INTER-SESSION ACTIVITY REPORT

(NOVEMBER 2018 – APRIL 2019)

OF

COMMISSIONER SOLOMON AYELE DERSSO

AS

A MEMBER OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS;

THE CHAIRPERSON OF THE WORKING GROUP ON EX extractive Indus- tries, Environment and Human Rights Violations in Africa;

THE CHAIRPERSON OF THE ADVISORY COMMITTEE ON BUDGETARY AND STAFF MATTERS;

THE FOCAL POINT FOR THE STUDY ON TRANSITIONAL JUSTICE IN AFRICA;

THE FOCAL POINT FOR THE STUDY ON HUMAN RIGHTS IN CONFLICT SITUATIONS IN AFRICA;

A MEMBER OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AF-
RICA;

A MEMBER OF THE WORKING GROUP ON COMMUNICATIONS;

AND

A MEMBER OF THE WORKING GROUP ON SPECIFIC ISSUES RELATED TO THE WORK OF THE AFRICAN COMMISSION

PRESENTED TO THE 64TH ORDINARY SESSION OF THE AFRICAN COM-
MISSION ON HUMAN AND PEOPLES’ RIGHTS
Sharm el Sheikh, Arab Republic of Egypt
24 April – 14 May 2019
INTRODUCTION

This Report is presented in accordance with Rules 23.3 and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in accordance with its resolutions ACHPR/Res 148 (XLVI) 09, ACHPR/Res 236 (LIII)13, ACHPR/Res 271 (LV) 14. It covers the activities that I have undertaken since the last activity report.

The report, which is presented in seven parts, covers activities carried out in the period between the 63rd Ordinary Session held in October/November 2018, and this 64th Ordinary Session, as follows:

- Part 1- Activities undertaken as a Member of the Commission;
- Part 2 - Activities under the mandate of the Working Group on Extractive Industries, Environment and Human Rights;
- Part 3 – Activities undertaken as Chairperson of the Working Group on Staff and Budgetary matters;
- Part 4 - Update on the Study on Transitional Justice in Africa;
- Part 5 – Update on the Study on Human Rights in Conflict Situations;
- Part 6 – Activities undertaken as Country Rapporteur; and
- Part 7 – Conclusion.

Part 1 ACTIVITIES UNDERTAKEN AS A MEMBER OF THE COMMISSION

15 January to 11 February 2019, Addis Ababa, Ethiopia 32nd AU Summit:

As part of the Commission’s delegation, I attended the sessions of the 32nd AU summit held in Addis Ababa, Ethiopia from 15 January to 11 February 2019. The meetings of the African Union (AU) Policy Organs in which we participated are as follows:

- The 37th Ordinary Session of the Permanent Representative Committee (PRC) – 15 to 16 January 2019;
- The 34th Ordinary Session of the Executive Council – 07 to 08 February 2019; and
- The 32nd Ordinary Session of the Assembly of Heads of State and Government – 10 to 11 February 2019.

During the PRC Session, I represented the Commission in the joint meeting of the PRC Sub-committee on budget and the experts of the F15 that considered and deliberated on proposals on the proposals on the emoluments of AU organs with human rights mandates.
On the sidelines of the Executive Council session, I met with the Ministers of Foreign Affairs of Kenya and Tanzania, and presented them with hard copies of the Note Verbales of the Commission renewing the request of the Commission for undertaking Promotion Missions to the two countries.

On the sidelines of the Summit, as part of a delegation led by the Commission’s Chairperson, I took part in discussions with the United Nations High Commissioner for Human Rights (OHCHR), Ms. Michelle Bachelet. The matters discussed include the work of the Commission, its achievements and challenges, collaboration and cooperation between the OHCHR and the Commission through the Addis Ababa Roadmap, preserving the independence of the Commission, among others. I also engaged representatives of State Parties for which I am responsible, on the possibility of undertaking Promotion Missions during 2019.

2.19 February - 05 March 2019, 25th Extra-Ordinary Session of the Commission in Banjul, The Gambia:

I participated in the 25th Extra-Ordinary Session of the Commission, which was held in line with Rule 27 of the Commission’s Rules of Procedure. During this Session I participated, amongst others, in the consideration of Communications; the Working Modalities of the Commission; Ethics training presented by the African Union (AU) Commission Chief of Ethics; consideration of the reports of various meetings held; and review of the Commission’s Work Plan for 2019.

Part 2 ACTIVITIES UNDER THE MANDATE OF THE WORKING GROUP

3. Following the launch of the Guidelines and Principles on State Reporting on Extractive Industries, Human Rights and the Environment and the first WGEI Newsletter during the Commission’s 63rd Ordinary Session, steps have been taken to disseminate the Guidelines, through distributing physical copies and the electronic versions to relevant stakeholders.

