference organized by the National Council for Women in Egypt, the Ministry of Foreign Affairs, women’s NGOs and the Ministers in
charge of Family Promotion of the Organization of Islamic Cooperation (OIC) on the theme “Empowerment of women and their representation in decision-making bodies”.

- Participation in the High-Level Panel on Child Marriage and Female Genital Mutilation, Cairo (Egypt), 19-20 June 2019

12. I participated in the High-Level Panel organized by the Egyptian Government in collaboration with the African Union’s Department of Social Affairs on the Campaign to end child marriage and female genital mutilation. The added value of this meeting was the presence and commitment of African traditional leaders whose influence within communities is well known.

13. Countries presented their experiences in relation to the different themes and pledged to mobilize more resources for women’s groups, particularly in rural areas.

14. It should be noted that country programmes produced mixed results in relation to the AU Campaign to end child marriage and need greater support from traditional leaders who, at this meeting, expressed their willingness to support the programmes of the African Union and States Parties for the protection of the rights of women and children.

- Participation in the promotion mission to Mauritius, 13 to 17 August 2019

15. I led a delegation of the ACHPR to conduct a promotion mission to Mauritius from 13 to 17 August 2019. The delegation also comprised Honourable Commissioner Essaiem Hatem, Commissioner in charge of the human rights situation in the Republic of Mauritius, and Chairperson of the Committee for the Prevention of Torture in Africa, and Honourable Commissioner Rémy Ngoy Lumbu, Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa.

16. The objective of the mission was to assess the general human rights situation in the country. We met with the different State and non-State actors involved in human rights promotion and protection in Mauritius. Discussions with the various stakeholders made it possible to identify the progress made as well as persistent challenges to be addressed.
17. A detailed report including the relevant recommendations will be presented to the Commission for adoption at a later date.

IV. Collaboration with the Office of the UN High Commissioner for Human Rights


19. This Cooperation Agreement is the outcome of talks held on the margins of the 32nd Ordinary Session of the Assembly of Heads of State and Government in Addis-Ababa on 11 February 2019 with the UN High Commissioner for Human Rights focusing on the expectations, challenges and perspectives of our two institutions. Items discussed were based on the evaluation of the Addis Ababa Road Map, considered at the 55th Ordinary Session of the Commission held from 28 April to 12 May 2014 in Luanda (Angola).

20. Its objective is to strengthen cooperation ties between ACHPR and OHCHR in areas of common interest, in particular, the promotion and protection of human rights in Africa through the overall implementation of the ACHPR’s mandate enshrined in the African Charter. Specific areas of cooperation include:

- Exchanging views and good practices in areas such as human rights norms and standards, international and regional human rights jurisprudence, and the practice of international and regional bodies;
- Promoting collaboration in thematic and geographic areas of common interest, as well as institutional human rights capacity building;
- Supporting joint actions between international human rights bodies and the ACHPR, including thematic research and contribution in the development of international and regional jurisprudence, standards and guidance, as well as follow-up on the recommendations emanating from these bodies;
• Drawing on the expertise of ACHPR Commissioners for commissions of inquiry and fact-finding missions set up by UN bodies, as well as for commissions of inquiry and fact-finding missions set up by the African Union; and
• Engaging jointly with the African Union Peace and Security Council, and the UN Security Council, General Assembly and Human Rights Council on country-specific or thematic issues of mutual concern, with the aim of contributing to early warning and prevention.

21. I welcomed the adoption and signing of this protocol, which strengthens the Addis Ababa Road Map of 2012 at a time when the continental body is facing major challenges that affect its work and effectiveness. I also welcomed the excellent collaboration between the ACHPR and OHCHR, while emphasizing the opportunity afforded by the African Human Rights Decade (2017-2026) and its future Action Plan for the rapid operationalization of the Cooperation Agreement, with the assistance and financial support of the African Union, States, RECs and all other actors involved in the promotion and protection of human rights on the continent.

22. On the margins of this event, I had a briefing session, at my request, with the Group of African Ambassadors in Geneva on the situation of human rights on the continent as well as working sessions with various UN special procedures mandate holders, including the Special Rapporteur on the human rights of internally displaced persons, the Special Rapporteur on the rights of indigenous peoples, the Working Group on enforced disappearances, and the Special Rapporteur on violence against women, its causes and consequences. I also had a working session with the Head of the Africa Branch and the Head of the Treaties Branch.

