



COMMUNITY LAW CENTRE

NEWSLETTER OF THE CLC INTER-PROJECT PROGRAMME ON THE ACHPR

African Commission on Human and People's Rights

Issue 1: February 2009

CLC ENGAGEMENT WITH THE ACHPR

In recent years, CLC has increasingly been working on the need for regional integration to encourage development in Africa, and has accordingly expanded its mission statement to seek the advancement of human rights and democracy also in this broader context. In this regard the African Commission on Human and People's Rights (ACHPR) is a key forum for interaction with stakeholders on promoting and protecting human rights on the continent, and the work of the ACHPR presents numerous opportunities for the Centre to advance its goals and objectives in the African context. To this end, the Centre obtained observer status at the ACHPR in 2005. However, its interaction to date with the Commission has been limited and *ad hoc*. At the same time, the Commission has limited resources to conduct specialised research and to conduct promotional activities on human rights in Africa, and has acknowledged that it appreciates collaboration with organizations such as the Centre.

Over the next three years, the Centre will participate in the activities of the ACHPR in a strategically focused and sustainable manner in order to make a contribution based on the Centre's strengths, being research, information dissemination and education.

It is the goal of this programme to advance human rights and democracy in the African context through sustained interaction with the ACHPR and related structures. The activities of this programme are:

- Participation in the activities of the Commission by attending the bi-annual meetings, submitting reports and commenting on country reports to the Commission, and engaging Commissioners and

other officials of the ACHPR on the focus areas of the Centre

- Assisting the Commission in its activities by providing research reports in the areas of our expertise (research support to Special Rapporteurs when the need arises), holding workshops and other promotional activities in collaboration or at the request of the Commission
- Build linkages and work with NGOs and national human rights institutions (NHRIs), who are engaged with the Commission, in the Centre's focus areas.

Indicators of success:

- The regular and effective participation in the proceedings of the Commission
- The Centre's submissions contribute to the Commission's deliberations
- The Commission and/or its officials request the Centre for assistance with research and the quality and usefulness of research reports produced
- The holding of workshops with the participation of the Commission
- The building of extensive linkages with other NGOs as exemplified by joint activities.

THE PLAN FOR 2009

Since mid-2008 there has been an ACHPR-working group in CLC representing each of the projects. The working group oversaw the CLC participation in the two sessions

of 2008 that took place in Swaziland and Nigeria. The working group also developed a proposal that was included in the general Ford Funding proposal which was accepted. The working group agreed that responsibility for CLC's engagement with the ACHPR will rotate between the different projects on an annual basis. At the January 2009 Management Team meeting it was agreed that CSPRI will manage this inter-project programme for 2009. The ACHPR working group met on 27 January 2009 and the plan for 2009 was agreed to. Below are the main features of the planned activities for 2009.

The activities per objective are described below.

Objective 1: To ensure that all CLC projects are well informed of the work and particular focus areas of the ACHPR

- Monitor the agenda and activities of the ACHPR and disseminate relevant information to different CLC projects
- Disseminate information on the ACHPR to the CLC Management Committee and Board
- Promote the work of the ACHPR with CLC stakeholders.

Objective 2: To promote the project focus areas of CLC with the ACHPR through information dissemination and attendance of the regular sessions of the ACHPR

- Attend and make submissions from CLC regarding the human rights situation in Africa
- Engage Commissioners and other officials of the ACHPR on the focus areas of CLC
- Provide research support to special rapporteurs when the need arises
- Build linkages with NGOs and NHRIs on the work of CLC

Objective 3: To integrate the advancement of human rights work in Africa in the work of the CLC projects.

- Identify particular areas of focus in each of the project that will promote human rights in the African context
- Undertake activities that will promote the implementation of human rights instruments
- Undertake project activities that will advance the focus areas of CLC in the African region.

Specific activities

The following specific activities were agreed upon at the last meeting of the ACHPR-working group:

- The ACHPR working group will continue to meet on a regular basis and as the need may arise.
- The content of CLC statements for each of the Commission sessions will be discussed and agreed upon at the working group meetings.
- Space will be established on the CLC website to reflect the work of the centre in relation to the ACHPR. CSPRI will take responsibility for implementation.
- Press statements will be issues in due course regarding CLC statements to the ACHPR following the respective sessions. CSPRI will take responsibility for implementation.
- CSPRI will keep the other projects informed of developments on the project on a regular basis by means of a newsletter at approximately the 15th of every month or as the need may arise. The newsletter will be circulated to all staff and the Management Committee.
- Each CLC project will publish at least one article in its project newsletter related to the work of the ACHPR.
- Contact will be made by CSPRI with the Centre for Human Rights, Institute for Human Rights and Development, and the SA Human Rights Commission regarding closer cooperation around the ACHPR.
- CSPRI will attend the two ordinary sessions of the Commission during 2009.

CLC MEETING WITH THE SRP

A meeting with the Special Rapporteur on Prisons and Conditions of Detention in Africa (SRP) was held on 14 January 2009 in Lusaka, Zambia. Lukas Muntingh and Jamil Mujuzi represented CLC in the meeting with Mr. Mumba Malila, pictured here. Mr. Malila is also the Attorney General of Zambia.



In line with the general intent of CLC to intensify its interaction with the ACHPR and the aim of CSPRI to forge closer cooperation with the SRP, the following were identified as focal areas for the meeting:

- The establishment of a formal cooperation agreement between the ACHPR and CLC which would see CLC providing technical assistance and other forms of support within its mandate to the ACHPR as well as individual commissioners based on their particular areas of interests and the capacity of CLC.
- Identifying the research needs of the ACHPR and, more specifically, the research and information needs of the SRP.
- Clarification on strategic objectives and planned activities of the SRP for the current term
- The role of the SRP in providing guidance on prison reform policy development with particular emphasis on:
 - the development of minimum standards for the detention of children and
 - the development of thematic guidelines regarding prison reform.
- Technical assistance in relation to monitoring places of detention and country missions by the SRP with them aim to promote consistency and coherency.

