

Chairperson of the African Commission on Human and Peoples' Rights - 730S

Oct 29, 2022

0. Introduction

This report is submitted in accordance with Article 16 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission) and covers activities carried out in my capacity as Chairperson of the ACHPR during the intersession period since the 71st Ordinary Session of the Commission held virtually from 21 April to 13 May 2022.

I. Coordination of the Commission's Activities and Supervision of the Secretariat's Work

1. In accordance with Rule 16 of the Commission's Rules of Procedure (2020), I coordinated the activities of the African Commission on Human and Peoples' Rights (the African Commission) for the promotion and protection of its members, in addition to supervising the work of the Secretariat during the period under review. To this effect, I provided all the necessary guidance, on a daily basis, seven days a week, and twenty-four hours a day for the smooth progress and expediency of issues at the Commission.

II. Participation in meetings of the deliberative organs of the African Union.

A. Participation in the 15th and 16th Extraordinary Sessions of the African Union

2. My colleague Commissioner Maria Teresa Manuela and I participated in the 15th and 16th Extraordinary Sessions of the African Union, held on 27 and 28 May 2022, respectively, in Malabo, Equatorial Guinea.

3. The 15th Extraordinary Session focused on the humanitarian cause and the pledging conference. It was especially intended to serve as a sounding board for the continent to assess the humanitarian situation, develop strategies to address root causes, and raise funds for Africa's humanitarian actions. The Session culminated in an Assembly Declaration on the Extraordinary Humanitarian Summit and the Donors' Conference.

4. The 16th Special Session was devoted to the issue of terrorism and unconstitutional changes of government. Its objective was to assess the persistent threats posed by terrorism, unconstitutional changes of government and the current response mechanisms, and to decide on specific actions and measures needed to strengthen peace and stability on the continent. The Session adopted a declaration on the theme "robust response, deepening democracy and collective security".

B. Participation in meetings of the legislative bodies of the African Union

5. I participated in the Meetings of the African Union (AU) Policy Organs by video-conference and in person. They were organized as follows:

- 44th Ordinary Session of the Permanent Representatives Committee (PRC): held virtually and in person in Addis Ababa, Ethiopia from 20 June to 8 July 2022.
- 41st Ordinary Session of the Executive Council: 14-15 July 2022 in Lusaka, Zambia;
- 4th Biannual Coordination Meeting between Member States, the AU and the Biannual Coordination Meeting (BCM): 17 July 2022 in Lusaka, Zambia.

6. I led the Commission's delegation composed of the following members: Honourable Commissioner Maya Sahli-Fadel (Vice-Chairperson); Honourable Commissioner Hatem Essaiem, Honourable Commissioner Mudford Zachariah Mwandenga and the Acting Secretary, Mrs. Lindiwe Khumalo. On all these occasions, the delegation was accompanied by members of the Secretariat staff namely Ms. Irène Désirée Mbengue, Martha Asante and Mar. Reginald Mere.

7. The 44th Ordinary Session of the PRC considered several items, including reports from the various PRC sub-committees, reports from the specialized technical committees and reports from other AU organs. It also examined the draft agenda of the 41st Ordinary Session of the Executive Council and the preparations for the 4th Meeting of the RCS/SCR between Member States, the AU, the Regional Economic Communities and the regional mechanisms.

8. The 41st Ordinary Session of the Executive Council was held under the theme of the year: "Strengthening Resilience in Nutrition and Food Security on the African Continent: Strengthening Agro-Food Systems, Health and Social Protection Systems for the Acceleration of Human, Social and Economic Capital Development" in Lusaka, Zambia from 14 to 15 July 2022. The meeting considered several items, including the report of the PRC and the various ministerial committees as well as progress reports on the implementation of the Executive Council decisions on the agenda. It also reviewed nominations for various posts as well as draft working documents and the declaration of the 4th Bi-annual Coordination Meeting between the AU, RECs and regional mechanisms. Several other decisions were also adopted.

9. The 4th biannual coordination meeting between Member States, the African Union, the RECs and regional mechanisms was held in Lusaka, Zambia, on 17 July 2022. The theme of the meeting was the AU's theme for the year 2022. The meeting considered, among other things, the progress report on the COVID-19 pandemic in Africa; the FTAA implementation report; the report on the status of regional integration in Africa; and the report on the division of labour between the AU, RECs/RMs, and member States.

-Participation in side events and activities during the Lusaka sessions

A. Signing of the Framework for Staff Exchange between the Commission, the African Committee of Experts on the Rights and Welfare of the Child (the Committee) and the African Court on Human and Peoples' Rights, 16 July 2022, Lusaka, Zambia.