➢ **Participation in the 3rd AU-UN Human Rights Dialogue, Banjul (The Gambia), 15-16 October 2019**

23. I took part in the AU-UN Human Rights Dialogue attended by the OHCHR Africa Bureau, country representatives, the AU Department of Political Affairs, members of the PSC, human rights observers deployed in peace missions in certain countries, as well as members of the ACHPR, the African Court and the African Committee of Experts on the Rights and Welfare of the Child.
24. Discussions focused on the outcome of the joint work plan between the parties as well as the challenges faced by observers on the ground and the level of support from OHCHR offices.

25. OHCHR was commended for its wide-ranging support to the African Union, in terms of capacity building for observers, and with regard to the AGA and the development of the 10-year Human Rights Plan currently being validated.

26. New initiatives between OHCHR, the Court and the Commission were analysed with a view to identifying the best possible approaches for the operationalization of MOUs signed between stakeholders, as part of this forthcoming 10-year action plan.

27. Thus, the need for greater internal coordination between the organs, the DPA and the PSC was unanimously recommended, in particular, through the establishment of a committee whose tasks will be determined at a later date. The purpose is to further enhance the responsiveness of the Organs, promote information sharing and ensure that all stakeholders have access to the same information with regard to available and adapted solutions.

28. On the margins of the Dialogue, the Commissioner for Political Affairs and her staff, the chairpersons of human rights bodies and human rights observers held a meeting to discuss how to make better use of the work of observers on the ground. The conclusions and recommendations of human rights observers to organs entrusted with the mandate to provide urgent and appropriate responses were noted.

V. Collaboration with NHRIs

➢ Participation in the Inaugural ceremony of the Training Programme “Human Rights University”, Abidjan (Côte d’Ivoire), 25 to 27 June 2019

29. At the invitation of the National Human Rights Council of Côte d’Ivoire, I took part in the inaugural ceremony of the Second Session of the Training Programme referred to as the “Human Rights University” organized for human rights stakeholders, journalists, magistrates and students.

30. I was invited to present the African Commission, its mandate, accomplishments, challenges and prospects. I met with the highest authorities of the country including His Excellency the Prime Minister, the Honourable Minister of Foreign Affairs, the Secretary of State for Human Rights at the
Ministry of Justice, and the Special Representative of the African Union. Our discussions focused on the human rights situation in the country and measures taken by the State to enhance the role and capacities of the NHRC so as to enable it to carry out its mandate effectively.

- **Participation in the African NHRIs Human Rights Exchange Forum held on the margins of the 65th Ordinary Session of the ACHPR, Banjul (The Gambia), 19-20 October 2019**

31. I took part in the African NHRIs Human Rights Exchange Forum organized prior to the 65th Ordinary Session of the Commission, during which I had the privilege of delivering a keynote address at the opening ceremony.

32. The main objective of the Forum was to assess the status of implementation of the decisions of regional human rights bodies, evaluate the progress made, identify the difficulties encountered and the necessary prerequisites to improve the roles of the various stakeholders in the implementation of these decisions.

- **Exchange and advocacy visit to the National Human Rights Council of the Kingdom of Morocco, Rabat, 19 to 24 September 2019**

33. At the invitation of the National Human Rights Council, I was accompanied by Commissioner Lumbu, the Head of the FIDH Liaison Office to the African Union and the Centre for Democracy and Human Rights Studies, to take part in an exchange and networking visit. The main objective of the visit was to initiate advocacy actions targeting certain key institutions with a human rights mandate and which have signed operational partnership agreements with the NHRC, for the ratification by the Kingdom of Morocco of the African Charter on Human and Peoples’ Rights and its additional Protocols, in particular the Maputo Protocol.

34. It should be noted that the NHRC is the primary body under the 2011 Constitution, in charge of promoting and protecting human rights in the country. In addition, it has an advisory role and issues an opinion on all matters relating to the reform and adoption of laws, as well as the ratification of regional and international conventions and treaties. In this regard, it is the responsibility of the Council to organize and facilitate at the national level, the actions included in the AU Campaign on the ratification of conventions and
treaties by Member States, which is a continuous, ongoing and active campaign.

