

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
<i>31 Bijilo Annex Layout, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 4410505 / 4410506; Fax: (220) 4410504 E-mail: au-banjul@africa-union.org; Web www.achpr.org</i>		

**TERMS OF REFERENCE FOR THE PROMOTION MISSION TO THE
REPUBLIC OF SOUTH AFRICA**

03 to 08 September 2018

I. Introduction

1. The African Commission on Human and Peoples' Rights (Commission) will undertake a promotion mission to the Republic of South Africa (South Africa) from 03 to 08 September 2018.
2. The mission will be undertaken within the framework of Article 45(1) of the African Charter on Human and Peoples' Rights (the African Charter), which mandates the Commission to promote human and peoples' rights including by undertaking studies, research and country visits to State Parties.
3. The country visit enables the Commission to review for itself the state of human and peoples' rights in States Parties and engage in dialogue directly with the relevant government bodies on current human rights issues of concern.
4. This will be the first promotion mission undertaken by the Commission to South Africa since the last such mission which took place in 2001.

II. Composition of the Delegation

1. The Commission's delegation will be composed of:
 - **Honourable Commissioner Solomon Ayele Dersso**, Commissioner Rapporteur on the human rights situation in the Republic of South Africa and Chairperson of the Working Group on Extractive Industries, Environment and Human Rights;
 - **Honourable Commissioner Lawrence Murugu Mute**, Vice-Chairperson of the African Commission and Special Rapporteur on Freedom of Expression and Access to Information in Africa; and
 - **Honourable Commissioner Rémy Ngoy Lumbu**, Special Rapporteur on Human Rights Defenders.
2. The delegation will be assisted by two (2) Legal Officers from the Secretariat of the Commission and one (1) Assistant.

III. TERMS OF REFERENCE

3. The overall objective of the promotion mission is to engage on the human rights situation of the people of South Africa with various stakeholders.
4. The Terms of Reference for the Promotion Mission are to:

- Promote the African Charter, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and other regional human rights legal instruments;
- Assess the level of enjoyment of civil and political rights, economic, social and cultural rights as well as collective rights of the people, as well as measures taken by the Government to implement human rights;
- Seek information on human rights issues of particular concern to the Commission, including the continued high levels of inequality and unemployment; access to land; transformation of the education system; access to health care and HIV/AIDS;
- Seek information and engage on the rights of women focusing on ways to address sexual, gender based and domestic violence;
- Engage with all affected stakeholder on existing and current challenges for human and peoples' rights in the extractive industries sector and ways of addressing them;
- Gather information and engage in dialogue with relevant agencies on the status and treatment of African migrants in South Africa;
- Gather information and exchange views with relevant agencies on freedom of expression and access to information;
- Gather information on the situation of human rights defenders and discuss the challenges that hamper the effective enjoyment of their human rights;
- Engage in discussion on the roles of the judiciary (in the protection and defence of human rights and issues facing it) the legislature and the independent oversight or protection bodies including Chapter 9 institutions;
- Visit prisons to assess the extent to which conditions of detention comply with regional and international standards, and hold discussions with prison administrative officials and other stakeholders on all issues relating to detention and on the work of the Commission on this theme;
- Raise awareness on the activities of the Commission in South Africa, especially among relevant Government departments, institutions and Civil Society Organizations (CSOs); and
- Follow up on the recommendations made in the Concluding Observations of the Combined State Report of South Africa adopted by the Commission during its 20th Extra-Ordinary Session in February 2016.

IV. List of Personalities, Institutions, and other Human Rights Stakeholders to be met by the Delegation

A. Executive

- i. President or Vice-President (courtesy visit, if feasible);
- ii. Minister of International Relations and Cooperation (first personality to be met and again at the end for debriefing);
- iii. Minister of Justice and Correctional Services;
- iv. Minister of Home Affairs;
- v. Minister of Women in the Presidency;
- vi. Minister of Mineral Resources;
- vii. Minister of Social Development;
- viii. Minister of Health;
- ix. Minister of Basic Education;
- x. Minister of Higher Education and Training;
- xi. Minister of Labour;
- xii. Minister of Small Business Development;
- xiii. Minister of Human Settlements;
- xiv. Minister of Rural Development and Land Reform;

B. Parliament

- xv. Speaker of the National Assembly;
- xvi. Representatives of main political parties in the National Assembly;

C. Judicial Authorities

- xvii. Chief Justice of the Constitutional Court;

D. National institutions

- xviii. South African Human Rights Commission;
- xix. Commission for Gender Equality;
- xx. The Information Regulator;
- xxi. Independent Communications Authority of South Africa;
- xxii. South African National AIDS Council;
- xxiii. Legal Aid South Africa;

E. AU bodies

- xxiv. NEPAD;

F. UN agencies

- xxv. Office of the UN High Commissioner for Human Rights;
- xxvi. UNAIDS Country Office;

G. CSOs

- xxvii. Human rights organisations and associations dealing with human rights;
- xxviii. Print and Digital Media South Africa;
- xxix. COSATU;

H. Visits

- xxx. Visit to Pollsmoor prison and meeting with the prison authorities;
- xxxi. Minerals Council South Africa;
- xxxii. Law students at Pretoria University;

I. Press Conference

xxxiii. The mission will end with a press conference during which the delegation will present its preliminary findings.