


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

I present this report pursuant to Rules 23(3) and 72 of the present Rules of Procedure of the African Commission on Human and Peoples' Rights. This report sets out the activities undertaken by myself in my capacity as a member of the Commission and Special Rapporteur on the situation of Human Rights Defenders in Africa

The report covers the period between the 48th Ordinary Session held from 10 - 24 November 2010, in Banjul, The Gambia and the 49th Ordinary Session.

Activities carried out in my capacity as Member of the African Commission

From the 29 November to 1 December 2010 in Nairobi, Kenya

At the invitation of IPAS Africa Alliance, and in collaboration with Commissioner Soyata Maiga: the Special Rapporteur on the Rights of Women in Africa, I attended a 3 day retreat organized for Commissioners and the Secretariat of the African Commission on

Human and Peoples Rights. The theme of the retreat was “Abortion and Reducing Maternal Mortality in Africa-A Human Rights Approach”.

The objectives of the retreat were as follows:

1. To share with ACHPR Commissioners and staff information on the magnitude and consequences of women’s lack of access to comprehensive reproductive health services, including safe abortion services, and the impact of this on maternal mortality and morbidity in the Africa.
2. To examine shared understandings of how unsafe abortion and its consequences are tantamount to a violations of women’s human rights
3. To review individual countries’ status vis a vis the provisions of the Protocol to the African Charter on the Rights of Women in Africa, particularly with regard to Article 14 (2) (c), and

Find ways of monitoring African Member States’ compliance with the Protocol and the Maputo Plan of Action.

During the workshop we were trained on different topics such as: The Status of Abortion Laws in African Countries and their implications for Health; Impact of Evidence Based research for Policy; Unsafe abortion, what constitutes violations of women’s rights; Understanding and using tools effectively to protect women’s rights; Access to Safe Abortion in particular the Significance of the AU Protocol from Ratification to Implementation of the AU Protocol and also on holding Governments Accountable, review of abortion in UN human rights bodies, Monitoring

of State Compliance with the Protocol and Maputo Plan of Action, Member States' periodic reports to the African Commission and the mechanism of shadow reports, Working with AU Special Rapporteur on Women, advocacy Opportunities and Angles, possibilities of linking international human rights treaties (e.g., CEDAW, CCPR, CESCRC, CRC and CAT) with the Protocol and the work of Special Rapporteurs, and the African Court, The possibilities it provides. In the process we also heard testimonies from physicians who have treated complications and what they felt needs to be done.

From the 23 February to 3rd March 2011 in Banjul

I participated at the 9th Extraordinary Session of the African Commission on Human and Peoples' Rights.

II. ACTIVITIES AS SPECIAL RAPPORTEUR ON THE SITUATION OF HUMAN RIGHTS DEFENDERS IN AFRICA.

Collaboration with States Parties

From 1 to 7 February 2011, Promotion Mission in Cameroun

I participated in a joint promotion mission to the Republic of Cameroon within the frame work of my mandate as Special Rapporteur on the Situation of Human Rights Defenders in Africa.

The visit served as a follow up and evaluation of the implementation of recommendations made by the African Commission during the visit of

the Special Rapporteur on Human rights defenders in in 2006, and implementation of concluding observations made during the consideration of Cameroon's periodic report presented at the 47th Ordinary Session of the African Commission. I had discussions with competent Government authorities on the legal and administrative framework and measures put in place to guarantee freedom of association and manifestation and the level of implement the 1998 UN Declaration on Human right Defenders.

I had meetings with human rights defenders including journalists and members of Civil Society Organizations. Recommendations aimed at enhancing the rights of human rights defenders in Cameroon will be formulated in the mission report to be presented to the African Commission at its Session.

From 1 to 9 April 2011, joint country visit to the Democratic Republic of Congo

I participated in a joint promotion mission to the Democratic Republic of Congo (DRC) within the framework of my mandate as Special Rapporteur on the situation of Human Rights Defender.

The overall objective of the Mission was to promote the African Charter; exchange views; share experiences with the Government of the DRC, the major human rights stakeholders in the country and human right defenders on how to enhance the protection of Human Rights defenders

in the country. Particular emphasis was placed on the implementation of the 1998 UN Declaration on Human Rights defenders. On this point we were informed of a draft bill on the status on human rights defenders in the DRC. While commending the Government on this we hope to receive information in the very near future that this bill has been passed into Law. Pending this we intend to formulate recommendations in the mission report to be presented to the African Commission during its next sessions

B- Collaboration with civil society organizations and institutions and other partners involved in the protection of the rights of human rights defenders.

From 7 to 11 December 2011 in Warsaw, Poland

I attended the third “inter-mechanisms” meeting organized by the Observatory for the Protection of Human Rights Defenders and hosted by the Office for Democratic Institutions and Human Rights ODIHR. This meeting coincided with the international human rights defenders day on 10 December 2010. On this occasion, international and regional mechanisms and programs for the protection of human rights defenders within the United Nations, African Commission on Human and Peoples’ Rights, Council of Europe, European Union, Inter-American Commission on Human Rights, ODIHR, joined by the International Organization of the Francophonie shared their respective experiences, and identified best practices on ways to increase their efficiency. Action-oriented discussions focused on the treatment of individual cases

and their follow-up, preventive actions and emergency protection measures, information sharing on country visits and trial observations, as well as the publicity of their actions.

Participants also discussed the increasing involvement of non-state actors in the harassment and attacks against human rights defenders. Future cooperation with the newly-established United Nations Special Procedure on freedoms of association and assembly was also considered. These issues will be further discussed during the next inter-mechanisms meeting to be organized by the Observatory.

