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TWELFTH PARLIAMENT

(Second Session)

REPORT OF THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN AFRICAN PARLIAMENT

.....

Kigali Convention Centre

Kigali, Rwanda

18th October to 2nd November, 2018

Approved

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Rt. Hon. Speaker

You may approve for tabling.

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ABBREVIATIONS

ATAF	:	African Tax Administration Forum
APRM	:	African Peer Review Mechanism
AU	:	African Union
AU-ABC	:	African Union Advisory Board on Corruption
AU-IBAR	:	African Union – Inter-African Bureau for Animal Resources
CAPA	:	Committee on Audit and Public Accounts
CCIRCR	:	Committee on Cooperation, International Relations and Conflict Resolutions
CREANRE	:	Committee on Rural Economy, Agriculture, Natural Resources and Environment
CSRV	:	Centre for the Study of Violence and Reconciliation
FAO	:	Food Agriculture Organization
IDEA	:	Institute of Democracy and Electoral Assistance
IFF	:	Illicit Financial Flows
IOM	:	International Organization for Migration
NEPAD	:	New Partnerships for Africa's Development
NPCA	:	NEPAD Planning and Coordination Agency
PAP	:	Pan African Parliament
WHO	:	World Health Organization

PREFACE

Honourable Speaker,

The First Ordinary Session of the Fifth Parliament themed " *Winning the fight against corruption: A sustainable Path to Africa's Transformation"* of the Pan African Parliament took place from 22nd October to 2nd November, 2018, in Kigali, Rwanda where legislators from across the continent convened to dissect matters pertaining to the continent's progress. The Session was preceded by a meeting of the Bureau that took place on October 18, followed by a Sitting of the Committee on Audit and Public Accounts the same day. A Sitting of the Committee on Rules, Privileges and Discipline took place on October 19, followed by a Joint sitting of PAP Bureaux on October 20, whilst an Orientation meeting for new Members was conducted on October 20.

The Kenya delegation to this meeting comprised of the following:-

i. **Sen. (Dr.) Abdullahi Ali, M.P.** **– Leader of the delegation**,
ii. Hon. Janet Ongera, M.P.
iii. Sen. Stewart Madzayo M.P.
iv. Hon. Jude Njomo M.P.
v. Hon. Beatrice Kones M.P.
vi. Mr. Zakayo Mogere - Deputy Directors, L & P Services, Senate,
vii. Mr. Finlay Muriuki – Clerk Assistant, Delegation Secretary, and
viii. Ms. Angela Macharia – Clerk Assistant, Delegation Secretary.

Honourable Speaker,

The First Ordinary Session of the Fifth Parliament of the Pan African Parliament considered and debated various issues affecting the Member States and also adopted the report on the activities of the Pan African Parliament and other committee reports. *(annexed herein under Appendix 1).*

The Committees also exchanged views on various topical issues affecting the continent's integration objectives, and came up with a raft of resolutions.

Honourable Speaker,

The Kenyan delegation participated actively in all the deliberations of the Ordinary Session, the sittings of Permanent Committees of the Pan African Parliament and the Pan-African Parliament Eastern Africa Regional Caucus.

Honourable Speaker,

During the Session, newly elected members of the Pan-African Parliament were sworn in and nominated to serve in various Committees. Additionally, the election of the 4th Vice President took place.

Various reports were presented and debated, including the Activity Report of the PAP, the Report of the Committee on Audit and Public Accounts (CAPA), October, 2018 and the African Peer Review Mechanism (APRM) Country Review Reports.

The PAP also discussed a number of key thematic areas including; the status on the fight against corruption in reference to the African theme of the Year on the Fight Against Corruption; Management of Natural Resources and Corruption; the role and impact of the African Union Electoral Observation Missions in terms of the numerous cases of electoral disputes in Africa; development of Model Laws; 2019 theme of the African Union on refugees, returnees and internally displaced persons in Africa; labour and migration; draft model law on Disability; correlation between Illicit Financial Flows (IFFs) and Taxation; Foods and Agriculture Organization (FAO)'s Global Youth Engagement; policy briefs on global health, Africa position in the resolution 2018 World Health Organisation (WHO) summit on Tuberculosis and other infectious diseases; food and nutrition systems in Africa and Environment and transitional justice in African Union. Finally, the PAP considered the resolutions and recommendations of the 1st Ordinary Session of the Fifth Pan-African Parliament.

Honourable Speaker,

The delegation is grateful to the Speakers of the two Houses for allowing them to attend the Session, for facilitating travel and accommodation, and providing logistical and technical support in liaison with the offices of the Clerks of Parliament.

It is now my pleasant duty, on behalf of the Delegation, to present and recommend this report to the House for adoption.

.....

SEN. (DR.) ABDULLAHI ALI, M.P.

LEADER OF THE DELEGATION

DATE.....20th Feb. 2019.....

REPORT OF FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN AFRICAN PARLIAMENT

INTRODUCTION

1. The Pan African Parliament is established in the Protocol to the Treaty establishing the African Economic Community. Article 2 of the Protocol provides;

   "Member States hereby establish a Pan African Parliament, the composition, functions, power and organization of which shall be governed by the present Protocol."

2. The vision and purpose of the Pan-African Parliament (PAP) can be traced to the Pan African ideals of cooperation and unity among African States. These ideals inspired the signing of the Treaty establishing the African Economic Community (Abuja Treaty) on 3rd June, 1991 and the adoption of the Sirte declaration of 1999. The Sirte declaration called for speedy implementation of the provisions of the Abuja Treaty to establish nine (9) institutions of the African Union which include-
   (i) The Assembly of the Union
   (ii) The Executive Council
   (iii) The Pan African Parliament
   (iv) The Court of Justice
   (v) The Commission
   (vi) The Permanent Representatives Committee
   (vii) The Specialized Technical Committees
   (viii) The Economic, Social and Cultural Council
   (ix) The Financial Institutions

3. The purpose of the PAP, as set out in Article 17 of the African Union (AU) Constitutive Act (2000), is to ensure the full participation of African peoples in the development and economic integration of the continent. Also known as the African Parliament, the PAP is the legislative body of the African Union. The PAP held its inaugural session in March 2004 in Addis Ababa, Ethiopia. The seat of the Pan-African Parliament is in Midrand, South Africa. The Parliament is intended as a platform for

people from all African states to be involved in discussions and decision-making on the problems and challenges facing the continent.

Objectives of the Pan-African Parliament

4. The objectives of the Pan African Parliament are spelt out in Article 3 of the PAP Protocol and include to-
   (i) Facilitate effective implementation of the policies and objectives of the OAU/AEC and ultimately, of the AU.
   (ii) Promote the principles of human rights and democracy in Africa.
   (iii) Encourage good governance, transparency and accountability in Member States.
   (iv) Familiarise the peoples of Africa with the objectives and policies aimed at integrating the African continent within the framework of the establishment of the African Union.
   (v) Promote peace, security and stability.
   (vi) Contribute to a more prosperous future for the people of Africa by promoting collective self-reliance and economic recovery.
   (vii) Facilitate co-operation and development in Africa.
   (viii) Strengthen continental solidarity and build a sense of common destiny among the peoples of Africa.
   (ix) Facilitate co-operation among Regional Economic Communities and their Parliamentary fora.

Members of the Pan-African Parliament

5. The PAP is made up of 250 members, with each of the 50 AU Member States that have ratified the PAP Protocol represented by five (5) members. The representatives are elected by the legislatures of AU Member States, rather than being directly elected in their own capacity. The *Protocol on the Constitutive Act of the African Union relating to the Pan-African Parliament* (Malabo Protocol) has however proposed for election of PAP Members through universal suffrage. Once ratified, membership to the PAP will be through election in respective countries similar to the election of MP to the European Parliament. PAP MPs will also be barred

from serving as MPs in their respective national legislatures as is the current situation. These are some of the changes, including the transformation of the PAP to a fully legislative organ once the protocol is ratified by the requisite membership. Kenya has not ratified this protocol.

6. The protocol stipulates that the composition of a country's delegation reflects the diversity of political opinions of the member state's legislature, with at least one of the members being a woman.