35. We thus had fruitful discussions on the importance for Morocco to ratify the Charter so as to complete its accession to the Constitutive Act of the AU, in the interest of both the Moroccan populations and those of the 54 other States Parties.

36. Institutions met include the House of Councillors (Senate), the House of Representatives (National Assembly), the Economic, Social and Environmental Council, the Inter-ministerial Delegation for Human Rights, the High Authority for Audiovisual Communication, the Commission on the Protection of Personal Data and the Competition Council. We also took part in the opening ceremony of the first General Assembly Session of regional human rights commissions in the Kingdom and visited the Tangier Regional Human Rights Commission to familiarize ourselves with its activities with regard to the protection of the rights of African migrants.

37. Our advocacy actions had a positive impact on stakeholders met, who expressed their commitment to upholding and defending human rights. Our visit also allowed us to realize the continuous exchanges between the various institutions we met and their counterparts in several African countries on good practices and programmes developed by Morocco. These include human rights training for NGOs and NHRI's which could use the expertise of Commissioners, exchanges between personal data protection bodies, and especially the training of Ulemas from West African countries to ensure that they have a common understanding and expert knowledge of the principles and practices of a moderate and tolerant Islam.

VI. Collaboration with NGOs

➢ Participation at the 34th GIMAC, Niamey (Niger), 29-30 June 2019

38. I took part in the 34th GIMAC organized from 29 to 30 June 2019 in Niamey (Niger) on the theme “GIMAC’s Strategic Engagement with the AU, RECs and Partners on the AU theme of the year, towards Gender-Responsive Durable Solutions to Forced Displacement”. At this meeting, women’s NGOs and networks discussed the AU theme of the year in relation to refugee and internally displaced women, with a particular focus on the challenges faced by women and girls, their concerns, needs and priorities, which States and
technical partners should take into consideration when developing their related programmes, policies and budget forecasts.

39. Several topics were discussed by African women’s networks and NGOs meeting in Niamey with the participation of women from Niger as well. All of the discussions were guided by the realities, needs and priorities of displaced, refugee and migrant women and girls. Relevant recommendations were adopted on forced marriage, sexual and reproductive health, economic empowerment of women, political representation of women, etc.

40. Several project managers from countries in conflict situations or at risk of terrorism shared their experiences, which laid bare the vulnerabilities of women and the need to enhance efforts aimed at relieving the plight of the growing number of refugee and displaced children and women who are living in extreme poverty due to lack of resources and solutions tailored to their specific conditions.

- Participation in the African Defenders Convention, Zanzibar (Tanzania), 12-14 June 2019

41. Honourable Commissioner Rémy Ngoy Lumbu and myself participated in the African Defenders Conference organized from 12 to 14 June 2019 in Zanzibar (Tanzania). I took part in the panel discussion on ways and means of strengthening civil society engagement with the African human rights system.

42. In-depth discussions were held on issues related to the key factors jeopardizing the work or independence of the ACHPR, on how Human Rights Defenders (HRDs) can contribute to enhancing the effectiveness of the ACHPR and how to foster close collaboration between the ACHPR and HRDs.

43. At the end of the Convention, awards were given to prominent human rights defenders from the 5 sub-regions of the African continent for their contribution to the promotion of human rights in their respective sub-regions and on the continent. I was presented with the Africa Award in recognition of my contribution to the promotion and protection of human rights on the continent.

- Participation in the NGO Forum at the 65th Ordinary Session of the ACHPR and the 39th African Human Rights Book Fair
44. At the invitation of the African Centre for Democracy and Human Rights Studies, I participated in the Forum on the participation of NGOs in the 65th Ordinary Session of the ACHPR and the 39th African Human Rights Book Fair. On this occasion, I delivered a keynote address at the opening ceremony of the Forum. I encouraged the Executive Committee of the NGO Forum to continue its interaction with NGOs in Portuguese-speaking countries and North Africa, with a view to ensuring a better understanding of the continent’s human rights challenges.