10. On 16 July 2022, I signed, on behalf of the Commission, a Framework for Staff Exchange between the Commission, the Committee and the African Court, in Lusaka, Zambia. The signing ceremony was attended by policy and technical officials of the three organs, as well as the staff of the Commission's Secretariat and the Registry of the African Court.

11. This exchange framework is the outcome of discussions initiated during the joint retreat organized by the three organs from 26 to 28 January 2022 in Maputo, Mozambique, for the legal advisers of their respective secretariats to strengthen the complementary relationship between the organs.

12. The Staff Exchange Framework provides for staff members employed by the three Organs to be seconded from their regular employing institutions from time to time on temporary assignment or secondment to the other institution with a view to exchanging best practices and expertise in human rights promotion and protection.

III. Chaired the proceedings of the 72nd regular private session, held virtually from 19 July to 2 August 2022.

13. I presided over the proceedings of the 72nd Regular Private Session, held virtually from 19 July to 2 August 2022. The session focused on the consideration of communications, the concluding observations of the periodic reports of States, other reports and urgent matters arising from previous sessions, and the adoption of resolutions. The Final Communiqué of this session is available on the Commission's website.

IV. Information exchange session on the African human rights protection system, 9-10 August 2022, in Kinshasa, DRC.

14. I took part in a session organized by the National Human Rights Commission (CNDH) of the DRC, from 9 to 10 August 2022 in Kinshasa, the theme of which was the African human rights protection system with special focus on the Democratic Republic of Congo. The activity was organized to strengthen the capacities of members, executives and agents of the CNDH.

15. In my interventions, I specifically spoke about the African mechanisms for the promotion and protection of human rights, their organization and functioning. I also presented some jurisprudential cases of the Commission and those of the African Court in relation to the cases involving the DRC. In this respect, I urged the CNDH as an institution supporting democracy with the responsibility of promoting and protecting human rights, to collaborate with the different mechanisms in charge of human and people's rights and to get involved in the follow-up of the implementation of decisions taken against the DRC in the said cases.

V. Meeting between the Bureau and representatives of the Government of The Gambia, held virtually on 19 August 2022

16. Together with the Honourable Commissioner Maya Sahli-Fadel, Vice Chairperson of the Commission and Ms. Lindiwe Khumalo, Acting Executive Secretary, we held a meeting with the Government of The Gambia represented by the Legal Secretary of the Ministry of Justice, the Secretary General of the Ministry of Foreign Affairs and H.E. Ambassador Jainaba Jagne, Permanent Representative of the Republic of The Gambia to the African Union.

17. The meeting was primarily convened to request the Government of The Gambia to reconsider its position regarding the organization of the 73rd Session of the Commission. After fruitful exchanges, the Government delegates promised to submit the Commission's grievances to the relevant authorities. We would like to seize this opportunity to thank the high authorities of The Gambia for the measures taken to ensure that the Session is held in person.

VI. Participation in the experience sharing session between the Peace and Security Council (PSC) and the African Governance Platform, 11 August 2022

18. I participated in the experience sharing meeting between the Peace and Security Council (PSC) and the African Governance Platform (AGP) held virtually on 11 August 2022, under the chairmanship of H.E. Ambassador Jainaba Jagne, Permanent Representative of the Republic of the Gambia to the African Union and Chairperson of the Peace and Security Council for the month of August 2022. One of the objectives of the meeting was to share the experiences of the Platform, with a view to strengthening coordination and synergy on issues of democratic governance, human rights, peace and security.

19. In my capacity as Chairperson of the AGP, I made a presentation on its origin, composition, mandate, objectives, achievements, challenges encountered so far as well as the flagship initiatives underway. The experience-sharing session enabled PSC and AGP members to discuss trends, challenges and prospects, with a view to identifying the way forward and new avenues for addressing the root causes of conflicts, creating synergies that can positively influence the dynamics of peace and security in Africa.

VII. Study Day on Standards and Practices for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 20 September 2022 in Rabat, Morocco

20. I attended the Study Day on Standards and Practices for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during Arrest, Interrogation and Police Custody held on 20 September 2022 in Rabat, Morocco. The Session was organized by the National Council for Human Rights (CNDH) and the General Directorate of National Security (DGSN), as part of the official launch of their cooperation program. The main objective of the session was to strengthen the capacities of the managers and executives of the different services of the DGSN.

21. The study day opened with the signing of the cooperation agreement between the two institutions followed by an interactive session on the prevention of torture and other cruel, inhuman or degrading treatment. On this occasion, I delivered a presentation on legal and judicial safeguards for the prevention of torture at the African level in which I highlighted the regional legal framework and judicial safeguards in the African human rights system for the

prevention and prohibition of torture and other inhuman or degrading treatment or punishment.

