

AFRICAN UNION		UNION AFRICAINE
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**INTER-SESSION REPORT JUNE 2010- NOVEMBER 2010**

**PRESENTED BY**

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**CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**CHAIRPERSON OF THE COMMITTEE ON THE PROTECTION OF PERSONS LIVING  
WITH HIV AND THOSE AT RISK OF INFECTION.**

**48th Ordinary Session  
10– 24 November 2010**

## INTRODUCTION

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In accordance with Article 72 of our Rules of Procedure, I present this report in my capacity as Chairperson of the Committee on the Protection of the rights of Persons Living with HIV and those at Risk of Infection (PLHIV), covering the promotional and protection activities undertaken during the Inter-Session period since the 47th Session of the African Commission on Human and Peoples' Rights (African Commission or ACHPR) held in Banjul, The Gambia, from 12<sup>th</sup> to 24th November 2010. The Mandate of the Committee is regulated by Resolution N° **CADHP/Res163(XLVII) of 26 May 2010**.

This report comprise of:

1. A Reminder of the mandate of the Committee
2. Activities undertaken
3. Draft Work Plan for the period of November 2010 to December 2011.

## **I. A REMINDER OF THE MANDATE OF THE COMMITTEE**

1. During the 47th Ordinary Session held in Banjul, The Gambia, the ACHPR adopted Resolution N° **CADHP/Res163(XLVII) of 26 May 2010** *for the creation of a Committee on the Protection of the Rights of Persons Living with HIV (PLHIV) and those at Risk of Infection*;
2. According to the Terms of Reference of the above-mentioned Resolution the mandate of this Committee is to:
  - a. Investigate, request, receive, analyse and act on information received from reliable sources, especially Individuals from Community Organizations, Non Government Organizations, Specialized Private Agencies, Parastatal Organizations and State Parties themselves on the situation of the rights of PLHIV and those at risk of Infection;
  - b. Conduct Fact-Finding Missions whenever necessary, to investigate, verify, conclude and make recommendations on allegations of human rights violations;
  - c. Question State Parties and non State partners matters relating to respect of their responsibilities of the rights of persons Living with HIV and those at Risk of Infection;
  - d. Question State Parties on their responsibilities of respecting, protecting and guaranteeing the rights of Persons living with HIV and those at risk;
  - e. Make recommendations on the modalities for the implementation of constructive and effective strategies for a more meaningful protection of Persons Living with HIV and those at risk of Infection;
  - f. Incorporate the gender equality dimension and pay special attention to persons belonging to vulnerable groups, especially women, children, sex workers, migrant workers, men having sex with men, intravenous drug users, prisoners; and
  - g. Prepare regular reports for the African Commission on Human and Peoples' Rights.
3. The Committee currently comprises of Vice-Chairman Mumba Mallila, my colleague Soyata Maiga and myself but it will soon be expanded to include more Experts.

4. During this Inter-Session; The Committee undertook several activities on its own initiatives or on behalf of potential partners with relevant experience in the arena of protection and promotion of Persons living with HIV.

## **II. ACTIVITES**

Comprise of the following:

- ✓ Nomination of Experts for the Committee
- ✓ Seminars and Meetings with Civil Society Organizations
- ✓ Organization of yearly Work Plan

### **A) Nomination of Experts for the Committee**

5. During the Inter-Session, we published a Vacancy Announcement for candidates to serve as Experts on the Committee. To date applications have been received and the selection process is on course.

### **B) Seminars and Meetings with Civil Society Organizations**

#### **B.1. Meetings**

6. On October 2 2010, in Pretoria, South Africa, the Committee temporarily comprising of Vice-President Mumba Mallila, Soyata Maiga and myself attended a Workshop organized by HRDI (Human Rights Development Initiative).
7. This Work Group brought Committee members together with Mr. ANAND GROVER, Special Rapporteur of the UN on the Right of Each Individual to the Highest Level of Physical and Mental Health, Representatives of the Human Rights Development Initiative (HRDI), South African Civil Society Representatives working in the arena of HIV/AIDS, and Representatives from UNAIDS.
8. The main objective of this workshop was to dialogue on the topic of human rights and HIV/AIDS and the modalities to enable the cooperation between the the various

mechanisms on the relevant strategies for the Committee to enforce Resolution N° ***CADHP/Res 163(XLVII) of 26 May 2010.***

