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**REPORT OF THE SUB-COMMITTEE ON HUMAN RIGHTS,
DEMOCRACY AND GOVERNANCE (HRDG)**

**DRAFT ANNUAL REPORT
(JANUARY – DECEMBER 2021)
ADDIS ABABA, ETHIOPIA**

I. INTRODUCTION

1. The Permanent Representatives Committee (PRC) Sub-Committee on Human Rights, Democracy and Governance (HRDG) carried out activities during the review period and these activities included the following;

- a. Finalized the 2021 Work Plan of the PRC Sub-Committee on HRDG;
- b. Change of the composition of the Membership of the PRC Sub-Committee on HRDG;
- c. Endorsed the African Union Strategic Plan on the Promotion and Protection of Human and Peoples' Rights;
- d. Held deliberations on the - implementation of the African Union Transitional Justice Policy and on the implementation of the African Union Human Rights Memorial project;
- e. Endorsed the African Charter on Democracy, Elections and Governance (ACDEG) School Curriculum Strategy and its pilot project;
- f. Briefings from African Commission for Human and Peoples' Rights (ACHPR); African Peer Review Mechanism (APRM) and African Court for Human and Peoples' Rights (AfCHPR);
- g. Adopted internal criterion for participation of PRC Sub Committee Members in AU Election observation missions; and
- h. Adopted the AU Guidelines on Elections during COVID-19 and other public health emergencies by silence procedure.

2. The report gives a detailed account of the activities of the PRC Sub-Committee on Human Rights, Democracy and Governance covering the period of **January – December 2021**.

II. FINALIZING THE 2021 WORK PLAN OF THE SUB COMMITTEE

3. The PRC Sub-Committee Bureau meeting virtually held on **21 May 2021** was dedicated to providing constructive comments on the 2021 draft Work plan items and made amendments. The amended draft Work plan was presented to the PRC Sub-Committee Members on **24 May 2021** for their contributions and adopted without further amendments.

III. CHANGE OF THE COMPOSITION OF THE PRC SUB-COMMITTEE MEMBERS

4. On **18 August 2021**, the Office of the Legal Counsel (OLC) presented the new composition of the PRC Sub Committee Bureau. The new composition was as follows: Bureau:

- Zimbabwe - Chair
- Rwanda - First Vice-Chair
- Tunisia - Second Vice-Chair
- Burundi - Third Vice-Chair
- Senegal - Rapporteur.

The membership of the Sub-Committee is as follows

- Cameroon and Chad - -Central Region
- Eritrea and Mauritius -Eastern Region
- Malawi and Zambia - Southern Region
- Burkina Faso, The Gambia and Niger - Western Region
- Libya – Northern Region

IV. ENDORSING THE AFRICAN UNION STRATEGIC PLAN ON THE PROMOTION AND PROTECTION OF HUMAN AND PEOPLE'S RIGHTS

5. The draft AU Strategic Plan for the Promotion of the Human and Peoples' Rights Decade in Africa was presented by the Commissioner for Political Affairs Peace and Security, **H.E Bankole Adeoye**, during the PRC Sub-Committee extraordinary meeting held on **11 June 2021**.

6. Commissioner Adeoye recalled that the strategic plan was drafted following the African Union Heads of State and Government Declaration of 18 July 2016 which mandated the AUC and all the other AU Organs with a human and peoples' rights mandate, to develop a continental Action Plan that would realise the vision of the Human and Peoples' Rights Decade in Africa. He added that strategic plan would be a practical framework for ensuring better coordination and collaboration between the African Court on Human and Peoples' Rights (AfCHPR), the African Commission on Human and Peoples' Rights (ACHPR) and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC).

7. The PRC Sub-Committee agreed that there was a need for a collective partnership at all levels of the AU organs with a Human Rights mandate, in order to move ahead with the implementation of the Strategic plan. The draft AU Strategic Plan for Human and Peoples' Rights Decade in Africa was adopted with amendments to be incorporated.