22. I further highlighted the body of case law developed by regional mechanisms for the promotion and protection of human rights, in this case the extensive precedents of the Commission under Article 5 of the African Charter on Human and Peoples' Rights.

VIII. Joint African Commission and Court Retreat on their complementarity, 10-14 October 2022, Addis Ababa, Ethiopia.

23. Together with the other members of the Commission, I participated in a joint retreat between the Commission and the African Court organized from 10 to 14 October 2022 in Addis Ababa, Ethiopia. The overall objective of the retreat was to enable the two institutions to work out practical solutions to effectively achieve the complementarity provided for in the Protocol to the African Charter establishing the African Court and the Rules of Procedure of both institutions.

24. The reason for organizing this retreat was that the complementarity relationship between the two organs within the framework of their protection mandates has not progressed satisfactorily, and this has adversely affected the protection of human rights on the continent.

25. The frank and fruitful exchanges between the Commissioners and the Judges, with the technical support of eminent jurists, made it possible to carefully examine the issue of complementarity, the roles of each organ, the root causes and the challenges that prevent the effective realization of the relationship of complementarity between the two organs. At the end of the retreat, a joint Roadmap on the complementarity relationship between the two institutions was adopted. It highlights cooperation between the two institutions in the areas related to the increased efficiency and effectiveness of procedures, the improved access to procedures, amicable settlement, the implementation of decisions, outreach and cooperation, and the implementation of the roadmap.

IX. Working dinner with the Organisation Internationale de la Francophonie, Addis Ababa, Ethiopia, 12/10/2022

26. Together with the Honorable Commissioners Marie Louise Abomo and Idrissa Sow, I attended a working dinner organized by the Representative of the Organisation Internationale de la Francophonie (OIF) to the African Union on 13 October 2022 in Addis Ababa, Ethiopia. Several other personalities were invited to this dinner, including the French-speaking Ambassadors stationed in Addis Ababa, the Representative of the International Federation of ACAT (FIACAT) to the African Union, the Head of Programs at the World Coalition Against the Death Penalty.

27. The discussions revolved around various multidimensional themes, including the promotion and defence of the French language in international fora such as the African Union and reinforcing the momentum against the abolition of the death penalty in Africa.

28. Regarding the death penalty, participants stressed the urgent need for African countries to strengthen actions in support of the adoption of the protocol to the African Charter on the abolition of the death penalty in Africa, despite structural obstacles such as religious and cultural references.

29. PRC members were also urged to initiate discussions at the level of the specialized technical committees to enable the long-stalled process to move forward.

X. NGO Forum Edition 2022, 17-18 October 2022, Banjul, The Gambia

30. I participated in the NGO Forum organized ahead of the 73rd Ordinary Session of the Commission. The theme of the Forum focused on the commemoration of 35 years of the Commission and governance in Africa.

31. Within the framework of this forum, I took part in the opening and closing ceremonies during which I delivered speeches on behalf of the Commission. I also moderated the panel on the issue of human rights and the prevalence of conflicts, crises, injustices and inequalities during which discussions focused on strategies and the multidimensional approach to be adopted to address them.

XI. Participation in the 5th Forum of National Human Rights Institutions, 18-19 October 2022 in Banjul, Gambia

32. I participated in the 5th Forum of National Human Rights Institutions organized ahead of the 73rd Ordinary Session of the Commission. The theme of the Forum was "Trade and Human Rights in the African Continental Free Trade Area (AfCFTA) Agreement: Inclusive Implementation of the AfCFTA with the Participation of Vulnerable Populations".

33. I took part in the opening ceremony of this forum, during which I delivered a speech on behalf of the Commission. I recalled the importance of the agreement in the realization of the rights guaranteed by the African Charter, particularly the right to freedom of movement and the right to employment. I further reiterated the relevance of a human rights-based implementation of the Agreement in order to prevent human rights violations in its application and to ensure that no one is left behind, in line with the 2030 Agenda and the 2063 Agenda.

XII. Publication of press releases

34. I issued press releases on various occasions, including the commemoration of the African Union Day celebrated on 9 September every year.

35. On this occasion, I invited the States Parties to the African Charter to continue to work for the realization of human rights in Africa by ratifying the various international and regional instruments for the promotion and protection of human rights and by complying with the principles and objectives enshrined therein.

XIII. Publication of the African Code of Human and Peoples' Rights

36. As part of the celebration of the 35th anniversary of the Commission, I coordinated, with the assistance of the Human Rights Centre of the University of Pretoria, the publication of a commemorative edition of the African Code of Human and Peoples' Rights.

37. I am grateful to Professor Frans Jacobus Viljoen and his team for their expertise and collaboration in making available to the African public, in a single volume, all the basic texts that contribute to the promotion and protection of human rights in the African human and peoples' rights system.