9. During this workshop other topics were discussed such as :
  - a. **The opportunities and shortcomings of the mandate of the Committee ;**
  - b. **Support Structures and Mechanisms for the Committee;**
  - c. **Collaboration between the Special Rapporteur of the United Nations and the Committee;**
  - d. **Synergy of Action between Non-Governmental Organizations and the Committee**

## **B.2. Finalization-up Meeting**

10. At the end of the workshop the Committee members and other stakeholders agreed that cooperation between all parties present will benefit the HIV/AIDS situation and human rights in Africa. In this context, one of the many solutions suggested was for International, Regional and Committee Mechanisms to always act in tandem.
11. Another suggestion made was for the technical and human resources capacity building of the newly commissioned Committee.
12. Committee members also formulated a Meeting Plan in view of finalizing the Terms of References for an Action Plan for the Committee and formulation of Partnership agreements between the Committee and other Partners.
13. On the 6th of November 2010, at a workshop held in Banjul, The Gambia HRDI and Committee Members identified the kind of support required by the Committee (technical, equipment and financial support) .
14. On the 7<sup>th</sup> November 2010, we organized a Finalization Meeting with Representatives from the UNAIDS Bureau on implementation of the Action Plan. Other constructive suggestions on activities to be undertaken in the short, medium and long term were also identified. Therefore, A Workshop on..... will be held on the 4th and 5th December 2010 in Dakar, Senegal, at the suggestion of the UNAIDS Bureau.
15. In accordance with the Committee's commitment to actively include persons Living with HIV (PLHIV) and those at Risk, vulnerable or infected with the HIV virus, we

have recorded on this Table, activities that the Committee activities to be undertaken with the support of our partners.

### III. YEARLY ACTIVITY PLAN

General objectives	Activity	Strategies and main Itinerary	Indicators/Targets/Dates
<b>1. Include Experts other than those on Working Group (WG) Members on PLHIV</b>	Formulate a Contact and Diffusion List of WG members held at the General Assembly and constitution of a support Working Group. Organize a meeting inviting PPLHIV and Persons at Risk of Infection as participants to discuss the upcoming project and Work plan of the Sub-Group. Finalize the WG Work Plan to be submitted for final approval by the ACHPR. Define the modalities and roles of the Members of the Working Group	To ensure that the main participants are familiar with the objectives and Work Plan of the Working Group Formulate and publish the Mailing List to be updated throughout the year Prepare and distribute periodical updates highlighting the progress made by the WG Work Plan Establish periodical Webinars and group e-mails whenever possible.	The Diffusion List has been compiled WG Members and main contacts have received updated information on the activities, plans and achievements of the WG <b>(November 2010)</b>
<b>2. To formulate a Timetable for the Action Plan</b>	Define the Roles and Responsibilities of the WG, Meeting to assign the Roles and Responsibilities in order to finalize the Operational Plan	Clarify and coordinate the role of WG members and their responsibilities in terms of administration and activities.	Working Group established Formulated strategies to improve effectiveness, coverage and impact of group negotiations and common action initiatives Study conducted and results released on a periodical basis to members of the WG. Meeting of the Working Group, presentation of its findings and the Way Forward identified <b>January 2011</b>
<b>3. To formulate the WG Action Plan for a two-year period</b>	Consultation with key participants to develop a Draft Action Plan for the main stakeholders on the organization of yearly Workshops and Meetings	The Work group will prepare a detailed analysis of its activities, Timetable, Partners and financial resources	The Planning Committee have met Program finalized Workshop organized Action Plan formulated March 2011 / August 2011
<b>4. Collect and organize data on protection activities of PLHIV and those at Risk of infection</b>	Put in place a framework to handle Documentation and Information of existing resources. Monitor the ACHPR Road Map whilst collecting data from local and regional sources	Identification of the sources of current data and Information on the rights of PLHIV and persons at Risk of Infection	Members of the WG are actively involved in activities to identify the way Forward July 2011

## **CONCLUSIONS AND RECOMMENDATIONS**

IN VIEW OF THE ABOVE-MENTIONED:

1. The Committee is cognizant of relevance of its mandate.
2. The Committee recognizes the general good will of all its partners to support them.
3. Nomination of additional Experts will consolidate its efforts.
4. The Committee recognizes UNAIDS and HRDI (Human Rights Development Initiative) as key Partners.