Intersession Activity Report by the Honourable Commissioner

Marie Louise ABOMO

67th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

13 November – 03 December, 2020

Virtual Session
Introduction

1. This Report is presented on the occasion of the 67th Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission). It highlights my intersession activities which can be categorized as undertaken either in my general capacity as a Member of the Commission (I) or as a result of a specific mandate or responsibility entrusted to me by the Commission.

2. On this last point, a distinction can be made between my activities as Chair of the Working Groups on the Rights of Older Persons and People with Disabilities (II), and on Specific Issues Relating to the Work of the Commission (III), as a Member of the Working Groups on Communications and on Resolutions (IV), and as Country Rapporteur for the Democratic Republic of Congo (DRC), the Republic of Congo, the Republic of Burundi and the Union of the Comoros (V).

3. The said intersessional period runs from the 28th Extraordinary Session to the present Session.

4. It should be noted that due to the prevalence of the COVID-19 pandemic, all statutory and other activities are held virtually and not physically in accordance with the practice of the Commission and the nature of its activities.

I. Participation in the activities of the Commission in my general capacity as member

i. The 28th Extraordinary Session

5. I participated in the 28th Extraordinary Session of the Commission, held from 29 June to 1 July 2020, in Virtual Session, due to the COVID-19 pandemic.

6. During the said Session, and in accordance with Article 38 of the African Charter on Human and Peoples' Rights (Charter), and Rule 10 of the Rules of Procedure of the Commission, I made my solemn statement as Commissioner, Member of the Commission.

7. Full details of this activity are contained in the Final Communiqué that can be accessed on the Commission's website.

ii. The Forum on NGO Participation in the Regular Sessions of the Commission (NGO Forum)

8. From 9 to 10 July, 2020, the NGO Forum was held under the theme "The Impact of COVID-19 on Human Rights and Governance in Africa".
9. The main objective of the Forum is to foster closer collaboration between NGOs, the Commission and other African human rights mechanisms, with a view to promoting and protecting human rights in Africa. Emphasis has been placed on the respect of these Rights during the COVID-19 pandemic era.

10. I was able to follow the extremely instructive work of this activity and noted that this platform is a source of information on the state of human rights on the African continent. This convinced me of the need to avail myself as much as possible to take part in it.

   iii. The 66th Ordinary Session


12. During the proceedings of the said Session, I was assigned responsibilities, including those of Chair of the Working Groups on the Rights of the Older Persons and People with Disabilities, and on Specific Issues relating to the Work of the Commission.

13. Moreover, I have been designated Vice-Chair of the Working Group on Communications and Member of the Working Group on Resolutions.

14. In addition, I was mandated to act as Country Commissioner-Rapporteur for the Democratic Republic of Congo (DRC), the Republic of Congo, the Republic of Burundi and the Union of the Comoros.

15. Full details of this statutory meeting can be found in the Final Communiqué available on the Commission’s website.

   iv. Workshop on Transitional Justice and Human Rights in Africa scheduled for 30 September 2020

16. The workshop provided Commission Members with an opportunity to exchange on the content of the study on Transitional Justice (TJ) and the African Union Transitional Justice Policy (AU TJP), as well as on issues relating to TJ in Africa, in order to identify the different ways in which the Commission's mechanisms and tools can be used to address human rights concerns in the context of TJ.

17. The Commission was also able to reflect on other ways to implement the recommendations of the study on TJ, including the creation of a special mechanism
and cooperation with other international/regional human rights institutions and TJ mechanisms on TJ-related issues.

v. The 29th Extraordinary Session

18. The 29th Extraordinary Session of the Commission was held from 02 to 05 October 2020.

19. The proceedings focused on the applicability of the 2020 Rules of Procedure under certain circumstances and on Communications requiring guidance.

20. A final communiqué with details of the proceedings of this session is also available on the Commission's website.

vi. The Closing Session of the Commission's Civil Society Organizations (CSO) Side Events - 02 October 2020

21. The Human Rights Center of the University of Pretoria and the organizations Synergia-Initiatives for Human Rights, African Men for Sexual Health and Rights (AMSHeR) and Initiative for Strategic Litigation in Africa (ISLA) invited the newly elected Commissioners to the Closing Session of the Commission's CSO Side Events.