Operations of the Pan-African Parliament

7. The PAP is made up of three (3) main bodies, i.e. the Plenary, the Bureau and the Secretariat. There are also ten (10) Permanent Committees which deal with different sectors aligned to the agencies of the African Union (AU).

   a) The Plenary

   The Plenary is the main decision-making body of the PAP and passes resolutions which are then transmitted for implementation by relevant agencies of the AU and by Member States. It brings together all the elected Members, and is chaired by the President (Speaker), assisted by four Vice-Presidents.

   b) The Bureau

   The Bureau is the leadership organ of the PAP and comprises the President and the four Vice-Presidents. Each member of the Bureau represents a different region of Africa. The Bureau of the PAP is ultimately responsible for the organisation and operations of the Parliament as an institution. It is composed of the President and four Vice-Presidents representing the five regions (North, Central, Eastern, Western and Southern) of the African continent.

   c) The Secretariat

   The Secretariat provides technical support to and assists in the day-to-day running of the Parliament. The Secretariat is headed by a Clerk assisted by two Deputy Clerks.

Committees of the Pan-African Parliament

8. The PAP has eleven Permanent Committees whose mandates and functions are set out in Rules 22 to 27 of the *PAP Rules of Procedure*.

The functions of the committees correspond to those of the African Union Specialised Technical Committees.

The PAP Committees are-

(i) Committee on Rural Economy, Agriculture, Natural Resources and Environment
(ii) Committee on Monetary and Financial Affairs
(iii) Committee on Trade, Customs and Immigration Matters
(iv) Committee on Cooperation, International Relations and Conflict Resolutions
(v) Committee on Transport, Industry, Communications, Energy, Science and Technology
(vi) Committee on Health, Labour and Social Affairs
(vii) Committee on Education, Culture, Tourism and Human Resources
(viii) Committee on Gender, Family, Youths and People with Disabilities
(ix) Committee on Justice and Human Rights
(x) Committee on Rules, Privileges and Discipline
(xi) Committee on Audit and Public Accounts

9. The general membership and composition of Committees of the PAP are regulated by the Rules of Procedure. Under Rule 22(5), a committee of the PAP comprises of up to thirty (30) members.

Calendar of the Pan-African Parliament activities

10. The key annual activities of PAP are as follows:-

(i) Meetings of the Permanent Committees and Bureau – *held in March;*
(ii) Meetings of the Plenary, Permanent Committees and the Bureau – *held in May;*
(iii) Meetings of the Permanent Committees and Bureau – *held in August;*
(iv) Meetings of the Forum of Clerks and Secretaries General of Member Parliaments – *held in August;* and
(v) Meetings of the Plenary, Permanent Committees and the Bureau – *held in October.*

11. Additionally, the PAP from time to time organizes seminars and workshops on areas of interest to Members falling within the objectives of the PAP. The PAP also nominates Members to participate in AU election observation and fact-finding missions to Member States.

RECORD OF THE PROCEEDINGS OF FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN AFRICAN PARLIAMENT

Opening Ceremony

12. The First Ordinary Session of the Fifth Parliament of the Pan African Parliament took place from 22nd October to 2nd November, 2018. The Session was opened with the African Union anthem, after which the President of the Pan-African Parliament, His Excellency Roger Nkodo Dang, officially opened the Session. He then proceeded to welcome the Members to the First Ordinary Session of the Fifth Parliament of the Pan African Parliament.

13. In his opening statement, Hon Roger highlighted areas encompassing the fight against corruption in the African continent, which he said was a major issue and a deterrent to the growth of the African continent. Furthermore, he noted that, illicit financial flows aided by corruption were responsible for the capital flight from Africa of up to 50 billion dollars. In concluding his opening statement, the Hon. Roger called on members to actively take part in the deliberations of the meeting and come up with practicable solutions on the issues facing the African continent.

Swearing in of Newly elected Members.

14. The opening ceremony was also occasioned by the swearing in of newly elected members in the PAP.

Statements and Messages of Solidarity

15. Following the administration of oath to new Members, seven invited guest speakers addressed the plenary and issued statements and messages of solidarity. These were:

(i) Mr. Man Hee Lee, Chairman of Heavenly Culture World Peace Restoration of Light

(ii) H.E Pierre Ngolo, Speaker of the Senate of Congo

(iii) H.E. Mohamed Ali Houmed, Speaker of the National Assembly of Djibouti

(iv) H.E Mrs. Lucie Milebou-Aubusson, Speaker of the Senate of Gabon

(vi) H.E Veronica Nataniel Macamo Dlovo, Speaker of the National Assembly of Mozambique

(vi) H.E Job Ndugai, Speaker of the National Assembly of Tanzania

(vii) H.E. Martin K. Ngoga, Speaker of East African Legislative Assembly

Key Note Address by H.E. Paul Kagame, President of Rwanda

16. The Guest of Honour and the President of the Republic of Rwanda who is also the Chairperson of the African Union, H.E. Paul Kagame made the key note address to the Assembly. He began by welcoming all delegates to Rwanda and to the Session. He observed that the Pan-African Parliament presented a valuable and historic opportunity for legislators of member states to come together and deliberate on various issues affecting the continent and come up with practicable solutions that will foster economic growth and development of the African Continent. To this end, he called upon the legislators of the PAP to ensure the speedy ratification of the CFTA protocol, which is the protocol on the free movement of persons, as well as ratification of all other protocols, all of which will foster economic growth in the continent.

17. H.E. President Paul Kagame further averred that the African Union had emerged healthier and a more financially independent institution. Further, he stated that there were ongoing changes in the continent, most of which were for the good of the continent. He said that transparency, accountability and good governance coupled with innovations and solutions drawn from Africa's rich experiences and culture were practices that could not be overemphasized in order for the African continent to forge ahead and emerge stronger and wealthier.

18. In his conclusion, President Kagame informed Delegates that African leaders cannot afford to squander the momentum that had so far been

gained in pursuit of deeper integration. Working together, he noted, is the only way to give Africa the weight it should have in the global geo-political arena. He pointed out that the responsibility for Africa's future should be, and indeed is, firmly in the hands of its leaders. The PAP, he said, is much more than an interested observer in the Africa Union, and thus PAP ought to hold institutions to account for commitments made to African citizens.

General Plenary Sessions

19. Upon commencement of the regular sessions, presentations were made and debate took place on the following thematic areas:
    (i) Activity Report of the Pan-African Parliament covering the period of May to October 2018;
    (ii) Status of the fight against corruption in reference to the African Union theme of the year 2018 "*Winning the fight against corruption: A sustainable path to Africa's Transformation*";
    (iii) Management of Natural Resources and Corruption;
    (iv) The role of the African Union Electoral Observation Missions in terms of the numerous cases of electoral disputes in Africa;
    (v) Development of Model Laws;
    (vi) 2019 theme of the African Union: "*Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Foster Displacement*";
    (vii) Labour and Migration;
    (viii) Draft Model Law on disability;
    (ix) Correlation between Illicit Financial Flows and Taxation;
    (x) UN' s Food and Agriculture Organisation Global Youth Engagement;
    (xi) Policy and briefs on global world health; Africa's position in the Resolutions of the 2018 World Health Organization (WHO) Summit on Tuberculosis and other infectious diseases;
    (xii) Report of the Committee on Audit and Public Accounts (CAPA);
    (xiii) African Peer Review Mechanism (APRM) Country Review Reports;
    (xiv) Food and Nutrition Security Systems in Africa; and
    (xv) Transitional justice in African Union.

Presentation and debate on the Activity Report of the Pan African Parliament for May to October 2018

20. The President of the Pan African Parliament tabled and presented a report on the activities of the Pan African Parliament for the period of May to October 2018.

21. The Activity Report was based on the strategic objectives of PAP, namely strengthening parliamentary functions of the PAP; providing a platform for mainstreaming African voices and those in the Diaspora into the African Union policy making process; promotion of human rights and democracy, good governance and development in Africa; promoting peace, security and stability in Africa; promoting economic integration and development in Africa, and deploying and strengthening the institutional capacity of PAP in support of its core mandate. The Activity Report also included work done by Committees of PAP.