V. DISCUSSIONS ON THE IMPLEMENTATION OF THE AFRICAN UNION HUMAN RIGHTS MEMORIAL(AUHRM)

8. Amb. Salah Hammad, head of the AGA-APSA Secretariat, presented the draft report on the implementation of the African Union Human Rights Memorial on 11 June 2021. He recalled that the 2010 Assembly Decision (**Assembly/AU/5 (XIV) paragraph 22 (IV)**) mandated the AUC to "...initiate steps to build a permanent memorial to the victims of human rights violations within the AU Headquarters". The AUHRM is one of the Transitional Justice elements meant to inform and educate current and future generations about the causes, consequences and lessons of past conflicts.

9. The presentation also informed Members that the AUHRM project was managed by a PRC-Taskforce, made up of seven Member States, including Rwanda, South Africa, Ethiopia, Ghana, Senegal, Liberia and Algeria.

The PRC Sub-Committee on HRDG underscored the relevance of the memorial project and agreed that the Secretariat, through the PRC Sub-Committee on General Supervision and Coordination on Budgetary Financial and Administrative Matters, requests for an allotment of a budget of USD \$1.6 Million dollars per year for a period of three (3) years for the implementation of this project and enable the execution of the Assembly Decision.

10. The Sub-Committee on HRDG also proposed that the AUHRM Taskforce explore raising funds from the African private sector, partners, diaspora and other stakeholders. Members States were also encouraged to make voluntary contributions towards the project.

VI. DISCUSSIONS ON THE IMPLEMENTATION OF THE AFRICAN UNION TRANSITIONAL JUSTICE POLICY

11. Amb. Salah Hammad, Head of AGA-APSA, presented the draft report on the implementation of the African Union Transitional Justice Policy on behalf of H.E Commissioner Bankole Adeoye on **11 June 2021**. He recalled that the African Union Transitional Justice Policy (AUTJP), was adopted during the 32nd Ordinary Session of the AU Assembly of Heads of States and Government on 11 February 2019. The Policy was conceived as a generic continental framework aimed at supporting the AU Member States in their efforts towards developing their context-specific policies and programs on transitional justice.

12. After listening to the presentation, the PRC Sub-Committee Members indicated that there was a need to collaborate with the African Union Post-Conflict Reconstruction and Development Center (AU PCRDC) in Cairo to utilize the work of the center to document the experiences and best practices of transitional justice of African countries. They added that groups of African representatives in Geneva and New York need to be

sensitized on the AU Transitional Justice Policy as well as the Transitional Justice initiatives of the AU and updates on implementation be made to the United Nations.

13. In response, the AGA-APSA Secretariat informed the PRC Sub-Committee that it would start a series of training programs targeting youth and women and engage academic institutions, universities and African think tanks such as the Institute of Security Studies (ISS) in the promotion of the African Union Transitional Justice Policy.

VII. ENDORSMENT OF THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE (ACDEG) IN SCHOOL CURRICULA AND LAUNCHING OF THE PILOT PROJECT

14. **Mr. Calixte A Mbari**, Ag Director, Governance, Conflict Prevention Directorate briefed the Members of the Sub Committee on the Strategy for the mainstreaming and inclusion of ACDEG in School curricula and the launching of the Pilot Project on **10 September 2021**. He informed the meeting that the strategy was a result of a decision of the STC on Education, Science and Technology of October 2021, which invited Member States to promote the inclusion of ACDEG in the school curriculum. Subsequently, an ACDEG School Curriculum Strategy was developed.

15. The Governance and Conflict Prevention directorate will lead on piloting this strategy in five countries. The specific pilot projects will commence after the meeting of the STC on Education, Science and Technology in December 2021, in the following five countries: Algeria, Botswana, Central African Republic, Democratic Republic of Congo, and South Sudan.

VIII. AGA PLATFORM BRIEFING – ACHPR, APRM AND AfCHPR

16. The PRC Sub-Committee Members convened on **10 September 2021** to receive a a briefing on the work of the ACHPR and a presentation of the strategic plan of the institution. The briefing was made by the **Ag. Executive secretary of the ACHPR, Ms. Lindiwe Khumalo**. Upon the presentation Members of the Sub-Committee had a robust discussion and provided feedback on the strategic plan. More cooperation and dialogue were called between Members of the Sub Committee and ACHPR to improve the work of the Commission and deliver on the mandate. PRC Sub-Committee Members, to enhance the coordination between the Member States and ACHPR, proposed to schedule a retreat between the Sub-Committee and the ACHPR, as it would be the best platform to share knowledge, experiences and enhance coordination between the Member States and ACHPR. It was proposed that the retreat takes place in the later part of the first quarter of 2022.