Results from the meeting

- The SRP was briefed on the activities of CLC generally and those of CSPRI in particular.
- The SRP suggested that CLC should write a letter to the Secretary of the African Commission to indicate that it would like to sign a MOU that will govern the relationship with the African Commission. It was communicated to him that such a letter has already been sent but that we are awaiting a response. He confirmed that he will take personal interest in the matter to ensure that the agreement is expedited.
- He suggested that it would not be helpful for CLC to duplicate activities being carried out between the African Commission and other organisations such as the Centre for Human Rights (University of Pretoria).
- The SRP said that his office was organising a follow-up regional conference on the Kampala Declaration on prison reform. Arrangements have, however, not been finalised.

- He indicated that his office was in the process of developing a video documentary of good practices from some prisons in Africa as a tool to call upon governments to improve the conditions in prisons.
- The SRP noted that there is a need to establish a convention on prisoners' rights in the African human rights system. CSPRI suggested that Guidance Notes on thematic issues, e.g. health care in prisons, will be a useful tool to firstly develop a proper understanding of the diversity in the current situation and furthermore, to build consensus on what are achievable standards. The proposal was positively received by the SRP.
- The SRP also noted that many African countries have not revised their prison legislation since independence. He was of the view that minimum standards can be set to be included in legislation on what the government is expected of doing in protecting and promoting prisoners' rights. This is an area that will require a substantial amount of research and it should be viewed as a long term project.
- CSPRI noted that many countries' existing legislation provides a mandate to judges, magistrates and Members of Parliament to visit prisons and conduct inspections. In view of this and the slow pace at which states are signing and ratifying OPCAT, it may be a practical solution to empower and encourage judges, magistrates and MPs to conduct visits to prisons and report on their observations to the relevant authorities as well as to the SRP. The proposal was positively received by the SRP.
- It was also noted that the office of the SRP was in the process of establishing a hotline for people in African countries to report on prison conditions.

Way forward

The SRP said that he would like to work with CLC and particularly CSPRI closely in the near future on the following areas (not in the order priority):

- Developing strategies to ensure that magistrates, judges and MPs are encouraged and empowered to visit prisons. And that during those visits, they note down their findings and forward them to the relevant authorities (e.g. the Ministry of Justice) in their respective countries.

- CSPRI/CLC was encouraged to work closely with the African Centre for Human Rights and Democracy to see that CLCs activities are featured on the agenda of the NGO Forum (which takes place a few days preceding each ordinary session of the African Commission).
- The SRP is to identify minimum standards that should be applicable in prisons across Africa and consequently draft a resolution requiring African countries to observe those standards and also in their periodic reports include the measures being taken to implement those standards. He sought CSPRI's cooperation and advice in this area which CSPRI undertook to provide.
- The SRP will cooperate with the African Committee of Experts on the Rights and Welfare of the Child to develop minimum standards applicable to children in detention. He asked CSPRI and its partners, if any, to help in this regard by sharing experience on what these standards should include.
- CSPRI suggested that there was a need to standardise and structure the SRP's reports so that a list of indicators to measure compliance or otherwise with the minimum standards is developed. The proposal was positively received by the SRP and plans to take this forward will need to be developed.
- The SRP is interested in research in the following areas: prisoners belonging to special groups (e.g. foreign nationals, disabled etc), remand prisoners (in cases where they stay longer in detention awaiting trial to the extent of being 'forgotten')
- CSPRI should draft a letter to the African Commission Secretary about this meeting and what was agreed on and indicate that CLC would like to sign a MOU with the African Commission CSPR to formally work with the SRP.
- The SRP undertook to endorse CSPRI's fundraising applications for the activities with his office.

CALL FOR COMMENT ON THE INTERIM RULES OF THE ACHPR

At its 44th Ordinary Session held from 10 – 24 November 2008, in Abuja, Federal Republic of Nigeria, the ACHPR finalised consideration of its Revised Rules of

Procedure. The African Commission adopted the Rules as the *Interim Rules of the African Commission* pending a meeting with the African Court on Human and Peoples' Rights (the African Court) to discuss and harmonise the Rules of the two institutions. The African Commission also decided that its Rules will not come into force immediately, but will wait for the harmonization to take place.

While waiting for the meeting with the African Court, the African Commission is publishing its Rules to allow for comments and contributions from its partners and other institutions and individuals interested in the African Human Rights System in general and the work of the African Commission in particular. It is hoped that this will further enrich the Rules and enhance the work of the African Commission.

Institutions and individuals interested in making comments should forward their contributions to the following address:

secretary@achpr.org or achpr@achpr.org or bsec@achpr.org

[Click here for the Interim Rules](#)

NEWS FROM THE ACPHR

Promotion Mission to Burkina Faso, 2 - 6 February 2009 at http://www.achpr.org/english/Press%20Release/press%20release_mission_Burkianfaso.htm

The following resolutions were adopted at the 44th Ordinary Session in Abuja (press <Ctrl> and <Enter> to follow the hyperlink):

- [Resolution on the Human Rights Situation in the Republic of The Gambia](#)
- [Resolution on Elections in Africa](#)
- [Resolution Calling on State Parties to Observe the Moratorium on Death Penalty](#)
- [Resolution on Human Rights Situation in Somalia](#)
- [Resolution on Joint Promotional Missions](#)