INTER-SESSION ACTIVITY REPORT OF
HONOURABLE COMMISSIONER MUDFORD ZACHARIAH MWANDENGA

AS

A member of the African Commission on Human and Peoples’ Rights;

The Chairperson of the Working Group on Economic, Social and Cultural Rights;

AND

The Vice-Chairperson of the Working Group on Extractive Industries, Environment and

Human Rights Violations

Presented at the 67th Ordinary Session of the African Commission on

Human and Peoples’ Rights

Held Virtually from 13 November – 03 December 2020
INTRODUCTION

1. This report is prepared in accordance with Rules 25(3) and 64 of the Rules of Procedure 2020 (RoP 2020) of the African Commission on Human and Peoples’ Rights (the Commission).

2. I present this report in my capacities as a member of the Commission, the Chairperson of the Working Group on Economic, Social and Cultural Rights and the Vice-Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations.

3. The Report covers activities carried out during the inter-session period between July and October 2020 and is structured in four parts as follows:
   (a) Part I – Activities undertaken in my capacity as a member of the Commission;
   (b) Part II – Activities undertaken in my capacity as the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
   (c) Part III – Activities undertaken in my capacity as the Vice-Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations; and
   (d) Part IV – Conclusion and Recommendations.

PART I – ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A MEMBER OF THE COMMISSION

Participation in the 28th Extraordinary Session of the Commission

4. Following my election as member of the Commission by the Executive Council, through its decision Dec/1225(XXXVI) of 10th February 2020, I participated in the 28th Extraordinary Session of the Commission held virtually from 29th June to 1st July 2020. Newly elected Commissioners including myself made their Solemn Declaration and were inducted on the working methods of the Commission. The activities of the said Session are highlighted in the Final Communiqué which is accessible on the website of the Commission at: https://www.achpr.org/sessions/info?id=325.

Participation in the 66th Ordinary Session of the Commission

5. I participated in the 66th Ordinary Session of the Commission held virtually from 13th July to 7th August 2020. During the Session, the Commission discussed urgent human rights issues on the Continent, considered Communications and adopted decisions on fifteen (15) Communications and other documents. The Final
Commutiqué of the 66th Extraordinary Session is available at: https://www.achpr.org/sessions/info?id=335

Participation in the 29th Extraordinary Session of the Commission

6. The Commission held its 29th Extraordinary Session virtually on 2nd, 3rd and 5th October 2020. It discussed urgent outstanding issues relating to Communications and adopted decisions on the practical implementation of the RoPs 2020. The Final Communiqué of the 29th Extraordinary Session is available at: https://www.achpr.org/sessions/info?id=336

PART II – ACTIVITIES UNDERTAKEN IN MY CAPACITY AS THE CHAIRPERSON OF THE WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Virtual introductory meeting of the members of the Working Group on Economic, Social and Cultural Rights

7. Following the appointment of the Chairperson, Vice Chairperson and Members of the Working Group on Economic, Social and Cultural Rights in Africa (the Working Group) at the 66th Ordinary Session of the Commission, the Working Group held a virtual introductory meeting for its members on 20th October 2020. The objective was for members to be formally introduced to each other, to be inducted on the mandate and working methods of the Working Group, role and responsibilities of members and to be briefed on ongoing and upcoming activities of the Working Group to which their participation/contribution is expected.

Letters of Appeal

8. On 12th August 2020, I sent a Joint Letter of Appeal to the Republic of Kenya (Kenya) together with the Commissioner Rapporteur on the Human Rights Situations in Kenya and the Chairperson of the Working Group on Indigenous Populations/Communities regarding evictions of vulnerable groups in the country. In the letter, we urged the Government of Kenya to cease all evictions in line with its moratorium on evictions during the COVID-19 pandemic; ensure that the Kenya Forest Service respects the rights of minorities and indigenous populations, including their rights to live in and use the forest resources on which they rely for their livelihoods and their continued existence as a people; ensure that the human and peoples’ rights of all people in Kenya are upheld during the COVID-19 pandemic, including basic rights to life, dignity, shelter, access to justice and bodily integrity; ensure that any dispassion of land or property undertaken for public interest purposes complies with the requirements of Article 21(2) of the African Charter including provision of measures for restoration of property and to full, effective and adequate compensation not only for the socio-economic impacts of the interference but also to adverse social impacts as elaborated in
paragraph 25 of the African Commission’s State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter; and inform the African Commission of the steps it has taken or intends to take in fulfilment of its obligations in respect of the protection of the rights of the persons who have been evicted.

Letters of Concern

9. I also sent a Joint Letter of Concern to the Federal Democratic Republic of Ethiopia (Ethiopia) on 20 October 2020 in my capacities as Chairperson of the Working Group and Country Rapporteur on the Human Rights Situation in Ethiopia, together with the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa regarding the plight of Ethiopian domestic workers stranded in Lebanon and Saudi Arabia. In the letter, we urged the Government of Ethiopia to organize Government-sponsored repatriation flights, given the domestic workers’ economic vulnerability, in order to guarantee their safe return; and take measures to ensure the domestic workers’ smooth socio-economic integration upon their return.

10. We are yet to receive any responses from the States Parties concerned.

PART III – ACTIVITIES UNDERTAKEN IN MY CAPACITY AS THE VICE-CHAIRPERSON OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS

11. On 25 September 2020, I participated in an induction meeting convened for the new Members of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa (WGEI). The objective was formally introduce new members to each other, to understand the working methods of the WGEI and to engage on the WGEI Strategic Priorities and Work Plan for the remaining of 2020 and a new two-year work plan for 2021 to 2022.

PART IV – CONCLUSION AND RECOMMENDATIONS

Conclusion

12. While I acknowledge with satisfaction the decrease in the numbers of COVID-19 cases in Africa, its socio-economic consequences are nonetheless very visible and likely to be long term in addition to an already and overall weakness of socio-economic welfare, especially for vulnerable groups. Businesses, especially SMEs are experiencing difficulties to resume normally, with the progressive relaxation on restrictions; students' right to education is compromised; healthcare systems are in urgent need of reforms and some communities still lack access to water and
this is critical. Economic, social and cultural rights in general are in dire need of persistent advocacy and action as they are mostly neglected and often categorised as non-justiciable.

13. As I take over from former Chairperson of the Working Group Hon. Jamesina E. L. King, I wish to thank her for her tremendous contribution to advancing economic, social and cultural rights in Africa and I pledge to continue to build on the good work that she has started.

Recommendations

14. In light of the aforementioned, I wish to make the following recommendations to the various stakeholders:

**State Parties:**

(a) Take legislative and other measures for the full realization of economic, social and cultural rights in the African Charter in accordance with the Principles and Guidelines on Economic Social and Cultural Rights, the Guidelines on the Right to Water in Africa and other regional and international human rights norms at all times including periods of a public health crisis;

(b) Support businesses especially SMEs to resume activities as the ease of restrictions in gradually coming to effect;

(c) Reform healthcare systems;

(d) Ensure access to education for all;

(e) Ensure that all communities have access to water;


**Civil Society Organisations:**

(a) Continue to collaborate and support advocacy efforts at the national, sub-regional and continental levels to implement economic, social and cultural rights;

**Other partners:**

(a) Provide support to the Working Group to enable it to effectively implement its mandate.