



COMMUNITY LAW CENTRE  
NEWSLETTER OF THE CLC INTER-  
PROJECT PROGRAMME ON THE ACHPR

# African Commission on Human and People's Rights

Issue 2: March 2009

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## DATE OF THE NEXT ORDINARY SESSION

The date for the 45<sup>th</sup> Ordinary Session was announced by the ACHPR and it will take place from 13-28 May 2009 in Banjul, The Gambia.

## DECLARATION BY THE SPECIAL RAPPORTEUR ON WOMEN'S RIGHTS IN AFRICA

On 8 March 2009, Africa, just like the International Community, is going to celebrate the International Women's Day. This year, the theme chosen is "Equal sharing of responsibilities between women and men, including providing care in the context of HIV/AIDS".

The Special Rapporteur of the African Commission on Human and People's Rights (ACHPR) responsible for Women's Rights in Africa would like to seize this opportunity to pay tribute to the goodwill of African States to guarantee equality between men and women

through the ratification and implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, the Protocol of the African Charter on Human and People's Rights relating to Women's Rights in Africa as well as the adoption of the Solemn Declaration on Equality between Men and Women in Africa. The Special Rapporteur has observed that in spite of the existence of these important provisions, gender inequalities still persist in a number of areas, and among the consequences is the increased vulnerability of women to HIV/AIDS.

The status and circumstances of women as well as gender reports indicate that unlike men, women have limited and unequal access to care, anti retroviral drugs and treatment. Moreover, they bear the greatest burden in terms of caring for and supporting people living with HIV, including orphans and the affected. They are subjected to a very harsh form of stigmatization and discrimination, manifested through violence of all kinds particularly, expulsion from the home, deprivation of their rights to inheritance, amongst others.

At a time when the 53rd Session of the Commission is being held under the theme Status of Women, the Special Rapporteur would like to entreat the International Community and African States in particular to redouble their efforts and to reinforce their advocacy role with the view to sustaining the achievements made in the fight against AIDS



Comm. Soyata Maiga, Special Rapporteur on Women's Rights in Africa

following the Statement of Commitment on AIDS including the Abuja and Maputo Conferences.

The Special Rapporteur urges all States to honour their commitments aimed at guaranteeing to women the right to protect themselves and the right to be protected from HIV/AIDS; The Special Rapporteur encourages the States and the financial partners to involve women in the design, implementation and evaluation of policies and programmes related to the fight against AIDS and in all the decision-making processes that concern them.

The Special Rapporteur wishes African women a pleasant anniversary and urges them to be united in their actions and efforts towards the emergence of women's leadership in the fight against HIV/AIDS. *Issued: Banjul, March, 08, 2009.*

## THE COMMISSIONERS OF THE ACHPR

The Commission is composed of 11 members elected by secret ballot by the Assembly of Heads of State and Government for a six-year renewable term. It elects among its members, its own bureau; the Chairperson and Vice-Chairperson for a two-year renewable period; the Secretary to the Commission, appointed by the Chairperson of the African Union Commission.

The members, who serve in their personal and individual capacity, enjoy full independence in the discharge of their duties, having been chosen from amongst African personalities reputed for their high morality, integrity and impartiality. In discharging their duties they will also enjoy the diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the African Union.

The current Commissioners are (April 2007):

- Ms. Sanji Mmasenono Monageng (Botswana), Chairperson
- Dr. Angela Melo (Mozambique), Vice Chairperson

- Mr. Bahame Tom Mukirya Nyanduga (Tanzania) Special Rapporteur on Refugees and Displaced Persons
- Madame Reine Alapini-Gansou (Benin) Special Rapporteur on Human Rights Defenders
- Mr. Musa Ngary Bitaye (The Gambia) Chairperson: Working Group on Indigenous Communities
- Mr. Mumba Malila (Zambia) Special Rapporteur on Prisons and Conditions of Detention
- Adv. Faith Pansy Tlakula (Ms) (South Africa) Special Rapporteur on Freedom of Expression and Access to Information
- Mrs. Zainabo Sylvie Kayitesi (Rwanda) Chairperson: Working Group on the Death Penalty
- Mrs. Catherine Dupe Atoki (Nigeria) Chairperson: Follow-up Committee on the Robben Island Guidelines
- Mrs. Soyata Maiga (Mali) Special Rapporteur on the Rights of Women
- Mr. Yeung Kam John Yeung Sik Yuen (Mauritius) Chairperson: Focal Point on the Rights of Older Persons in Africa.

## RESOLUTIONS ADOPTED AT THE 44<sup>TH</sup> ORDINARY SESSION

At the 44<sup>th</sup> ordinary session of the ACHPR held in Abuja, Nigeria in November 2008, the Commission adopted nine resolutions. The resolutions deal with a wide range of issues facing human rights in Africa. Some are country specific, whereas others are cross-cutting and one resolution concerns the working methods of the Commission. The description below provides a summary of the more important issues dealt with in the resolutions. The full text of the resolutions should be consulted for more information.

Resolutions concerning the human rights situation in **four states** were adopted, being The Gambia, Somalia, Zimbabwe and the DRC. The resolutions in respect of the

Gambia and Somalia are strongly worded, whereas the resolutions on the DRC and Zimbabwe took a more conciliatory approach.

Within the context of the Kenyan and Zimbabwean elections, the Commission adopted a resolution on **elections in Africa** and called upon states to ratify the African Charter on Democracy, Elections and Governance and fulfil their obligations under this charter and the African Charter on Human Peoples' Rights. To date 25 states have signed the Charter on Democracy but only Mauritania has ratified it.

