INTER-SESSION ACTIVITY REPORT

OF

HONOURABLE COMMISSIONER JAMESINA ESSIE L. KING

AS

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

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

The Chairperson of the Committee on Resolutions;

A member of the Working Group on Indigenous Populations/Communities in Africa;

AND

A member of the Working Group on Extractive Industries, the Environment and Human Rights Violations;

Presented to the 63rd Ordinary Session of the African Commission on Human and Peoples’ Rights

Banjul, The Gambia
24th October to 13 November 2018
INTRODUCTION

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).

I present this report in my capacities as a member of the Commission; as Country Rapporteur, as the Chairperson of the Working Group on Economic Social and Cultural Rights in Africa, as the Chairperson of the Committee on Resolutions, as a member of the Working Group on Extractive Industries, the Environment and Human Rights Violations and as a member of the Working Group on Indigenous Populations/Communities in Africa.

The Report covers activities carried out during the intersession period between May 2018 and October 2018 and is structured in four parts as follows:

- Part I – Activities undertaken in my capacity as a Member of the Commission;
- Part II – Activities undertaken in my capacity as Country Rapporteur
- Part III – Activities undertaken in my capacity as Chairperson of the Working Group on Economic Social and Cultural Rights in Africa
- Part IV – Activities undertaken in my capacity as a member of the Working Group on Indigenous Populations/Communities in Africa and member of the Working Group on Extractive Industries, the Environment and Human Rights Violations.

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

- 4 – 5 June 2018, Nairobi, Kenya – Participation in the Joint Retreat between the Permanent Representative Committee (PRC) and the African Commission on Human and Peoples’ Rights (ACHPR).
1. I participated in the Joint Retreat between the Permanent Representative Committee (PRC) and the Commission held from 4 to 5 June 2018 in Nairobi, Kenya.

2. The joint retreat was aimed at resolving various concerns about the relationship between the Commission, the Policy Organs and Member States, and to find modalities for enhanced coordination and collaboration.


3. Together with the Bureau of the Commission, I attended the African Union Summit and related meetings held in Nouakchott, Mauritania from 25 June to 2 July 2018. I am grateful to be given the opportunity to attend the Summit for the first time as the experience gave me an insight to the working methods and procedures of the African Union.

   ➢ 16 to 20 July 2018– Promotion Mission to the Republic of Guinea Bissau

4. At the invitation of the Government, the Commission undertook a Promotion Mission to the Republic of Guinea Bissau from 16 to 20 July 2018.


6. The terms of reference for this mission included among others, to promote the African Charter and all other regional and international human rights instruments which the country has ratified; strengthen relations between the Commission and the Republic of Guinea Bissau, engage with relevant stakeholders, exchange views on ways and means of enhancing the enjoyment of human rights in the country and seek information on human rights issues of particular concern to the Commission.
7. The preliminary findings of the mission were presented to the authorities and at a press conference held at the end of the mission in Bissau, the Republic of Guinea Bissau on 20 July 2018. A press release on the preliminary findings is available on:


- 29 July 2018 – Training on International Humanitarian Law

8. I participated in a one-day training on international humanitarian law organized by the International Committee of the Red Cross in Banjul, The Gambia.

- 30 July – 8 August 2018 - Participation at the 24th Extraordinary Session of the Commission, Banjul, the Gambia

9. In accordance with Rule 27 of its Rules of Procedure, the Commission held its 24th Extraordinary Session from 30 July to 8 August 2018 in Banjul, The Gambia. I participated in the activities of the said Session as highlighted in the Final Communiqué which is accessible on the website of the Commission at:

http://www.achpr.org/sessions/24th-eos/info/communique-24eos/


10. I participated in the Meeting of the Joint Working Group on Publications as well as the 7th Annual Joint Meeting of the Commission and AfCHPR from 9-10 August 2018 in Banjul, The Gambia.


11. I participated in the Tripartite Workshop on the Joint Monitoring Compliance Framework for the Commission, AfCHPR and the ACERWC. This workshop is part of activities implemented under the PANAF, Technical Assistance (TA) Project of the Commission.

13. At the end of the Workshop, the participants agreed on many important points for developing the Joint Monitoring Framework (JMF).


14. I attended the Regional Seminar on Implementation of the Commission’s Decisions held in Zanzibar, Tanzania from 4 to 6 September 2018 during which very lively discussions ensued among participants who were representative from State Parties, National Human Rights Institutions and Non-Governmental Organizations from the Southern and Eastern Regions.

15. As Chairperson of the Resolutions Committee I wish to recall that the Commission adopted an internal document entitled “Procedures for the Adoption of Resolution” at the Commission’s 62nd Ordinary Session. This document provides the procedures for the proposal, consideration and adoption of thematic, country specific as well as administrative resolutions.