22. The key challenges that were reported as having been faced during the period under review included PAP elections that may have led to perceived fragmentation within the Plenary, high turnover of PAP Members, with 77 of them being New Members (i.e. approximately 33%); rebuilding PAP's image following the May 2018 Session, decrease in participation by PAP Members in election observation missions, the postponement of the Annual Speakers' Conference and Annual Meeting of Secretaries-General, among others.

23. During plenary discussions on the Activity Report, PAP Members raised various issues and observations. These included the need to ratify the Malabo Protocol, incorporating gender and children issues in Agenda 2063, the need to invite international media such as CNN, BBC, Al Jazeera, etc to cover PAP Sessions as opposed to the local media only, complaints that refunds for travels by PAP Members take even one year to be reimbursed, the need for PAP to work with Regional Economic Commissions (RECs) within the framework of an integrated continent, among others.

Election of the 4th Vice-President

24. The position of the Fourth Vice President of the Pan African Parliament had remained vacant since May 2018 after the Southern African Region failed to nominate a candidate to this position during the election of the 5th Bureau of PAP. The vacancy necessitated the holding of election for the position, which was conducted on October 24, 2018. Zimbabwe's Chief Fortune Charumbira (who is also President of the Zimbabwe Chiefs Council) was elected as the Fourth Vice President of PAP with 114 votes out of 157 ballots cast, against Hon. Alice Ngoma of Malawi who withdrew her candidature at the last minute.

25. Chief Charumbira thus joined other members of the Bureau, namely President Hon Roger Nkodo Dang of Cameroon (Central Africa Region), First Vice President Hon. Stephen Julius Masele of Tanzania (East Africa Region), Second Vice President Hon. Haïdara Aichata Cissé of Mali (West Africa Region) and Third Vice President Hon. Bouras Djamal of Algeria (North Africa Region).

26. In his acceptance speech, Chief Charumbira pledged to be a team player in his bid to help the Bureau to formulate policies that will advance the mandate of the PAP. He called for the removal of all barriers hampering effective integration of the continent, the elimination of corruption and promotion of good governance. He further emphasized the need to adhere to the rules of the Pan African Parliament and vouched for continuous encouraged unity of the continent.

Presentation and Debate on Rwanda's Socio-Economic Transformation

27. The plenary conducted debate on the topic "Rwanda's Socio-Economic Transformation' which was presented by a joint team of panellists including Dr. Richard Sezibera, Rwanda's Minister of Foreign Affairs and International Cooperation' Prof. Anastace Shyaka, Minister of Local Government; Mrs. Rose Rwabuhihi, Chief Gender Monitor in the Gender Monitoring Office; and Hon. Clare Akamanzi, Chief Executive Officer of the Rwanda Development Board.

28. The presenters gave a historical and political background of Rwanda, the lessons learnt from the said history, and a brief synopsis of the social economic transformation of Rwanda. They revealed that Rwanda had been a unified nation state until the Belgians colonized the country and brought division during the colonial period of 1894-1962 that included constructivism of Bantu versus Hermite speakers.

29. The People of Rwandan had subsequently fought for their freedom, and had recovered from the ashes of Genocide of 1994. The country had thereafter drafted and agreed on fundamental principles that would underline all activities and policy directions of the Republic of Rwanda, most of which have now been enshrined in the Constitution of Rwanda.

30. Specifically, Article 10 of the Constitution identifies fundamental principles of Rwanda as unity, anti-genocide, power sharing, gender balance at minimum of 30%, as well as constant quest for solutions through dialogue and consensus. Rwanda's Strategic Choices include unity, accountability and thinking big. Additionally, it involves Consensual Democracy as opposed to Confrontational Politics.

31. The presenter further averred that the social economic transformation of Rwanda has greatly been attributed to the constant quest for solutions through dialogue and consensus which is one of the fundamental principles that were agreed upon. He further stated that the President of Rwanda envisions a Rwanda that is united; a country that fields itself as integrated into the sub-region; the family of nations, a country that is developed and has eradicated poverty, a country that is democratic and above all, a stable country at peace with itself as well as with its neighbours.

32. It was reported that a survey had established that on average, out of 100 government operations, 96 of them are clean in Europe, 75 in Rwanda, and 26 in Africa excluding Rwanda. It was additionally reported that 95% of Rwanda had 4G internet connection; land tenure had been regularized with land rights covering women as well; there was a Crop Intensification programme; that Rwanda funds 84% of its

Budget; that poverty had been reduced from 78% in 1994 to 39% in 2014 and projected to be 20% in 2020; and that life expectance had increased form 46 years in 1978, dipped to 29 years in 1991, and risen to 67 years in 2018.

33. Further, it was reported that Rwanda has Women composed of 61% among MPs, 50% among Cabinet Ministers and 49% in the Judiciary; there exists a Gender Monitoring Office; there is a Business Development Fund (BDF) that enables women to access loans; there is a Gender Budget Statement (GBS) entrenched in every Government Budget; there is a Community Health Scheme as well as a Rapid Health SMS platform; voter turn out is usually at 98% because voting is done at the village level; that Rwanda had been ranked number 150 in Doing Business Indicators in 2008 but number 41 in 2018; registration of companies was free, from an initial charge of USD 400; courts had adopted electronic case management; Universal Visa Regime had been adopted; at 7.3% GDP growth, Rwanda is the second-fastest growing country on Africa; 5th safest to walk at night; 2nd for Doing Business in Africa; 1st for Government Transparency in Africa; 3rd in Meetings Incentives Conventions and Exhibitions (MICE) in Africa after Cape Town and Marrakesh; 1st in the World for Network Readiness and 2nd in the World for ICT Promotion.

34. Key contributors to Rwanda's socio-economic transformation were identified as emphasis on home-grown solutions, transformational leadership, the resilience of Rwandans, the spirit of African Solidarity (Ubuntu), citizen-centred policies and the formation of the Rwanda Development Board (RDB), which is a One-Stop Shop for all business-related matters.

Presentation and Debate on the status of the fight against corruption in reference to the African Union theme of the year 2018 *"Winning the fight against Corruption: A sustainable path to Africa's Transformation.*

35. The plenary conducted debate on the topic "status of the fight against corruption in reference to the African Union theme of the year 2018

"Winning the fight against Corruption: A sustainable path to Africa's Transformation". Hon. Florence Ziyambi, Member of the African Union Advisory Board on Corruption (AU-ABC), made a presentation on the topic to the Delegates.

36. It was noted that corruption had become a major challenge in the African continent and had drained government coffers, hampered free trade and scared off potential investors.

37. It was observed that, the pervasive nature of graft has generated momentum to address this problem in the African region. There is a visible progress in governance standards in Africa, ranging from initiatives to combat corruption and improve economic and financial management, to efforts to democratize the political systems. However, there have been challenges of instituting good governance and building resilient states in Africa. State institutions and their capacity to provide checks and balances within their systems have remained weak. Additionally, progress in controlling corruption has also continued to remain poor as a result of inadequate public financial management capacity and infrastructure.

38. Following further deliberations the members agreed that, there was need to put in place mechanisms to prevent, detect, punish and eradicate corruption and related offenses through cooperation among member states to ensure effectiveness of the measures put in place; coordination and harmonization of policies and legislation between member states for purpose of fighting corruption and establishing the necessary conditions to foster transparency and accountability in the management of public affairs.

Presentation and debate on the role of the African Union Electoral Observation Missions in terms of the numerous cases of electoral disputes in Africa

39. The plenary conducted debate on the role of the African Union Electoral Observation Missions in terms of the numerous cases of electoral disputes in Africa following a presentation from the Commissioner of

Political Affairs of the African Union Commission which was undertaken by Mr. Guy Cyrille Tapoko, Head of Democracy and Electoral Assistance Unit of the AU Political Affairs Division.

40. It was noted that Early Warning Systems provide key feedback on possible election outcomes globally. Hence, it was observed that effective elections observations ought to be undertaken two months before and two months after an election.

41. It was further reported that most African governance problems are election-based.

42. Under the PAP mechanism, it was noted, most heads of election monitoring missions are usually former political leaders such as former heads of states, with election observation being conducted in all main regions of the given country. Thereafter, a Preliminary Report is prepared.