22. This session focused on the theme: « New Brooms? Introduction to the new Secretary and Commissioners. ”

23. During this Closing Session, the new Commissioners, including myself, were able to not only introduce themselves to the CSOs in attendance, but also to present the strategic and priority orientations of their mandates, both as Rapporteurs on the Human Rights situation in countries under their responsibility, and as Chair of the Commission's Working Groups.


25. Statements were made by H.E. Mr MOKGZEETSI E.K. MASISI, President of the Republic of Botswana, H.E. Mrs MINATA SAMATE CESSOUMA, African Union Commissioner for Political Affairs and personal representative of H.E. Mr. MOUSSA FAKI MAHAMAT, Chairperson of the AU Commission, Hon. SOLOMON AYELE
DERSSO and Hon. REMY NGOY LUMBU, respectively Chairperson and Vice-Chairperson of the ACHPR and Mrs. AYA CHEBBI, AU Youth Envoy, among others.

26. The interventions and interactions of these eminent personalities, including a sitting Head of State, demonstrate how much the issue of human rights is central to concerns at the highest level of African decision-makers. Efforts need to be made in synergy to ensure that this political will is translated into action in the various fields of implementation of the relevant rights.

27. For my part, I can say that my commitment at the level of the Commission for the promotion and protection of human rights was further strengthened at the end of this activity commemorating the entry into force of our fundamental and pivotal instrument for the African human rights protection system, the African Charter on Human and Peoples' Rights.

II. Activities carried out as Chair of the Working Group on the Rights of Older Persons and People with Disabilities in Africa

i. Virtual Commonwealth Elders’ Forum

28. In my capacity as Chair of the Working Group on the Rights of Older Persons and People with Disabilities in Africa, I participated in the Virtual Commonwealth Elders' Forum on Ageing and Ageism in the Commonwealth: The Way Forward Post-COVID, on 30 September 2020, as a prelude to the commemoration of the International Day of the Elderly (IDAY) on 1 October 2020, organized by the NGO Common Age, with about 250 participants.

29. Participants also included: Lord AHMAD, UK Minister for the Commonwealth; Baroness SCOTLAND, Secretary General of the Commonwealth; H.E. Winnie KIAP, Papua New Guinea High Commissioner; Andrew LARPENT, Chairman Common Age; Shem OCHOLA, Deputy Director General Commonwealth Foundation; Amal RAFEH, Chief of Programme on Ageing, Social Inclusion and Participation Branch, Division for Inclusive Social Department, Department of Economic and Social Affairs (DESA)/United Nations; Kiran KARNIK, Chairman HelpAge India; Isabella ABODERIN, Regional Chair for Africa International Association of Gerontology and Geriatricians.

30. The purpose of the meeting was to bring together key Commonwealth stakeholders to discuss how to rebuild more effectively from COVID-19 and to ensure a more inclusive and age-friendly Commonwealth. This included recognizing the impact of COVID-19 on the well-being and dignity of older people across the Commonwealth,
raising awareness of ageism, stigma and discrimination against older people in the response to COVID-19 and the need to foster intergenerational links across the Commonwealth, and reflect on how the organization will have to adapt to guarantee the respect of the rights of its citizens of all ages.

ii. Webinar on the 30th Anniversary of International Day for the Elderly (JIPA)

31. On 1 October 2020, I took part in the webinar organized by the NGO Committee on Ageing, in partnership with the United Nations Department of Economic and Social Affairs, on the occasion of the 30th anniversary of the commemoration of the International Day for the Elderly (JIPA) with about 350 participants.

32. Speeches were delivered by: H.E. Antonio GUTERES, SG of the United Nations, H.E. Maria DEL CARMEN SQUEFF, Ambassador and Permanent Representative of the Republic of Argentina to the United Nations (UN), H.E. Volkan BOZKIR, President of the UN General Assembly, the First Lady of the Republic of Chile, among others.

33. The aim of the meeting was to bring together the main stakeholders to address the health of the elderly, with a view to changing the way we think and act about ageing, creating international intergenerational solidarity and for States to involve the elderly in decision-making and actions taken for their benefit.