16. On 25-29 September 2018 I attended a Judicial Training on “The Role of Judicial Officers in Implementing the Maputo Protocol and promoting Women’s Rights in Africa”. This training which was held in Kampala Uganda was organized by Equality Now, Solidarity for African Women’s Rights and the Judiciary of Uganda. At this meeting a case digest on the Maputo Protocol entitled “Breathing Life into the Maputo Protocol: Jurisprudence on the Rights of Women in Africa” was launched and I made a statement at the launching. This case digest compiled by Equality Now is not only an important resource for legal practitioners, magistrates, judges and advocates for the rights of women and girls across Africa but it also highlights the role of the judiciary in implementing the Protocol.
II. ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A COUNTRY RAPPORTEUR


17. In my capacity as Commissioner Rapporteur for The Republic of the Gambia, I issued a Press Release on 20 June 2018 following clashes between the police and unarmed protestors at Faraba Banta, Banjul which left two protestors dead and many others injured.

18. The Press Release expressed the Commission’s concern over allegations of police violence and reminded the government of its obligations under the African Charter on Human & Peoples’ Rights (the African Charter). The press release is available in its full version on:


➢ 7 August 2018- Press Release on Post-election Developments in the Republic of Zimbabwe

19. In my capacity as Commissioner Rapporteur for the Republic of Zimbabwe, I issued a Press Release on 7 August 2018 following post-election violence and allegations of excessive use of force against protestors by the Military which reportedly left six protestors dead and many others injured.

20. The Press Release expressed the Commission’s concern with the occurrence of post-election violence and the allegations of excessive use of force against protestors by the military as well as reports of alleged crackdown and overnight raids on the opposition MDC Alliance Party members by the Zimbabwe Republic Police (ZRP). The Press Release also reminded the government of its obligations under the African Charter. The Press Release is available in its full version on:


➢ Notable Developments in Selected Countries

State of Eritrea
21. The government of the State of Eritrea has been involved in peace and reconciliation efforts with the Republic of Ethiopia. On 9 July 2018, both governments signed an agreement to end the state of war, restore diplomatic relations, reopen embassies in Addis Ababa and Asmara, and resume flights between the two countries.

22. We welcome these positive developments and hope that the efforts will lead to an improved environment for the enjoyment of human rights by the people of the State of Eritrea.

**The Republic of the Gambia**


**Republic of Zimbabwe**

24. As Commissioner Rapporteur for Zimbabwe, I note with satisfaction the peaceful elections held in Zimbabwe on 30 July 2018 leading to the election of President Emmerson Mnangagwa. The Commission will urge President Mnangagwa to remain faithful to his promises to the people of Zimbabwe to develop the economy, deepen democracy and respect and protect human rights.

25. I wish to reiterate my call to the Government of Zimbabwe to conduct thorough, prompt and impartial investigations into the post-election violence; and institute reforms in the electoral process to avoid recurrence of violence in future elections.
III. ACTIVITIES UNDERTAKEN IN MY CAPACITY AS CHAIRPERSON OF THE WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN AFRICA

25 August 2018, Pretoria, South Africa – Participation in a preliminary expert consultation meeting to review the draft Study on Illicit Financial Flows and Human Rights in Africa

26. On 25 July 2018, I attended a preliminary expert consultation meeting which was convened, to review and provide expert feedback and comments on the Draft Study on Illicit Financial Flows in Africa.

27. The study had been prepared by the Human Rights Development Initiative in collaboration with the Centre for Human Rights. The consultation was attended by selected Members of the Working Group on Extractive Industries, and the Working Group on Economic, Social and Cultural Rights, as well as independent experts in finance, tax and human rights.

28. It is my expectation that resources will be available to facilitate a meeting of the entire membership of both Working Groups to review and validate this Study.

Development of a Protocol to the African Charter on the Rights of Citizens to Social Protection and Social Security

29. Regarding the ongoing development of the Protocol to the African Charter on the Rights of Citizens to Social Protection and Social Security as reported in my previous Intersession Report, the Third Version of the Draft Protocol was presented to the Commission during the 24th EOS on 3rd August 2018.

30. The Experts working on the Protocol are now incorporating the comments and inputs made by the Honorable Commissioners. It is planned that an updated Draft Protocol will be ready for consideration by the Commission during this Session. It remains our expectation that this process would be finalized by late 2018 so that the Draft Protocol can
be submitted to the treaty-making process of the African Union as soon as possible due to the critical nature of this envisioned treaty.

31. I, therefore, take this opportunity to thank the lead experts Professor Marius Olivier a member of the Working Group on Economic, Social and Cultural Rights and Dr Tavengwa Nhongo, a member of the Working Group on Economic, Social and Cultural Rights for their commitment and dedication to the development of the Protocol.