From 7 to 17 March 2011 in Geneva, Switzerland

At the invitation of International Service for Human Rights (ISHR), I attended the UN Human Rights Council Session during which the UN SR on Human rights defenders Ms Margaret Sekaggya submitted her annual country visit report. During the same Session, her mandate was renewed for a period of 3 years.

I also took part in a number of activities including the following:

- Working Session with the UN Special Rapporteur on human rights defenders in the course of which possible areas of cooperation between our mandates were discussed.
- Meeting with NGOs and group of women human rights;

- Parallel event organized by women human rights' defenders under the theme: Contesting violations against women human rights defenders and ensuring them protection;
- Meeting with the Mission of Norway to review the funding of our mandate and research on freedom of association;
- Working meeting with the International Service for Human Rights on the mandate and support areas of collaboration;
- Meeting with the AU Representative in Geneva and the Representative of High Commissioner on Human Rights;

From 11 to 14 April 2011 in Luanda, Republic of Angola

I attended the SADC Human Rights NGO workshop in preparation for the 49th Session of the African Commission on Human and Peoples' Rights. The objective of the workshop was to strengthen the African System of Human Rights in the SADC Region.

After reviewing the Human Rights situation participants discussed among others: SADC NGO experience in obtaining Observer Status, SADC NGO's engagement with the African System-the African Charter on Human and Peoples' Rights, African Commission, Key Human Right Treaties and their Mechanisms, the UN Protocol on People with Disability and litigating before the African Court and finally the role of NGOs and enforcement of decisions of the African Court.

I made three presentations on the following topics: The Mandate of the Special Rapporteur and its mechanism; Access to the African Court and The Relationship between the African Commission and the African Court.

In the first presentation, after giving an overview of the mandate as dictated by the resolution appointing me, I elaborated on the activities so far carried out and the challenges facing the mandate.

The presentation on Access to the African Court articulated on the direct access available to the African Commission and States parties as against the limited right of access available to individuals and NGOs subject to the provisions of Article 34(6) of the protocol creating the African court, a situation compounded by the paucity of ratifications of the Protocol and near absence of declarations made under Article 34(6) since only 5 States had entered such declaration. Participants were however informed of the possibility given to the African Commission in terms of the provisions of its present Rules of Procedure to refer matters to the court where massive and grave violations of human rights committed by any state had been brought to its attention and where the recommendations of the commission had not been executed within the stipulated time frame.

In the presentation on the Relationship between the African Commission and the African Court which I described as complementary and not hierarchical, I dwelled on the nature of the decisions of both “organs” and the challenges related to the execution of their decisions.

The grand finale of the workshop was a MOCK Communication which permitted participants to have an idea of the seizure and admissibility procedures for Communications.

Activities carried out during the 49th Ordinary Session of the African Commission

I participated in the NGO Forum on the participation of NGOs in the 49th Ordinary Session of the African Commission and the 23rd African Human Rights Book Fair held from 25-27 April 2011. In particular, I took part in the following events:

- 25 April 2011: I held an interactive discussion with human Right defenders Network in Africa in the course of which they made recommendations with respect to country visits; thematic issues to be prioritized; reprisals against HRD who engage with the African Commission; individual communications; working with other ACHPR SRs to mainstream HRDs concerns; communication with the Civil Society and working with national and international human rights mechanisms to reinforce protections for HRDs.
- **26 April 2011:** I participated in a panel discussion on “Uprisings in Northern Africa and challenges for Human Rights Defenders”;
- I also participated in the special interest group discussion on Human Rights Defenders in Africa.

- Engage dialogue with states on the effective implementation of the international and regional instruments on HRDs.
- Attend the inter-mechanism meeting
- With the support of partners, conduct research on the situation of Women Human Rights Defenders in Africa and effectively embark on the research on the Freedom of Association which had been held in suspense due to lack of funds.
- Organise workshops for the capacity building of Human rights defenders in Mauritania, Sierra Leone and Burundi.
- Finalize the newsletter of the Special Mechanism on human rights defenders in partnership with International Service for human rights.

Conclusion and recommendations

The situation of HRDs continues to be a serious cause for concern as we receive reports of cases of assassination, harassment, intimidation, violation of privacy of office and home, illegal detention, enforced disappearance abduction, ill-treatment in custody, and poor detention conditions that affect their health, attack and threats on members of their families.

Obstacles to the exercise of the right to freedom of movement, association and manifestation abound; From the refusal of entry visas to inordinate delays at ports of entry.

Women human Rights Defenders face particular challenges due to societal stereotypes. Not only do they face the other challenges faced by their male counterparts they are subjected to rape as means of discouraging them from pursuing their mission.

- Recommend HRD to develop Networks in other exchange notes on best practice and develop protective mechanisms.
- We noted the slow rate of implementation of the 1998 UN declaration on Human rights defenders, the Declaration of Grand Bay and Kigali Declaration which though not binding constitute soft law on the right to defend rights.
- We urge states to speed up the process of implementation of these instruments in order to provide a healthy environment for HRDs to perform their mission.
- We seize this opportunity to remind States of their responsibility in terms of the 1998 UN Declaration on Human Rights Defenders to continue to afford them the protection necessary for them to exercise their mission.
- Encourage more collaboration between State Parties in order to achieve the ultimate goal of assuring each and every one the rights enshrined in the African Charter and other human Rights instruments.

