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**INTERSESSION REPORT**  
(May - October 2015)

**Presented at the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights**

**By**

**Honourable Commissioner Mohamed Bechir Khalfallah**  
*Vice-Chairperson of the Commission and Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa*

**Banjul, The Gambia, 4 to 18 November 2015**

## Introduction

1. This report is presented in accordance with Rule 72 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission), and it is divided into two parts.
2. Part 1 covers the activities undertaken in my capacity as Commissioner and Vice-Chairperson of the Commission. Part 2 covers the activities undertaken in my capacity as Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa. Some recommendations are made at the end of the report.

### **A. Activities undertaken in my capacity as Commissioner and Vice-Chairperson of the African Commission on Human and Peoples' Rights**

#### **➤ *Participation in meetings of African Union policy organs held in Pretoria and Johannesburg, South Africa, 7 to 15 June 2015***

3. Together with the Chairperson of the Commission, two other Commissioners and the Secretary, we participated in meetings of the African Union policy organs held during the 25<sup>th</sup> African Union Summit. The meetings attended include: the 30<sup>th</sup> Ordinary Session of the Permanent Representatives' Committee (PRC) held on 7 and 8 June 2015; the Ministerial Retreat of the Executive Council held on 9 and 10 June 2015; the 27<sup>th</sup> Ordinary Session of the Executive Council held on 11 and 12 June 2015; and the 25<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government held on 14 and 15 June 2015. The Chairperson presented the 38<sup>th</sup> Activity Report of the Commission during the ordinary sessions of the Permanent Representatives' Committee and the Executive Council.

- *Participation in the validation workshop on the establishment of a Pan African Institute for Human Rights, 20 to 22 July 2015, Nairobi, Kenya*
4. In my capacity as a member of the Commission, I attended the validation workshop on the establishment of a Pan African Institute for Human Rights organised by the Department of Political Affairs of the African Union Commission. The overall objective of the workshop was to discuss issues pertaining to the establishment and operationalisation of a Pan African Institute for Human Rights.
- *Participation in the meeting of the Bureaux of the African Commission and the African Court on Human and Peoples' Rights (the Court), 25 July 2015, Nairobi, Kenya*
5. In my capacity as Vice-Chairperson, I attended the 7<sup>th</sup> Joint Meeting of the Bureaux of the Commission and the Court held on 25 July 2015 in Nairobi, Kenya. The objectives of the meeting were to prepare the 4<sup>th</sup> Joint Annual Meeting of the Commission and the Court and to discuss the status of implementation of the decisions of the 3<sup>rd</sup> Joint Annual Meeting of the two institutions.
- *Participation in the 4<sup>th</sup> Annual Meeting of the Commission and the Court, 27 and 28 July 2015, Nairobi, Kenya*
6. I also participated in the 4<sup>th</sup> Annual Meeting of the Commission and the Court held on 27 and 28 July 2015 in Nairobi, Kenya.
7. During the meeting, Commissioners and Judges considered and adopted the minutes of the 3<sup>rd</sup> Annual Meeting. The two institutions continued discussions on their complementarity relationship, and also discussed preparations for the

commemoration of 2016 which has been declared African Year of Human Rights with Particular Focus on the Rights of Women.

8. The two institutions also discussed the status of the project to establish a Pan-African Institute for Human Rights, the joint publications project and the issue of transfer of cases.

➤ *Participation in the 18<sup>th</sup> Extraordinary Session of the Commission held from 29 July to 7 August 2015 in Nairobi, Kenya*

9. In the absence of the Chairperson of the Commission, who could not attend for reasons beyond her control, I chaired the 18<sup>th</sup> Extraordinary Session of the Commission held from 29 July to 7 August 2015 in Nairobi, Kenya. During the Session, the Commission considered Communications on seizure, admissibility and merits. The Commission also considered and adopted concluding observations on the periodic reports presented by States Parties during the 56<sup>th</sup> Ordinary Session of the Commission.

➤ *Promotion mission*

10. In my capacity as the Commissioner responsible for human rights promotion activities in the Islamic Republic of Mauritania, I was supposed to undertake a human rights promotion mission in Mauritania from 12 to 21 October 2015. However, for reasons beyond my control, the mission could not take place and has been postponed to a later date.

**B. Activities undertaken in my capacity as Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa**

- *Participation in the consultative meeting on the integration of the African Charter on Democracy, Elections and Governance into school curricula*

11. At the invitation of the Department of Political Affairs of the African Union Commission, I participated in a consultative meeting of experts of the ministries of education of African Union Member States on the integration of the African Charter on Democracy, Elections and Governance into school curricula. The meeting was held from 28 to 30 September 2015 in Abuja, Federal Republic of Nigeria. It was organized by the African Union Commission in partnership with the International Institute for Democracy and Electoral Assistance (International IDEA), the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the United Nations Educational, Scientific and Cultural Organisation (UNESCO).

12. The consultation was held as a result of the decision of the 25<sup>th</sup> AU Summit of June 2015 which validated the recommendations of the Dakar Summit on Higher Education calling for the integration of the values of democracy and good governance into school curricula and underscoring the importance of human capital in instituting the notion of citizenship.

13. Given that education is a powerful tool for the substantial transformation of African societies, participants made concrete proposals that will enable African students to be well versed in the African Charter on Democracy, Elections and Governance and to contribute to the building of a democratic society.

➤ *Translation of documents on economic, social and cultural rights in Africa*

14. As part of the implementation of the various activities contained in its 2015-2018 plan of action, in particular raising the awareness of all stakeholders about economic, social and cultural rights issues, the Working Group translated into Arabic the Pretoria Declaration on Economic, Social and Cultural Rights in Africa, as well as the State Party Reporting Guidelines for

Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (the Tunis Reporting Guidelines). The objective is to make these documents available and accessible to Arabic-speaking users.

### **Recommendations**

15. In the light of the activities undertaken, the findings made and the challenges faced, I would like to make the following recommendations:

#### **To States Parties to the African Charter:**

- Implement the necessary policies to ensure the enjoyment of the economic, social and cultural rights of their populations, in particular access to education, access to healthcare, the right to housing and the right to work;
- Implement economic, social and cultural rights using the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and People's Rights (Nairobi Principles and Guidelines);
- Take into account the State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (the Tunis Reporting Guidelines) when presenting periodic reports under Article 62 of the African Charter;
- Take the necessary measures to ratify ILO Convention 189 concerning decent work for domestic workers which came into force on 5 September 2013. It should be noted that South Africa is the only country on the continent to have ratified the Convention.

#### **To civil society stakeholders:**

- Continue to advocate for the ratification of ILO Convention 189 concerning decent work for domestic workers;

- Continue to work on the ground towards providing the Working Group with information on the situation of economic, social and cultural rights in Africa.

**To various partners:**

- Continue to provide support to the Working Group to enable the latter to carry out its mandate effectively.

I thank you for your kind attention.