32. Following the review and validation of the Working Group on Economic, Social and Cultural Rights at a meeting on 24 April 2018 in Nouakchott, Mauritania, as reported in my preceding Intersession Report, the Draft Guidelines on the Implementation of the Right to Water in Africa, were posted for comments and inputs from the public on the Commission’s Website.

33. This online consultation process ended on the 15th August 2018 and the Lead Expert Ms. Helene Ramos dos Santos is working on incorporating the comments and inputs made by the public. The Expert will be presenting this document to the Commission during this session. I wish to extend my gratitude to all who sent their feedback and comments in response to the online consultation.

- **15-19 October 2018, Rome, Italy- Participation of a Working Group member at the 45th Session of the Committee on World Food Security (CFS).**

34. Ms. Nadia Aït-Zaï represented the Working Group during the 45th Session of the CFS held from 15 to 19 October 2018 in Rome, Italy.

35. During the CFS session, a special session was dedicated to deliberate on guidelines on the Right to Food. This special session drew the participation of key actors in the Human Rights field.
36. During the Session, Ms. Nadia Aït Zaï together with Hilal Elver (UN Special Rapporteur on the Right to Food) and Soledad García Muñoz (Special Rapporteur on Economic, Social, Cultural and Environmental Rights at the Inter-American Court of Human Rights) authored an Op-Ed titled, ‘We cannot end hunger by 2030 without human rights’ which can be accessed on the following link:


37. I, therefore, take this opportunity to thank FIAN International for facilitating our participation at the CFS Session as well as thank Ms. Nadia Aït Zaï for dedicating her time to represent the Working Group.


38. I took part in a panel discussion on 23rd October 2018 on the impact of human rights of the privatization of public services in Africa during which we discussed private actors and their involvement in social services delivery particularly in education, health and water from a human rights perspective. We also discussed the role of the Commission in providing guidance to the state parties in this area. This event was organized by Initiative for Social and Economic Rights, Dullah Omar Institute.

➢ Developments related to economic, social and cultural rights in Africa

39. In May 2018, the Government of Sierra Leone announced the introduction of free education for both primary and secondary school age children. The free education which commenced in September 2018 is estimated to benefit more than 1.5 million school children. The Government also announced an increase from 11 percent to 20 percent of the education sector's annual budgetary allocation.
40. In a related development, the Government of Malawi in September 2018 abolished all fees in public secondary schools except boarding fees. The abolition of tuition fees became effective immediately after the announcement while the abolition of the other fees including fees for book revolving fund and general-purpose fund is effective January 2019.

41. On 24 October 2018, H.E. Mr. George Weah, President of the Republic of Liberia, made a declaration abolishing tuition fees for undergraduates in all public universities in Liberia during a visit to the University of Liberia, with the aim of increasing access to higher education by young people.

42. I, therefore, take the opportunity to commend the governments of Sierra Leone and Malawi for taking measures to improve the accessibility of the right to education for children in their respective countries.

43. I also recognize the President of Liberia’s commitment to increasing access to higher education by young people and look forward to its full operationalization soonest.

IV. ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A MEMBER OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, THE ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS AND AS A MEMBER OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES IN AFRICA.

44. As a member of the Working Group on Extractive Industries, the Environment and Human Rights Violations, I participated in a preliminary expert consultation meeting to review the initial draft of the Background Study on Extractive Industries, Human Rights and Environment on 24 July 2018 in Pretoria South Africa and an expert consultation on the same study on 1st and 2nd October 2018 in Addis Ababa Ethiopia..

V. CONCLUSION

46. In the spirit of the Africa Union theme for this year, “Winning the Fight against Corruption: A Sustainable Path to Africa’s Transformation”, I would like to remind states that corruption remains a huge challenge to the realization and enjoyment of human rights in general and economic, social and cultural rights in particular.

47. It is estimated that as a continent, we lose around $148 billion a year to the scourge of corruption. These resources if put to appropriate use would greatly contribute to the provision of essential programs and services necessary for the enjoyment of social, economic and cultural rights and help move Africa out of the cycle of poverty.

48. It has been recognized that secrecy in government affairs and lack of accountability fuels corruption. In order to curb this corruption, the African Union Convention on Preventing and Combating Corruption obliges State Parties to promote transparency and accountability in the management of public affairs and to promote social justice to ensure balanced socio-economic development. Likewise, the Commission’s Model Law on Access to Information calls on State Parties to pass legislation giving effect to the right to access information.

49. I, therefore, want to urge State Parties to demonstrate their commitment to the effective enjoyment of economic, social and cultural rights by taking measures to guarantee through legislation, policy, and pragmatic solutions, the right to access information. Ultimately, State Parties should create a culture of open governance where pertinent information including information dealing with public procurements and contracts is proactively disclosed to the people to enable them to hold their governments accountable.
Thank You!