4. During the launching of the Annual Human Rights Yearbook on the sidelines of the AU Summit at which I delivered a statement representing the publications committee, I used the opportunity to officially unveil the Guidelines and Principles. This allowed not only the popularization of the Guidelines and Principles but also its distribution together with the WGEI Newsletter to Representatives of AU Member States and others present. Apart from the electronic copies that have been distributed on the Twitter handle of the Commission and through my own handle, I also
had the print copies of the Guidelines shared with various stakeholders present at the Summit.

5. During this inter-session, progress was also made in terms of the **Background Study on Extractive Industries, the Environment and Human Rights in Africa**, which was mandated to the WGEI under Resolution 148, the revised draft of which was presented and discussed during the Joint meeting of the WGEI with the Working Group on Economic, Social and Cultural Rights. I wish to acknowledge the support from the Centre for Human Rights of the University of Pretoria, in the preparation of the draft Study.

6. **Joint Meeting of the WGEI and the Working Group on Economic, Social and Cultural Rights**

A Joint meeting of the WGEI and the Working Group on Economic, Social and Cultural Rights (ECOSOC) was convened in Banjul, The Gambia on 17 and 18 February 2019, in order to discuss their joint mandates, among other matters. The meeting was attended by Members of the Commission, expert members of the Working Groups and the consultants who prepared the draft documents. The participants considered the draft **Study on Illicit Financial Flows**, mandated to the two working groups under the Commission’s Resolution 236 and made comments for its improvement.

The Working Groups also discussed on the way forward in relation to the **Study on Climate Change and Human Rights**, mandated by Resolution 342, discussed other potential areas of collaboration between the two Working Groups, and shared best practices on working methodologies. The Working Groups adopted a call for expression of interest to serve as the Secretariat for the **Climate Change Study**, which was thereafter published on the website of the Commission. I wish to draw the attention of all interested stakeholders to this call, which closes on 15 May 2019.

7. The WGEI held a closed meeting on 18 February 2019 during which updates were provided on the work of the WGEI as well as activities undertaken since the last internal meeting of the WGEI. An evaluation report of the work of the WGEI in 2018 was presented and the draft Work Plan for 2019, prepared in line with the uniform planning tool of the African Union was discussed and refined.

the Binding Instrument, given the vulnerability of the African continent to the ad-
verse effect of the activities of multinational corporations on human and peoples’
rights, as well as the accountability gap in holding corporations accountable.

9. Within its mandate related to the right to a general satisfactory environment, as
guaranteed under Article 24 of the African Charter, the Working Group is seized of
the human rights implications of climate change. Among the multiple consequences
of climate change is the increase in extreme weather events. The cyclones Idai and
Kenneth which ravaged the east coast of Africa within just more than a month of
each other, demonstrate the devastating consequences of such increases in extreme
weather events, in particular in the African context, where States are less resilient
and able to respond to and recover from such events.

10. The two cyclones affected Mozambique, Tanzania, Comoros, Zimbabwe and Ma-
lawi, resulting in flooding, thousands of deaths, displacement and destruction of
homes and other property, and caused the closure of schools and offices, as well as
the risk of large-scale cholera outbreaks due to challenges in providing safe drinking
water. Women and girls who have been displaced and are staying in camps are at
heightened risk of gender based violence and exploitation of vulnerability.

11. In this regard, I call on the AU and the Southern African Development Community
(SADC) to work with the international community in providing immediate emerg-
ency relief to the areas affected by the cyclones, and together with the concerned
States, to mobilize resources for the reconstruction of the infrastructure in the af-
fected areas. In addition, I call on all State Parties to the African Charter to ensure
that contingency plans and emergency measures are put in place to increase the
level of preparedness for an increase in extreme weather events and unstable
weather patterns as the consequences of climate change intensify. Finally I call on
the State Parties affected by the cyclones to ensure that the human and peoples’
rights of affected persons and communities are protected, and that they are not sub-
mitted to further violations as a result of the cyclones, and that women in particular
are not submitted to sexual abuse and manipulation on account of their vulnerabil-
ity.

Part 3 ACTIVITIES UNDERTAKEN AS THE CHAIRPERSON OF THE ADVISORY
COMMITTEE ON BUDGETERY AND STAFF MATTERS

12. On 21 February 2019 I chaired a meeting of the Committee on Budgetary and Staff
Matters on the margins of the 25th Extra-Ordinary Session in Banjul, The Gambia, in
which we discussed on the status of implementation of the 2018 budget, the budgets
for 2019 and 2020, along with a number of administrative issues related to the functioning of the Secretariat as well as administrative allowances for Commissioners.

Part 4 UPDATE ON THE COMMISSION’S STUDY ON TRANSITIONAL JUSTICE IN AFRICA

13. The Study on Transitional Justice in Africa (TJ Study) mandated by the Commission’s Resolution 235 on Transitional Justice in Africa ACHPR/Res.235 (LIII) 2013, and adopted during the 24th Extra-Ordinary Session of the Commission, was launched during this 64th Ordinary Session. The launch took the form of a panel discussion, which highlighted the contents and relevance of the TJ Study, and was followed by a formal launch to bring it to the attention of State Parties and other stakeholders. I wish to urge all stakeholders to make use of this Study, which is the Commission’s authoritative statement on TJ and offers a comprehensive and systematic approach to TJ in Africa.