34. It was a reminder that no segment of the population can be safe unless the Elderly are safe; and to commend the work of the Nurses since the beginning of the COVID-19 pandemic, in this year dedicated to them.

35. The webinar also provided an opportunity to pay tribute to the personalities who have worked to support JIPA since December 14, 1990, after the UN General Assembly recognized JIPA on October 1. These include, but are not limited to, the following: Ambassador Julia ALVAREZ, Mr. Alexandre KALACHE, Ms. Charlotte NUSBERG, Mr. Alexandre SIDORENKO and Mr. Terry HOKENSTAD.

36. Ms. Elizabeth IRO, Chief Nurse at the World Health Organization (WHO) rightly recalled that 2020 marks the launch year of the Decade of Healthy Ageing.

37. For the WHO, Healthy Ageing is the process of developing and maintaining the functional capacities that enhance the well-being of older people. Functional capacity means having the abilities to be and do what a person can assess, including being able to move around, maintain relationships, meet basic needs, learn, make decisions and contribute to them.
38. During the Webinar, the 2020 Report on World Population Aging was presented. It highlights that mortality from COVID-19 follows age patterns similar to overall mortality with significant differences across countries. The main determinant of mortality and morbidity from COVID-19 is the extent to which countries have been able to control the spread of the disease.

39. The main findings generally indicate that: older people in developed countries live more independently; older people in developing countries live with at least one child or larger family member; and older women are more likely to live alone, are poorer than older men, and care more for their grandchildren.

40. The following key recommendations emerged from the webinar: advocacy for universal health coverage with legal frameworks and sustainable financing mechanisms for long-term care; building a strong evidence base that effectively accounts for healthy ageing; advocacy for sustainable health equity to ensure that every individual, every older adult has the opportunity to live a healthier and more productive life; supporting developing countries in their efforts to promote healthy ageing.

iii. Drafting and publication of the Working Group's Declaration on the occasion of the JIPA

41. Finally, in my capacity as Chair of the Working Group on the Rights of Older Persons and People with Disabilities, I coordinated the drafting of the said Working Group’s Declaration on the occasion of the JIPA, celebrated on 1 October of each year. It is premised on the commitments made by African States towards the elderly, to ensure that this category of persons, otherwise known as the Older Person, the Wise, the Memory of Life, sees the issue of its health among the priorities for improving the health system in Africa. It calls for greater generational solidarity, so that by taking care of today's older people through the development of an adequate and sustainable legal and social framework to protect them now, we can be sure that today's less elderly, tomorrow's elderly, can in turn benefit from this protection.

The Declaration is available on the Commission's website.

It should be remembered that this Declaration reflects a practice by the Working Group and marks the Commission's modest contribution to the celebration of this very important Day pending the organization of activities commensurate with the symbolism of the Day. It is therefore the appropriate place to launch an appeal to all interested partners to work together to make this project a reality.
iv. Meeting to establish contact and integrate Members of the Working Group

42. Following my appointment as Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa, I was keen to organize a meeting in order to make official contact with the Expert Members of the said Working Group and to integrate the new Expert Members. It also provided an opportunity to discuss the future activities/projects of the Working Group.

43. Thus, this meeting, held on October 30, 2020, was attended by all the Expert Members and my colleague Commissioner Maya in her capacity as Vice-Chair of the Working Group. The 2021 draft Activity Plan of the Working Group, which is the main outcome of the very fruitful discussions of this meeting, augurs well for the future of this team.

44. I would like to reiterate my congratulations to the Expert Members for their appointment and I have no doubt, in view of their performance at this meeting, that the cause of the elderly and people with disabilities falls into the right hands within this Working Group, at least within the limits of our resources and the term of office that the Commission has kindly entrusted to us.

v. Collaboration with Members of the African Human Rights Network

45. In my capacity as Chair of the Working Group on Older Persons and People with Disabilities, I interacted with leaders of human rights organizations, laying the groundwork for fruitful collaboration in the future. I can mention the National Council for Human Rights of Morocco, the African Regional Office of the International Planned Parenthood Federation (IPPFARO) and the Consortium of Organizations of People with Disabilities in Africa, composed of the Pan African Network of People with Psychosocial Disabilities (PANPPD), the African Alliance for People with Disabilities (ADA), Inclusion Africa and Validity Foundation.