43. The AU Commission observed that post-electoral review was emerging as a new area of avoiding recurrence of electoral conflicts through electoral reforms based on Recommendations made by Election Observation Missions (EOMs).

44. It was further pointed out that PAP representatives account for over 40% of African Union election observation missions, and countries that the missions had visited included Chad, Egypt, DR Congo, Comoros, Burundi, Nigeria, Mali, among others.

45. The Commissioner informed delegates that a typical electoral cycle involved voter registration, civic education, electoral planning, legal framework, verification of results, and post-election review. It was nonetheless noted that the key challenge was not electoral cycles but electoral management, with the possibility of 'Free and Fair Elections' being watered down to *'Credible Elections'*.

46. Members voiced their displeasure in the manner that logistics regarding Election Observation Missions were handled, which included the purchase of Economy-class Tickets, the inappropriate choice of routes/ stopovers involved in flights itineraries, delays in reimbursing Members

who used their own money in funding part of their travels, among others. The Bureau undertook to look into ways of addressing these concerns.

Presentation and debate on the Draft procedural Guidelines for the Formulation of Model Laws by PAP

47. The plenary conducted debate on the development of model laws, which were described by International IDEA as a critical step towards the Pan African Parliament's full legislative capacities.

48. With the aim of PAP being an institution having full legislative powers as proposed in the Malabo Protocol, the PAP as an advisory and consultative organ of the African Union was reported as currently having a mandate wide enough to propose and formulate Model Laws.

49. Procedural Guidelines were thus designed to guide the process of model law formulation by the Pan African Parliament, and were expected to be used as Guidelines until such a time they are integrated in the revised PAP Rules of Procedure.

50. The purpose of a Model Law was described as a law meant to establish a useful framework which enables legislative bodies to have some uniformity in their governance, organization, and management, and that they help institutions to conduct their functions smoothly and discharge their responsibilities in an effective manner.

51. The objectives of the Model Laws were outlined as a platform meant to enable national governments to harmonize, modernize and standardize their respective legislation through modification to the extent necessary to meet local needs.

52. The Model Laws were also reported as being established in order to act as a vehicle to accommodate local requirements that vary from country to country and where strict uniformity is not desirable.

53. In addition, the Model Laws are expected to provide an acceptable tool to achieve some degree of harmonization of legal and institutional frameworks, which will advance African political, social and economic integration and development.

Presentation and debates on the 2019 theme of the African Union: *"Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Foster Displacement" and* Labour & Migration Governance in Africa

54. The plenary conducted debate on the 2019 theme of the African Union: "Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Foster Displacement", as well as Labour Migration Governance in Africa. The presentations were made by the Commissioner Social Affairs of the African Union Commission, Hon. Alex Chersia Grant, Deputy Chairperson of the Committee on Trade, Customs and Immigration Matters, and Mr. Jason Theebe, Senior Regional Labour Migration Officer at the International Organization for Migration (IOM).

55. The presenters began by informing delegates that conflicts cause nations to lose their critical human resources such as doctors, engineers, lawyers, architects, etc, with the economic consequences of immigration being felt in both the short and the long term.

56. Migrants, it was noted, ought to move by choice, and not by desperate necessity. Additionally, the rights of migrants ought to be protected throughout their migration odyssey. To this end, governments were encouraged to ensure that migration is well governed so as to have positive/ beneficial impact on all parties.

57. Labour migration, it was declared, affects the politics, economics and culture of any concerned/ affected country. Western countries were thus beseeched to make their Visa rules and requirements more flexible so as to enable young skilled Africans to access the labour market in the West.

58. It was observed that a substantial proportion of African migrants were poverty-based migrants escaping harsh economic conditions in their parent countries, but were at the same time low or non-skilled, hence could not guarantee stable job opportunities once they got to their destinations.

59. In view of the view that Necessity Knows No Law/ Limit, it was observed that some illegal migrants were willing to risk their lives attempting to

cross the Mediterranean Sea in a bid to access greener pastures in Europe and elsewhere.

60. Further, delegates were informed that at times migrants arriving in various countries of destination end up discovering that their rights are not regarded highly, or that there are no strong Labour Codes or labour laws in place, with countries such as Saudi Arabia and Kuwait being quoted as key examples. Some migrants also arrive in the West only to discover that they are unable to access lucrative or sustainable jobs, and immediately desire to return home.

61. It was reported that most of the advanced countries are industrialized, as opposed to most of Africa that relies heavily on agrarian economies. As such, failure to pursue industrialization in Africa was envisioned as contributing to more and more migrants heading to the West, some as slaves. In a bid to curtail such an eventuality, the need for solid visionary leadership was stressed upon, particularly in view that the projected African population was 1.4 billion in the year 2010, and a whooping 2.2 billion in the year 2050.

62. The presenters averred that so long as Africa continued exporting raw materials to other regions, she was unlikely to achieve optimum industrialization levels that would forestall illegal or irregular migration.

63. During plenary discussions, PAP Members from Libya denied allegations that the country had become a route for illegal migration, human trafficking, child trafficking, slave trade and a host of other human related ills. It was reported that Mali had sent its airplanes to Libya to repatriate some of its citizens from Libya.

64. The plenary further identified corruption as a key cause of migration in Africa, as was exemplified by the recently released Panama Papers on hidden offshore wealth. It was additionally claimed that most Heads of State tend to cover each other when a scandal faces any of them.

65. In conclusion, it was agreed that fighting poverty through wealth creation, employment and peace were the three key conditions for

tackling the runaway problem of migration in Africa. In addition, it was agreed that proper governance of migration would boost intra-African trade, tourism, skills transfer, knowledge transfer and facilitate labour mobility in line with the continent's development aspirations.

Presentation and debate on the draft Model law on Disability

66. The Draft Model Law on Disability was a thematic area covered during the Ordinary Session of the 5th Pan African Parliament, and was presented by Hon. Marie Mediatrice Izabiliza ,the Deputy Chairperson of the Committee on Gender, Family, Youth and People with Disability, as well as Mr. A.K Dube, the CEO of African Disability Alliance.

67. The presenters explained that the purpose of this draft model law was to provide a legal and institutional framework for the protection and promotion of the rights of persons with disabilities, in line with the existing international and regional legal and policy instruments.

68. They further elucidated the provisions of the law which entailed the principles of protection of persons with disabilities; rights and welfare of persons with disabilities; state obligations to persons with disabilities; gender, aging and disability and implementation, coordination and monitoring mechanisms on the issues to do with disability.

69. It was reported that the principal objective of the Model Law on Disability was to provide basic principles to be observed by state and non-state institutions and actors in respect to persons with disabilities.

70. During plenary discussions on the topic, it was agreed that there was need to promote full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities; promote respect for their inherent dignity; promote national policies, programmes and best practices that encourage full participation of persons with disabilities in social and economic development, encourage creation and strengthening of national disability coordination bodies, and ensure effective representation of persons with disabilities and their organisations.

Presentation and debate on Correlation between Illicit Financial Flows (IFFs) and Taxation

71. The Assembly conducted debate on the correlation between illicit financial flows and taxation. The presentation was made by Mr. Logan Wort, Executive Secretary of African Tax Administration Forum (ATAF).

72. Mr. Wort noted that illicit financial flows in Africa had become a matter of major concern because of the scale and negative impact of these flows in Africa's development and governance agenda. Notably, he said, Africa loses $50 billion annually in illicit financial flows. This had necessitated African governments to take prompt actions to curtail these flows.

73. He apprised delegates that illicit financial flows correlate with taxation in the sense that poor tax systems greatly motivate the illicit financial flows. Taxes have enormous development significance and tax-motivated illicit financial flows have seriously continued to undermine efforts towards development and growth of economies of the African continent. A substantial portion of these flows, he pointed out, relate to tax avoidance and evasion.

74. It was reported that over 65% of Africa's illicit financial flows come from corporate activities through tax evasion, tax avoidance, irregular tax incentives, extractive transactions (regarding which the example was given of Tanzania which charges 0% tax on gas following skewed gas deals in 1977), transfer pricing and trade mispricing, which is the undervaluation of goods exported and imported by a country.