Noting with deep concern that Africa has the highest **maternal mortality** rate in the world and that the situation has in fact become worse in recent years in many African states, the Commission saw it fit to adopt a resolution in relation to preventable maternal mortality. The resolution declares that preventable maternal mortality is a violation of "women's right to life, dignity and equality enshrined in the African Charter on Human and Peoples' Rights and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa". The resolution further calls for a concerted inter-sectoral effort to address maternal mortality.

The Commission observed that at least 27 State Parties to the African Charter on Human and Peoples' Rights have abolished the **death penalty** in law or *de facto*, but that only six out of 53 State Parties to the African Charter on Human and Peoples' Rights have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. The resolution therefore urges states that still retain the death penalty to fully comply with their obligations under this treaty and to guarantee that every person accused of crimes for which capital punishment is applicable, benefits from all the guarantees of a fair trial. States retaining the death penalty are also urged to observe a moratorium on the execution of death sentences with a view to abolishing the death penalty in conformity with Resolutions ACHPR/Res 42 (XXVI) of the African Commission and 62/149 of the General Assembly of the United Nations.

The Commission expressed its alarm that essential medicines were available in only 38% of all public and private health care facilities in Africa between 2001 and 2007. **Access to health and needed medicines** is linked to the general right to health care under the African Charter. In view of this the Commission adopted a resolution on access to essential medicines and called on states to:

- promote access to medicines by *refraining* from measures that negatively affect access
- protect access to needed medicines from actions by third parties through regulatory systems
- fulfill access to medicines by adopting all necessary and appropriate *positive measures* to the maximum of its available resources to promote, provide and facilitate access to needed medicines

## NEWS FROM THE ACPHR

### 6th Extraordinary Session

*Banjul, The Gambia*

The 6<sup>th</sup> Extraordinary Session of the African Commission will take place from 30<sup>th</sup> March to 3<sup>rd</sup> April 2009 in Banjul, the Gambia. [*Please note that the hyperlink for more information is currently not active.*]

**International Colloquium on Women's Employment, Leadership Development, International Peace and Security, Monrovia, Republic of Liberia, 7th - 9th March 2009.**

On March 7-8, 2009, the Special Rapporteur on the Rights of Women in Africa (SRRWA), Commissioner Soyata Maiga of the African Commission on Human and Peoples Rights (ACHPR) will be participating in the International Colloquium on Women's Empowerment, Leadership Development, International Peace and Security co-convened by H.E. President Ellen Johnson Sirleaf of the Republic of Liberia and H.E. President Tarja Halonen of Finland in Monrovia, the Republic of Liberia. Amongst other things, the Colloquium will consider gender and climate change issues with the aim of

strengthening women's participation in sustainable development, creating sustainable livelihoods in rural areas, protecting the environment and natural resources, and addressing climate change.

The following are goals identified to frame the Colloquium discussions:

1. Empowering women to be more effective leaders by linking with their international peers to share best practices;
2. Supporting the implementation of UN Security Council Resolution 1325;
3. Contributing to the achievement of Millennium Development Goal 3 (MDG3) on gender equality and women's empowerment;
4. Demonstrating the clear gender dimensions of climate change, environment protection and sustainable development; and
5. Launching the Angie Brooks International Centre on Women's Empowerment, Leadership Development, International Peace and Security in Monrovia. This Centre will support the implementation of action emerging from the Colloquium through, *inter alia*, training and research.

For further information, please contact the Secretariat of the ACHPR on:

Tel: (+220) 437 2962;

Email: [achpr@achpr.org](mailto:achpr@achpr.org) or visit

[www.womenscolloquium.org](http://www.womenscolloquium.org)

[http://www.achpr.org/english/Press%20Release/Inter\\_colloquium\\_Liberia.htm](http://www.achpr.org/english/Press%20Release/Inter_colloquium_Liberia.htm)

## **Promotional mission to the Republic of Seychelles, 2- 7 March 2009**

Commissioner Bahame Tom Mukirya Nyanduga, the Commissioner responsible for promotional activities of the African Commission in the Republic of Seychelles is undertaking a promotional Mission to the Republic of Seychelles. This is the third promotional mission of the African Commission to Seychelles. The Mission is

scheduled to take place from **2- 7 March 2009**. The Commissioner is assisted by Mrs. Tosin Nguher, Legal Officer at the Secretariat of the African Commission.

The Ministry of Foreign Affairs, coordinated arrangements for the Mission on behalf of the government and was in contact with the Secretariat during preparation for the Mission.

The terms of reference for the Mission are as follows:

1. To engage the Government on the status of the domestication and implementation of its obligations in the African Charter;
2. To follow up on the status of ratification of other regional human rights instruments;
3. To engage other national institutions, such as the Judiciary and the Parliament, and Civil Society about the situation of human and peoples' rights in the Republic of Seychelles;
4. To follow up on the implementation of the recommendations made by (a) the Commission following the Promotion Mission undertaken in 2004; (b) the Concluding Observations to the Initial and cumulative State Report of the Republic of Seychelles which was tabled before the Commission during the 39<sup>th</sup> Ordinary Session.

### **Note**

*This newsletter is distributed internally to the staff of the Community Law Centre as an information service on the work of the ACHPR. If you have any comments or suggestions, please feel free to direct these to Lukas Muntingh ([lmuntingh@uwc.ac.za](mailto:lmuntingh@uwc.ac.za)) or Jamil Mujuzi ([jmujuzi@uwc.ac.za](mailto:jmujuzi@uwc.ac.za)).*