46. In addition, preliminary contacts are being made with the Special Procedures within the UN human rights system, which can be considered as counterparts to the Working Group that I have the honor to lead. The same is true for a number of other civil society organizations. I am certain that these future exchanges will lead to a formal synergy around the work we need to accomplish within the Commission with regard to the rights of older persons and people with disabilities.

III. Activities carried out as Chair of the Working Group on Specific Issues Relevant to the Work of the Commission (WGSI)

i. Pre-WGSI meeting
47. On 24 September 2020, a virtual meeting was held in preparation for the work of the WGSI, primarily intended to hand over the mandate of Chair of the Group to Honorable Commissioner Sylvie KAYITESSI and myself, and to brainstorm on the Strategic Planning Process of the Commission's work.

   ii. 1st Meeting on the Development of the Commission's Strategic Plan

48. On 28 September 2020, in a virtual session, I coordinated a meeting between the Members of the Working Group and the team of Experts selected for the development of the Commission's Strategic Plan 2021-2023.

49. The agenda items focused on the process for the development of the strategy as agreed by the ACHPR, the methodology proposed by the consultants and the next steps and deadlines.

50. The ACHPR Strategic Plan 2021-2025 will be reviewed and adopted by the Commission during this Ordinary Session.

   iii. 2nd Meeting on the Development of the Commission's Strategic Plan

51. In a virtual session held on 31 October 2020, I chaired the second meeting on the development of the Commission's Strategic Plan 2021-2023.

52. At this meeting, Members of the Working Group made their observations, comments, corrections and contributions to the draft Strategic Plan prepared by the above-mentioned Experts.

53. As I have already indicated in this report, the said draft Strategic Plan will be effectively discussed in plenary during the private deliberations of the Commission.

54. I congratulate the Experts and my fellow Commissioners Members of the Working Group for the quality of their work. I have no doubt that this very strategic document will propel the Commission to new heights thereby paving the way for it to work more effectively for the promotion of human rights in Africa.

IV. Activities carried out as Vice-Chair of the Working Group on Communications

55. I took part in the meeting held on 21 August 2020 at which certain Communications pending before the Commission were examined.
V. Activities carried out as Member of the Working Group on Resolutions

56. I participated in the meeting held on 17 August, 2020, at which the Resolutions pending before the Commission were adopted.

VI. Activities carried out as Country Rapporteur

57. As you may know, I am Commissioner-Rapporteur for the following States Parties: Democratic Republic of Congo (DRC), the Republic of Congo, the Republic of Burundi and the Union of the Comoros.

58. I therefore monitor the human rights situation in these countries and inform, as appropriate, the Commission on any action to be taken as required.

59. With regard to the DRC, a courtesy presentation in the form of a letter was made to Mrs. Grâce BEYA, Adviser in charge of Human Rights and International Organizations, of the National Security Council at the Office of the President of the Republic, and Mr. Andréa LITE ASEBEA, Minister for Human Rights.

60. On 27 July 2020, I co-signed, with the Honorable Commissioner NDIAME GAYE, President of the Working Group on the Death Penalty, Extrajudicial, Summary and Arbitrary Executions and Enforced Disappearances in Africa, a Press Release entitled “Joint Press Release on the Alleged Massacre of Two Hundred and Twenty Civilians by the Ngumino and Twigwaheno Coalition in the Village of Kipupu, Itombwe Sector, Mwenga Territory, South Kivu Province, Eastern Democratic Republic of Congo».

61. The Communiqué expressed our deep concern over these allegations of violation of the right to life, a fundamental right enshrined in Article 4 of the Charter, which is the basis for all other human rights.