75. It was noted that tax incentives were an indirect way of taxpayers giving away their rights to investors. Further, it was observed that extractive industries such as mining ought to benefit African countries through taxation and profit sharing with the authorized firms.

76. It was additionally reported that African countries have capacity to quantity only 6% of what comes in or goes out of their respective borders, which was fertile ground for smuggling, black markets, hoarding, and a host of other economic crimes.

77. In conclusion, the presenter noted that the chief cause of Africa's illicit financial flows was Africa's tax landscape that was composed of poor laws, out-dated laws, tax mix or non-implemented laws.

78. During plenary discussions on the subject, it was proposed that legislators in the African continent should keenly look at tax issues from the perspective of illicit financial flows, and enhance anti-corruption measures with greater focus on building the integrity and transparency of governance institutions, increasing financial transparency and enhancing cooperation in the area of enforcement. It was emphasized that the fight against corruption in African countries cannot be overstated in addressing issues of taxation and illicit financial flows in totality.

Presentation and debates on Food and Agriculture Organisations of the United Nations (FAO)'s Global Youth Engagement; and on Food and Nutrition Security Systems in Africa

79. The Ordinary Session of the 5th PAP also undertook debate on Food and Agriculture Organisations of the United Nations (FAO)'s Global Youth Engagement as well as on Nutrition and Food Security Systems in Africa. The presentations were made Ms. Bibi Giyose, Senior Officer, Food and Security Systems and Adviser to the CEO if the New Partnership for Africa's Development (Nepad); Hon. Dognon Kone, Chairperson of the Committee on Rural Economy, Agriculture, Natural Resources and Environment; FAO, and Hon. Zwelivelilie Mandela, Member of the Committee on Rural Economy, Agriculture, Natural Resources and Environment.

80. At the onset, the presenters apprised Delegates that the Food and Agriculture Organization of the United Nations (FAO) leads international efforts to defeat hunger and mitigate poverty by helping developing countries and countries in transition to modernize and improve their agriculture, forestry and fisheries practices and to ensure food and nutrition security for all.

81. Delegates were reminded that the 2030 Agenda for Sustainable Development and the UN Decade of Action on Nutrition 2016–2025 lays

an expectation on all countries and stakeholders to act together to end hunger and prevent all forms of malnutrition by 2030. This goal, it was emphasized, could only be realized if agriculture and food systems become sustainable to the extent of making food supplies stable and all people have access to adequate nutrition and health.

82. The start of the 2030 Agenda, it was observed, had coincided with the launch of the United Nations Decade of Action on Nutrition (2016–2025), which added impetus to these commitments by providing a time-bound, cohesive framework for action.

83. Achieving food security for all was at the heart of FAO's mandate and given the prevalence of poverty and food insecurity among rural youth, there had been emphasis on the promotion of decent employment opportunities for rural youth. To this end, FAO had developed an innovative public-private partnership model for youth employment in agriculture since 2011, and had piloted the model in Malawi, Tanzania Mainland and Zanzibar. Further, in 2017, FAO launched its Global Internship, Volunteers and Fellows Programme (IVF) that was meant to mobilize youth to achieve Zero Hunger. This was followed in January 2018 by the signing of a Framework Agreement between the United Nations and the African Union Commission to join forces towards achievement of the 2030 Agenda and Africa's Agenda 2063.

84. It was reported that in 2016 the number of chronically undernourished people in the world was 815 million, up from 777 million in 2015. The food security situation has worsened in particular in parts of sub-Saharan Africa, South-Eastern Asia and Western Asia, and deteriorations have been observed most notably in situations of conflict and conflict combined with droughts or floods.

85. Members were further informed that multiple forms of malnutrition coexist, with countries experiencing simultaneously high rates of child undernutrition, anaemia among women, and adult obesity. The number of conflicts was also said to be on the rise. Exacerbated by climate-related shocks, conflicts were reported as having serious effect on food security and a key driver of situations of severe food crisis, while hunger and

under-nutrition were significantly worse where conflicts are prolonged and institutional capacities weak.

86. Addressing food insecurity and malnutrition in conflict-affected situations was said to require a conflict-sensitive approach that aligns actions for immediate humanitarian assistance, long-term development and sustaining peace.

87. In conclusion, the presenters opinionated that achieving a world free from hunger, malnutrition and poverty and ending hunger and all forms of malnutrition is an ambitious goal that can be attained if leaders of the continent strengthen their common efforts and work to tackle the underlying causes that leave so many people food-insecure. Conflicts would require multisector humanitarian, development and peace strategies that address immediate needs while making the necessary investments to build resilience for lasting peace and food security and nutrition for all.

88. During plenary on the topic, it was observed that Africa is regarded as a key centre of agricultural production and has the agricultural potential not only to feed itself but also to grow a surplus to support the global food security. This notwithstanding, agriculture in Africa was said to be at the crossroads of persistent food shortages compounded by climate change threats and stagnant youth employment opportunities.

Presentation and debate on the Report of the Committee on Audit and Public Accounts (CAPA) for October, 2018

89. The October 2018 Report of the Committee on Audit and Public Accounts (CAPA) was also subjected to plenary analysis and discussion. The Report was presented by CAPA Vice Chairperson, Hon. Sekou Fantamadi Traore, MP.

90. The Report was largely an in-house audit report on various financial and administrative aspects of PAP.

91. During plenary on the Report, it was alleged by a Member of PAP that twelve pages had been struck off from the original report adopted by CAPA, regarding which it was reported that CAPA and the Bureau had

agreed to edit the Report in a bid to sort out repetitions and redundancies.

MOTION TO PAY TRIBUTE TO MR. KOFI ATTA ANNAN, FORMER SECRETARY GENERAL OF THE UNITED NATIONS

92. Hon. Chief Zwelivelile Mandlesizwe Dalibhunga Mandela from the Republic of South Africa moved a Motion to pay tribute to the late Kofi Annan, former Secretary General of the United Nations. He was seconded by Hon. McHenry Venaan from Namibia.

93. In addition to the due tribute to Mr. Annan, the Motion included a request for PAP to institute a special award in the name of Mr Kofi Annan to serve as a lasting tribute to a great statesman of Africa and the world.

94. The full text of the Motion is *annexed herein.*

MOTION TO CONGRATULATE HER EXCELLENCY ELLEN JOHNSON SIRLEAF, FORMER PRESIDENT OF THE REPUBLIC OF LIBERIA

95. Hon. (Dr.) Zalikatou Diallo moved a Motion to congratulate Her Excellency Ellen Johnson Sirleaf, former President of the Republic of Liberia on the good and loyal service that she had rendered to Liberia and Africa as a whole, and for advancing the cause of women. The Motion was seconded by Hon. Sekou Fantamadi Traore.

96. The Motion noted that during the presidency of H.E. Ellen Johnson Sirleaf, Liberia did not plunge back to civil wars witnessed earlier. And further recognized her role in building a transparent democratic model and establishing the country's institutions

97. The full text of the Motion is *annexed herein.*

MEETING OF THE EAST AFRICAN REGIONAL CAUCUS

98. During the meeting of the East African Caucus, election of the vice-chairperson was conducted and Hon Fidel of Uganda retained his position as the vice-chairperson of the caucus.

99. The Chairperson, Hon. Janet Ongera announced vacancies in various committee positions that included Chairpersons of the Monetary and Financial Affairs Committee, CAPA, and Justice and Human Rights Committee; Vice Chairpersons of CAPA, Gender, Family, Youth and Persons with Disability, CAPA Rapporteur as well as Chairperson of the Committee on Cooperation, International Relations and Conflict Resolution. Following deliberations, a vote was taken on the candidates who were interested in the position of Chairperson of the Committee on Cooperation, namely Hon. Amin Hassan Omar of Sudan and Hon Mohammed Reza of Mauritius, and after the vote count the Committee nominated Hon. Reza to be fronted for the post.

100. The meeting considered its 2019 workplan whose strategic objective was to strengthen the parliamentary legislative function of the PAP by having regional consultative meetings on the ratification and domestication of AU Legal instruments. The meeting agreed to hold workshops to discuss various issues including African governance platform,, promotion of African Union legal instruments, combating terrorism in the East African Region, Climate change and regional integration. The meeting also sought information regarding the reasons various countries had not yet ratified the Malabo Protocol.