17. The Chief of staff of the African Peer Review Mechanism, **Mr. Ferdinand Katendeko and Mr Batlokoa Makong**, Liason of APRM to the AU, gave an overview of the work of the APRM, presented the challenges it is facing and listed several

recommendations for the future. During the discussions, the Members of the PRC Sub-Committee recognized the challenges of the institution, particularly those concerning the Agenda 2063's objective to have universal accession of the mechanism by 2023. The meeting agreed to schedule another meeting in early 2022 with the APRM to present and discuss the content of the African Governance report 2021.

18. The Registrar of the African Court for Human and Peoples' Rights, **Dr. Robert Eno**, briefed the Members of the Sub-Committee on the work, the successes, the challenges and the future objectives of the Court. In this briefing, the non-compliance to the Court decisions by Member States, and the withdrawal of the Declaration under Article 34 of the Protocol on the Establishment of the AfCHPR were presented as the biggest challenges the institution faced. Several measures to solve the issues were proposed by the AfCHPR and the PRC Sub-Committee Members recommended better communication with the Member States to improve compliance and understand reasons for withdrawal.

IX. ADOPTION OF INTERNAL CRITERION FOR PARTICIPATION OF MEMBERS ON AU ELECTION OBSERVATION MISSION

19. The Chairperson proposed that the criterion for an internal selection of PRC Sub-Committee Members participation on the AU election observation mission include, rotation based on the English alphabetical order and gender parity. These criteria were adopted by the Members of the PRC Sub-Committee by Silence procedure.

X. ADOPTION OF THE AU GUIDELINES ON ELECTIONS DURING COVID-19 AND OTHER PUBLIC HEALTH EMERGENCIES BY SILENCE PROCEDURE;

20. The AU Guidelines on Elections During COVID-19 and Other public health emergencies were adopted during the year by the Members of the PRC Sub-Committee by Silence procedure. The finalised African Union Guidelines for Elections during COVID-19 and other Public Health Emergencies are annexed hereto for consideration and consequent adoption by the Executive Council.

DRAFT
**DECISION ON THE REPORT OF THE ACTIVITIES OF THE PERMANENT
REPRESENTATIVES COMMITTEE (PRC) SUB-COMMITTEE ON HUMAN RIGHTS,
DEMOCRACY AND GOVERNANCE (HRDG)**

The Executive Council,

1. **TAKES NOTE** of the Report of the Activities of the PRC Sub-Committee on Human Rights, Democracy and Governance (HRDG) for the period, January-December 2021;
2. **COMMENDS** the Sub-Committee on Human Rights, Democracy and Governance for adopting its Work Plan for 2021, and for presenting its Annual Report to the 42nd Ordinary Session of the PRC;
3. **COMMENDS** the Sub-Committee for the adoption by silence procedure of the AU Guidelines on Elections During COVID-19 and Other Public Health Emergencies for consideration and adoption by the PRC;
4. **COMMENDS** the Sub-Committee for endorsing the African Union Strategic Plan on the Promotion and Protection of Human and People's Rights; Supporting the implementation of the African Union Transitional Justice Policy and on the implementation of the African Union Human Rights Memorial project and endorsing the African Charter on Democracy, Elections and Governance (ACDEG) School Curriculum Strategy and its pilot project;
5. **REQUESTS** the Sub-Committee to continue its engagement with the African Governance Architecture (AGA) Platform Members, especially in enhancing the synergy between the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA);
6. **DECIDES** that the Report of the Activities of the PRC Sub-Committee on Human Rights, Democracy and Governance (HRDG) shall be incorporated into the Report of the 42nd Ordinary Session of the Permanent Representatives Committee (PRC).

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