62. We strongly urged and encouraged the Government of the DRC to: conduct independent, exhaustive and effective investigations into the alleged facts, and to arrest, prosecute and punish all perpetrators identified by such investigations, in accordance with the law and the obligations of the Democratic Republic of Congo under the Charter and other relevant regional and international instruments; take all necessary measures and in accordance with the obligations arising from the Charter and other human rights protection instruments to which the country is a party, to protect the population from acts such as those alleged, provide the necessary guarantees to prevent them, and ensure, where appropriate, that the victims obtain adequate reparations for the violations found.
63. I also took part in the Joint Urgent Appeal procedure of 30 September 2020 on the situation in the Central Prison of Buina, DRC, with the Honourable Commissioner MARIA TERESA MANUELA, Special Rapporteur on Prisons, Conditions of Detention and Police Action in Africa.

64. Finally, I would like to announce that the Working Group on the Rights of Older Persons and People with Disabilities is closely following the work of the Congolese National Assembly, which has deemed admissible the bill authorizing the ratification of the Protocol to the African Charter on the Rights of People with Disabilities.

65. With regard to the human rights situation in the Republic of Burundi, and particularly the issue of the rights of the elderly, I would like to congratulate and encourage the national authorities, particularly the Ministry of Health and the AIDS Control for its first Report on the Health Situation of the Elderly, presented on 26 August 2020 during the Awareness and Advocacy Workshop on Chronic Non-Communicable Diseases and their Risk Factors.

66. I urge them to take into account the main findings of the said Report which indicate that "more than 80% of the elderly in Burundi do not have access to health services including dental care facilities", within the framework of actions to be carried out.

67. In this regard, I warmly welcome the moral and material assistance of the First Lady of Burundi, in favor of the elderly in specialized centers, on the occasion of the International Day of the Elderly, on 1 October 2020.

68. With regard to the Union of the Comoros, I commend the efforts of the national authorities in the fight against the COVI-19 pandemic, particularly the establishment of a weekly inter-ministerial council to monitor and give the necessary guidance for the management of the pandemic in the country, and all the social distancing measures taken. I note, however, that this State Party has not produced its national report on the human rights situation.

69. Finally, with regard to the Republic of Congo, the Working Group on the Rights of Older Persons and People with Disabilities is closely following the work of the tenth ordinary budgetary session of the Congolese Parliament, which opened on 15 October and during which the draft ratification of the Protocol to the African Charter on the Rights of Persons with Disabilities will be examined.

Conclusion

70. I would like to conclude my very first inter-sessional report with three messages.
71. First, I would like to pay a heartfelt tribute to all my predecessors who have assumed the roles and responsibilities that are now incumbent upon me within the Commission. Indeed, I have witnessed the immense and uplifting but no less challenging work that they accomplished during their terms of office. I am therefore pleased to applaud their efforts and wish them all the best in their future activities. I have a thoughtful and respectful regard for the former Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities, the Honorable Yeung Kam John Yeung Sik Yuen and for my colleague the Honorable Zainabo Sylvie Kayitesi who chaired the Working Group on Specific Issues.

72. Secondly, I wish to urge Member States of the African Union and parties to the Charter, to ratify the two Protocols on Older People and Persons with Disabilities. Indeed, as you may have noted, we have not yet obtained the necessary ratifications for the entry into force of these two texts, which are extremely important in guaranteeing the rights and protection of the elderly and the disabled. This is very worrying given the challenges and other violations faced by these two vulnerable groups, especially in a context in which the COVID-19 pandemic is so prevalent. It is therefore a solemn and heartfelt appeal to the sons and sons of our continent to intensify efforts to obtain the said ratifications.

73. Finally, I must sincerely thank all the people, entities and structures that, in one way or another, have helped to ensure that my first steps as Commissioner are not as shaky as they could have been. This is why, without mentioning them by name, I urge them to pursue this support. I also appeal for the expression of any other possible support with a view to contributing to the missions that are the responsibility of the Commission, in general, and more specifically my responsibility.

74. I would like to seize this opportunity to urge the States for which I am Country Rapporteur to provide us with the possibility to reflect, together with the official representatives that they will designate for that purpose, on the possibilities of collaboration in discharging the Commission's mandates, by adapting the practical modalities to the context of the Coronavirus pandemic, pending the organization of promotional missions, as soon as possible, to discuss issues relating to human rights as exercised by them.

75. Thank you for your kind attention.