101. Kenya undertook to host the Eastern Region Caucus in January or February 2019.

102. Rwanda, the host Parliament, organized a cocktail dinner for members of the East Africa Regional Caucus at Serena Hotel, Kigali.

103. All Regional Caucuses of PAP held their meetings on 22nd October 2018, namely, the East Africa Caucus, the West Africa Caucus, the North Africa Caucus, the Southern Africa Caucus and the Central Africa Caucus.

COMMITTEE MEETINGS

104. The various Permanent Committees of the Pan African Parliament meet and transacted their respective business as per the adopted agenda.

105. They included the following Committees:

(i) The Permanent Committee on Audit and Public Accounts which held it sitting on 18th October 2018 and again on 23rd October 2018.

(ii) The Permanent Committee on Rules, Privileges and Discipline which held it sitting on 18th October 2018 and again on 23rd October 2018.

(iii) The Permanent Committee on Justice and Human Rights which held it sitting on 18th October 2018 and again on 24th October 2018.

(iv) The Permanent Committee on Cooperation, International Relations and Conflicts Resolutions which held it sitting on 23rd October 2018.

(v) The Permanent Committee on Health, Labour and Social Affairs which held it sitting on 23rd October 2018.

(vi) The Permanent Committee on Rural Economy, Agriculture, Natural Resources and Environment which held it sitting on 23rd October 2018.

(vii) The Permanent Committee on Trade, Customs and Immigration which held it sitting on 23rd October 2018.

(viii) The Permanent Committee on Education, Culture, Tourism and Human Resources which held it sitting on 24th October 2018.

(ix) The Permanent Committee on Gender, Family, Youth and people with Disability which held it sitting on 24th October 2018.

(x) The Permanent Committee on Monetary and Financial Affairs which held it sitting on 24th October 2018.

(xi) The Permanent Committee on Transport, Industry, Communications, Energy and Technology which held it sitting on 24th October 2018.

106. Minutes of the respective Minutes are scheduled to be circulated to all Committee Members by the respective Secretariats.

107. Further, the AU-IBAR (African Union – Inter-African Bureau for Animal Resources) held a Workshop on 27th October 2018 to sensitize Members of the Permanent Committee on Rural Economy, Agriculture, Natural Resources and Environment and the PAP Bureau on the Animal Welfare Strategy for Africa (AWSA) and the Animal Platform on Animal Welfare (APAW).

108. Additionally, a meeting of the PAP Caucus on Youth was held on 27th October 2018 at the Lemigo Hotel, Kigali.

WOMEN'S CONFERENCE HELD IN KIGALI, RWANDA ON OCTOBER 31 AND NOVEMBER 1, 2018

109. The Women's Conference took place at the Parliament of Rwanda in Kigali, Rwanda on October 31 and November 1, 2018.

110. The Conference, held under the same theme as the PAP's First Ordinary Session of the Fifth Parliament, namely combating corruption in the continent, has been held regularly since 2008.

111. The Conference was graced and opened by H.E. Jeannete Kagame, First Lady of the Republic of Rwanda.

112. In her keynote address, H.E. Jeannete Kagame informed delegates that that women in leadership are tasked with a significant role in curbing graft and endeavouring to guarantee a bright future for the African continent through accountable governance, responsible decisions, and credible service delivery.

113. Women, she observed, are generally less corrupt than their male counterparts, and that institutions having significant proportions of women in decision making tend to perform better in terms of resource mobilization, assets and human resource management, and maintaining zero or low levels of graft.

114. H.E. Jeannete Kagame called for the stabilization and strengthening of legal and institutional frameworks, policies and systems that reinforce accountability and ensure that principles of equity, fairness and equality are addressed in all areas of social, political, cultural and economic engagement.

115. Other keynote speakers at the Conference included Hon. Roger Nkodo Dang, President of the Pan-African Parliament, and Hon. Jamila Ksiksi Debbech, Chairperson of the PAP Women's Caucus, who sought to draw the attention of the delegates and women legislators in

general to the existing gaps between policy frameworks, gender policies, and anti-corruption strategies and actions.

116. The leaders and speakers challenged African Members of Parliament to demonstrate urgency in fighting corruption, and beseeched them to do their part in uprooting graft through building sound policies and systems that are grounded in a culture of integrity, responsibility and accountability.

RECOMMENDATIONS, RESOLUTIONS AND DECLARATIONS OF THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

117. The Pan African Parliament adopted the Resolutions and Recommendations of the First Ordinary Session of the Fifth Parliament of the Pan-African Parliament during its last sitting on November 2, 2018 at the Parliament of Rwanda.

118. The Recommendations, Resolutions and Declarations adopted in the First Ordinary Session of the Fifth Parliament of the Pan-African Parliament are enclosed herein.

END

Annexures

i) Resolutions and Recommendations of the First Ordinary Session of the Fifth Parliament of the Pan African Parliament

ii) Activity Report of the Pan African Parliament for May to October 2018

iii) The PAP Draft Model Law on Disability

iv) Report of the Committee on Audit and Public Accounts

v) Summary of proceedings and recommendations of the 11th Conference on Women held from 31st and 1st November, 2018.

PAN-AFRICAN PARLIAMENT

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PARLEMENT PANAFRICAIN

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FIFTH PARLIAMENT

FIRST ORDINARY SESSION OF THE PAN-AFRICAN PARLIAMENT

22 October to 03 November 2018

DRAFT RESOLUTIONS

PAN-AFRICAN PARLIAMENT
DOCUMENTATION

DRAFT RESOLUTION ON THE FORMULATION OF A MODEL DISABILITY LAW IN AFRICA

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan African Parliament to ensure the *"full participation of the African people in the development and economic integration of the continent"*;

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of *"collective self-reliance and economic recovery"* as well as the implementation of the policies, objectives and programmes" of the African Union;

CONSIDERING FURTHER Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of African Union Member States;

RECALLING the African Union (AU) 36th Assembly of Heads of State and Governments in Lomé, Togo in 2000, which declared 1999-2009 as the African Decade for Persons with Disabilities which was further extended in Khartoum, Sudan in 2010, to 2010–2019;

RECALLING also the United Nations Convention on the Rights of Persons with Disabilities, adopted in 2006 and entered into force in 2008, with the move from traditional charity-oriented and medical-based approaches, to one based on human rights to give equal rights to individuals regardless of their status;

RECOGNIZING that Persons with disabilities face discrimination and barriers that restrict them from participating in social life on an equal basis with others, they are denied their rights to live independently in the community with social protection;

ACKNOWLEDGING the efforts made to accelerate disability mainstreaming on the continent through African Union Disability Architecture endorsed by the African Union Executive Council in January 2013, which called for the implementation of the Social Policy Framework for Africa by Regional Economic Communities and for Member States to increase investment and budget allocation to the social sector;

ACKNOWLEDGING further the commitments of African Heads of States and Governments to achieve social inclusion, equality, non-discrimination and representation of persons with disabilities at all levels of society by 2020, including decision-making and monitoring processes that led to the adoption of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities on 29 January 2018;

WELCOMING the partnership between the Pan-African Parliament and Africa Disability Alliance to fulfil human rights for people with disabilities by promoting and mainstreaming disability within African Union Member States through the development of a Model Disability Law;

APPRECIATING the technical support given by the Africa Disability Alliance to the Pan-African Parliament in the formulation of the draft model law on disability, which will facilitate the domestication of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities as well as formulation of national human rights policies and legislations on disability;

CONVINCED that a comprehensive and integrated continental legislative framework to support the promotion and protection of the rights of persons with disabilities will make a significant contribution to redressing the profound social vulnerabilities of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres, at both national and international levels;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. **ADVOCATE** for the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities, which only requires 15 ratifications to enter into force;

2. **ADOPT** the first draft of the draft Model Disability Law and **REQUEST** its submission to regional consultations in order to get inputs from African citizens, the grassroots organizations and other interested stakeholders;
3. **STRENGHTEN** the collaboration and exchanges among regional and national parliamentary bodies, with a view to enhance the capacity of parliamentarians to monitor all policies and programme areas, as well as the budgetary and legislative activities towards disability mainstreaming.