14. A side event was also held with the support of the Centre for the Study of Violence and Reconciliation, which served as the Secretariat for this Study, to discuss in more detail the main findings and conclusions of the TJ Study, its implications for the African Commission and other stakeholders, as well as the interrelation between the work of the Commission on TJ and the African Union Transitional Justice Policy.

15. On 25 March 2019 I took part and made a presentation in a panel discussion during the Symposium commemorating the 1994 Genocide against the Tutsi in Rwanda. The event was organised by the Embassy of the Republic of Rwanda, in collaboration with the African Union Commission, the Government of the Federal Democratic Republic of Ethiopia and the Institute of Peace and Security Studies.

Part 5 UPDATE ON THE COMMISSION’S STUDY ON “HUMAN RIGHTS IN CONFLICT SITUATIONS IN AFRICA”


17. In my capacity as focal point for Conflict and Human Rights, I issued a press release on the International Day against the Use of Child Soldiers, which inter alia calls on States to recommit to the African Union Vision 2020 of Silencing the Guns by 2020, and to ratify and implement the African Youth Charter, which imposes obligations on States to strengthen the capacity of the youth and their organizations in peace building, conflict prevention and resolutions; condemn armed conflict and prevent
the participation in whichever form and recruitment of young people in armed conflicts.

18. On 5 February 2019 I briefed the Peace Support Operations Division of the African Union on the work of the African Commission and how this can help inform and contribute to compliance in the context of AU peace support operations.

**Part 6 ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR**

19. During the 32nd AU Summit I reiterated the request to the Republic of Kenya and the United Republic of Tanzania to authorize Promotional Missions by the Commission to their respective States. The Commission looks forward to positive responses in this regard.

20. On 4 April 2019 I issued a press release in relation to recent incidents of xenophobic attacks in South Africa, targeting especially people from other African countries in which I urged political parties, politicians, community leaders and individuals to restrain from statements that fuel division and incite violence against non-nationals, and called on the Government of South Africa to fully respect and ensure respect by all members of society of the human rights and freedoms of non-nationals living in South Africa and to ensure that the xenophobic attacks are duly investigated.

21. In my capacity as Country Rapporteur of South Sudan, I sent a letter of concern regarding incidents of rape in South Sudan. On 13 December 2018, I had an interactive meeting with the three-member UN Commission on South Sudan. The exchanges focused on the UN Commission’s ongoing work on human rights violations and the African Commission’s current engagement on human rights issues in South Sudan. An understanding was reached for the exchange of information on engagements and activities on human rights in South Sudan.

22. I also take this opportunity to reiterate the call to the Kingdom of Morocco to facilitate the implementation of Executive Council Decision EX.CL/Dec. 689(XX) of the AU, adopted at its 20th Ordinary Session in January 2015, mandating the Commission to conduct a mission to the territory referred to by the United Nations as Western Sahara and the AU as the Saharawi Arab Democratic Republic.

**Part 8 - OBSERVATIONS AND CONCLUSIONS**

23. In relation to the UN Legally Binding Instrument on Transnational Corporations, I reiterate the commitment of the WGEI to providing support for the elaboration of a
Common African Position to ensure that African States can engage in the negotiati-
ing in a concerted manner reflective of the perspectives and interests of African peo-
ple. In this regard we will count on the support of the Member States of the African
Union, and in particular the collaboration of South Africa, as the co-sponsor for the
Binding Instrument.

24. The launch of the TJ Study during this Session is the culmination of many years of
hard work and dedication by a large group of people. I would like to commend the
Commission for achieving this milestone and to thank my colleagues for their in-
valuable inputs. I in particular wish to acknowledge with appreciation the unwa-
vering support of the Centre for the Study of Violence and Reconciliation (CSVR),
which served as the secretariat for this Study, as well as the members of the Advi-
sory Panel, the legal officers at the ACHPR Secretariat particularly Abiola Idowu-
Ojo and Elsabé Boshoff, everyone who took part in the regional consultations and
experts’ reviews, as well as all the other people who contributed to this Study in one
form or another. I wish to also express my gratitude towards CSVR for its continued
support in relation to my other thematic responsibility, namely the Study on human
rights in conflict situations.

25. I wish to again draw the attention of State Parties who are currently in the process
of preparing their State Reports for the next reporting cycle to be guided by the
Guidelines and Principles on State Reporting on Extractive Industries, Human
Rights and the Environment in this process and provide the Commission with the
information requested therein. I also call on NHRI{s and civil society organizations
to make use of the Guidelines and Principles in all their engagements on issues re-
lating to human rights in the extractive industries.

I thank you!