Adopted in Kigali, 2 November 2018

RESOLUTION PAYING TRIBUTE TO H.E. KOFI ATTA ANNAN, FORMER SECRETARY-GENERAL OF THE UNITED NATIONS

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP);

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament;

CONSIDERING FURTHER the motion to pay tribute to Mr Kofi Atta Annan, former Secretary-General of the United Nations as debated and adopted by the Pan-African Parliament on the 29 October 2018, in accordance with Rules 60 and 63 of its Rules of Procedure;

CONSIDERING with immeasurable sadness the passing of the former Secretary-General of the United Nations (UN), Kofi Atta Annan, a diplomat *par excellence* and a towering global figure, born in Kumasi, Republic of Ghana on 08 April 1938, who rose through the ranks of the UN, serving as the seventh UN Secretary-General from January 1997 to December 2006;

NOTING ALSO that Mr Kofi Annan and the UN were co-recipients of the Nobel Peace Prize in 2001 and that in his retirement he continued to be at the forefront of efforts to diffuse volatile situations in Africa and other developing nations as a Member and Chair of the Elders Club;

ACKNOWLEDGING that Mr. Annan's role as the Leader of the UN Secretary General was not only an honour to Ghana, but also pride for the African continent and the entire African Diaspora;

ACKNOWLEDGING that Mr. Kofi Annan pioneered some of the most ground breaking United Nations policies, including on the Millennium Development Goals and the Responsibility to Protect, and advocated tirelessly for the values of peace, human rights, tolerance and solidarity among all nations and peoples;

ACKNOWLEDGING ALSO that Mr Kofi Annan made the whole world understand that the promotion of equality between men and women was not an issue of women only, but a prerequisite for humanity and sustainable development;

ACKNOWLEDGING FURTHER that Mr Koffi Annan spearheaded a number of key African Union governance and peace-building initiatives, including the Ten-Year Capacity Building Programme for the African Union, the establishment of the Hybrid Operation in Darfur - a unique model of cooperation in peacekeeping between the African Union and the United Nations;

APPRECIATING the need to celebrate the numerous accomplishments of this true and Son of Africa and to immortalize his legacy as a source of inspiration and encouragement for current and future generations;

IN ACCORDANCE WITH Rule 5(b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

HEREBY RESOLVES TO:

1. Celebrate the illustrious life of Mr. Kofi Atta Annan for his a tremendous contribution to the quest for durable peace and sustainable development in the world;

2. Pay tribute to the tremendous achievements of the highly distinguished Mr. Kofi Atta Annan as an outstanding African Secretary-General of the UN and a shining example of leadership;

3. Institute a special award in the name of Mr. Kofi Atta Annan, as a lasting tribute to a great statesman of Africa and the world, which will be bestowed during each October Session of the Pan-African Parliament upon any African Career Diplomat who will have embodied the spirit of Mr Koffi Atta Annan.

4. Request the Bureau of PAP to take immediate measures to determine the modalities for, and to operationalise, the Kofi Atta Annan Award.

Adopted in Kigali, Rwanda
On 02 May 2018

PAP.5/PLN/RES/03/OCT.18

RESOLUTION ON PARTICIPATION OF THE PAN-AFRICAN PARLIAMENT IN AFRICAN UNION ELECTION OBSERVATION MISSIONS

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 3 and Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament, to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 (2) of the Protocol to the Treaty establishing the African Economic Community relating to the Pan-African Parliament, which requires the Parliament to promote the principles of human rights and democracy;

CONSIDERING Rule 4 (b) of the Rules of Procedure of the Pan-African Parliament, which states that "PAP shall promote human and peoples' rights, consolidate democratic institutions and democratic culture, good governance, transparency and the rule of law by all Organs of the Union, the Regional Economic Communities and Member States";

RECALLING Decision EX.Cl/Dec.534 (XVI) of the African Union Executive Council adopted in January 2010 requesting the African Union Commission, under a centralized budget managed by the Department of Political Affairs, to coordinate the organisation of joint election observation missions with the Pan-African Parliament and other concerned organs;

COGNIZANT that election observation is an oversight function, within the purview of the Pan-African Parliament and the African Union as a whole;

NOTING the logistical challenges encountered by Members of the Pan-African Parliament when participating in election observation missions;

BEARING IN MIND that under the current arrangement of assigning members to participate in election observer missions, the Committee on Cooperation, International Relations and Conflict Resolution is not involved in election observer missions, and as such, is unable to present reports to the Plenary on elections in Africa;

NOW HEREBY RESOLVES THAT:

1. The First Vice-President of the Pan-African Parliament should be appointed head of election observation missions at the Parliament, to monitor how election observation missions are managed by the Pan-African Parliament and the African Union Commission;

2. PAP should meet the current quota of 40% of its members constituting election observation missions;

3. The Committee on Cooperation, International Relations and Conflict Resolution should designate one of its members to join those designated by the Regional Caucuses;

4. Member of the Committee should work closely with the team of observers responsible for drafting the election observer mission terms of reference, and be responsible for presenting the country report of the elections to the Committee on Cooperation, International Relations and Conflict Resolution, and also to the Plenary;

5. The leadership position of the observer missions should be formalized with the African Union Commission;

6. The Bureau should engage with the African Union Commission to ensure that the Pan-African Parliament delegation plays a more visible role, and also resolve any logistical challenges that the members of the Parliament may face during election observation missions;

7. The Bureau should explore ways to enable the Pan-African Parliament to conduct its own missions, just like regional parliaments such as the ECOWAS Parliament and the SADC Parliamentary Forum.

Done in Kigali, 2 November 2018

DRAFT RESOLUTION ON THE DEVELOPMENT OF A MODEL LAW ON FOOD SECURITY AND NUTRITION IN AFRICA

THE PAN-AFRICAN PARLIAMENT;

CONSIDERING Article 17 of the Constitutive Act of the African Union establishing the Pan-African Parliament to ensure the "full participation of the African people in the development and integration of the continent";

CONSIDERING also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate regional cooperation, development and promotion of "collective self-reliance and economic recovery" as well as the implementation of the policies, objectives and programmes" of the African Union;

CONSIDERING FURTHER Article 11 (3) of the PAP Protocol and Rule 4 (1) (d) & (e) of the PAP Rules of Procedure, which empowers the PAP to work towards the harmonization or co-ordination of the laws of Member States;

RECALLING the PAP Resolution on Nutrition and Food Systems, which was adopted during the Sixth Ordinary Session, in May 2018;

NOTING that in June 2014, the Heads of State and Government of the African Union adopted the Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods and its implementation strategy and roadmap,

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in which they committed themselves to reducing stunting to below 10% in Africa and underweight in children under 5 years old to below 5% by 2025, with the aim of eradicating hunger in Africa in the next decade;

RECOGNIZING that the majority of African countries are parties to the international conventions relating to food security and nutrition, such as the International Covenant on Economic, Social and Cultural Rights, and that the right to adequate food is explicitly or implicitly enshrined in the national Constitutions many countries in Africa;

NOTING that, during the 4th ordinary session of the 2nd Pan-African Parliament (PAP) held in May 2016, several parliamentarians from across Africa re-echoed their commitment to food security and nutrition and pledged their support for the creation of the Pan-African Parliamentary Alliance for Food Security and Nutrition (PAPA-FSN), which was then launched on 13th October 2016;

NOTING ALSO that following a Memorandum of Understanding that was signed between the PAP and the Food and Agriculture Organization of the United Nations (FAO) in October 2016, a Technical Cooperation Project was launched in October 2017 with the aims of: (i) strengthening the capacities of the members of Pan-African Parliament to position food security and nutrition at the highest levels of the political and legislative agendas; (ii) strengthening the Pan-African Parliamentary Alliance for Food Security and Nutrition to advocate for and support the implementation of framework laws related to FSN at all levels; and iii) promoting the integration of FSN into national legal frameworks of targeted countries;

NOTING FURTHER the evidence that FSN policies and frameworks that are anchored in legislation are relatively more effective and foster sustainable improvement of Food Security and Nutrition, and the need to address structural challenges and create enabling environment for food security and nutrition, including specific policies, programmes and legislations;

RECALLING the meeting of the PAPA-FSN on 12 May 2018, which underscored the importance of a Model Law on FSN to catalyze and inform processes for the development and/or strengthening of pertinent laws in African countries, and recommended that the Committee on Rural Economy, Agriculture, Natural Resources and Environment initiate a process towards a resolution for the development of a Model Law on FSN in Africa;

RECOGNIZING that the development of a Model Law on FSN in Africa by the Pan-African Parliament will make a significant normative contribution to improving food security and nutrition in the continent, and will complement other African Union and regional efforts, such as the Malabo Declaration, to promote FSN;

FURTHER RECOGNIZING that the development of a Model Law on FSN should take into account the crosscutting and multi-sectoral nature of FSN, and must be cognizant of the diverse legal traditions of African States;

ACKNOWLEDGING that the current advisory and consultative mandate of the Pan-African Parliament empowers it to develop and propose model laws, including in the area of FSN in Africa;

IN ACCORDANCE WITH Rule 5 (b), (c) and (d) of the Rules of Procedure of the Pan-African Parliament, which empowers the PAP to, inter alia, organize debate, discuss, express an opinion, make recommendations and take resolutions on the objectives and on any matters relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RESOLVES TO:

1. Approve the development of a Model Law on Food Security and Nutrition in Africa;

2. Mandate the Committee on Rural Economy, Agriculture, Natural Resources and Environment and the PAPA-FSN to

lead the formulation of the proposed Model Law and to present the draft Model Law for consideration by the Plenary of the PAP;

3. Welcomes the technical support from the FAO and the fruitful collaboration between the PAPA-FSN, the Committee on Rural Economy, Agriculture, Natural Resources and Environment, the New Partnership for Africa Development Agency (NEPAD), and the African Union Commission's Department of Rural Economy and Agriculture, for the formulation of the proposed draft Model Law on FSN.

Adopted in Kigali, 2 November 2018

PAN-AFRICAN PARLIAMENT

PARLEMENT PANAFRICAIN

البرلمان الأفريقي

PARLAMENTO PAN-AFRICANO

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FIFTH PARLIAMENT

FIRST ORDINARY SESSION OF THE PAN-AFRICAN PARLIAMENT

22 October to 03 November 2018

DRAFT RECOMMENDATIONS

PAN-AFRICAN PARLIAMENT
DOCUMENTATION

RECOMMENDATION ON THE GOVERNANCE OF LABOUR MIGRATION IN AFRICA

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the resurgence of an endogenous and Pan-African development paradigm as stipulated in the AU Agenda 2063 which calls for an integrated continent with free movement of people, goods and services;

RECALLING FURTHER the Decision of the African Union Assembly of Heads of State and Government (Assembly/AU/Decl.6(XXV)[2015] adopted at the 25th Ordinary Session in Johannesburg Republic of South Africa from 14-15 June 2015, whereby the Assembly reaffirmed its commitments to accelerate mobility and integration on the

continent, migration in development and the positive impact of migration on development;

CONCERNED with the gravity of irregular movements of African migrants within Africa and beyond;

RECALLING FURTHER the resurgence of an endogenous and Pan-African development paradigm (AU Agenda 2063) which calls for an integrated continent with free movement of people, goods and services;

MINDFUL that Africa is confronted with a growing, educated youthful population and that regional economic development depends on circulation of people, services and technology; and that effective labour migration governance is the sustainable means for reducing smuggling and trafficking in persons on the African continent;

AWARE THAT all regional, continental and international programmes such as the Migration Policy Framework for Africa (MPFA), the Joint Programme on Labour Migration Governance for Development and Integration (JLMP) and the United Nations Global Compact for Migration (GCM) aim at facilitating safe, orderly and regular migration;

RECOGNISING that a proper governance of labour migration on the African continent will boost Intra-African trade, commerce and tourism, facilitate labour mobility, facilitate intra-Africa knowledge and skills transfer, promote Pan-African identity and social

integration, improve trans-border infrastructure and shared development;

ACKNOWLEDGING the efforts of the Regional Economic Communities (RECs) to improve the governance of labour migration in order to achieve safe, orderly and regular migration in their different regions as recommended in relevant frameworks of the African Union (AU) as well as international human rights and labour standards and other cooperation processes;

RECALLING all regional, continental and international programmes such as the Migration Policy Framework for Africa (MPFA), the Joint Programme on Labour Migration Governance for Development and Integration (JLMP) and the United Nations Global Compact for Migration (GCM) which aim at facilitating safe, orderly and regular migration;

IN ACCORDANCE with Rule 5 (d) of the Rules of Procedures of the Pan-African Parliament, which empowers the PAP to, inter alia, organise debates, discuss, express an opinion, make recommendations and formulate resolutions on the objectives and on any matter relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS TO:

1. The African Union Assembly to:
    a. Address concerns, challenges and costs relating to the free movement of persons on the Continent;
    b. Proceed with a progressive or phased approach in facilitating free movement of persons on the continent;

2. The Member States to:
    a. Educate citizens on the concept of free movement of persons by focusing on the development angle to counter negative biases;
    b. Mainstream free movement of persons in all other policies such as Trade, Education, Tourism and labour amongst others;
    c. Encourage their Governments to invest in labour market competitiveness, to compete on international labour markets.

Adopted in Kigali, Rwanda, on 2 November 2018.

RECOMMENDATION ON THE ROLE OF WOMEN IN THE FIGHT AGAINST CORRUPTION IN AFRICA

THE PAN-AFRICAN PARLIAMENT;

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING ALSO Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

CONSIDERING ALSO the international and African legal instruments relevant to the role of women in the fight against corruption, in particular African Union Convention on Preventing and Combating Corruption, the Protocol to the African Charter on Human and Peoples' Rights on to the Rights of Women in Africa (Maputo Protocol) and the African Charter on Democracy, Elections and Governance;

TAKING NOTE of the Kigali Declaration on the Role of Women in the Fight against Corruption adopted at the conclusion of the 11th Conference on Women's Rights held in Kigali, Rwanda, from 31 October to 1 November 2018;

CONCERNED that corruption is still prevalent in many African countries, with women and youth continuing to be collateral victims of corruption, which contributes to poverty and economic degradation;

APPRECIATING the efforts and progress made by the AU Member States to fight against corruption and to address its negative impact

on access by women and youth to food, health, education, employment and other socio-economic rights;

CONVINCED that curbing all forms of corruption, including illicit financial flows, will contribute significantly to the economic development of the continent and the attainment of the objectives of Agenda 2063;

CONVINCED ALSO that the eradication of all forms of corruption is essential to achieving the objectives of domestic resource mobilization to lift Africa out of poverty and reduce its dependency on aid;

BEARING in mind that women, who tend to be less corrupt and indeed contribute greatly to imparting core values for the welfare of the family and the development of society, can play a pivotal in the fight against corruption in Africa;

CONDEMNING corruption in all its forms and DETERMINED to work on changing the perception of Africa as a corrupt continent;

IN ACCORDANCE with Rule 5 (d) of the Rules of Procedures of the Pan-African Parliament, which empowers the PAP to, inter alia, organise debates, discuss, express an opinion, make recommendations and formulate resolutions on the objectives and on any matter relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY:

1. **CALLS UPON** all Parliaments in Africa to adopt appropriate legislative and other measures to fight corruption;

2. **CALLS UPON** governments of the African Union Member States to implement, without delay, appropriate means to fight corruption;

3. **URGES** the African Union and the Member States to strengthen and support the work of the African Union Advisory Board on Corruption as a Leading Continental Mechanism for the fight against corruption;

4. **URGES** the AU Member States to undertake the necessary legal and institutional reforms, including of the criminal, administrative and civil laws, to combat and break the cycle of illicit financial flows in Africa, especially in the mining and other sectors dealing with exports and imports;

5. **URGES** the AU Member States to introduce teachings on ethical and anti-corruption values in school curricula at all levels;

6. **URGES** all women, particularly women parliamentarians to take leadership to impart anti-corruption values to their families, communities and society at large and to take the stance to fight corruption ;

7. **CALLS UPON** the AU Member States and the African Union to encourage gender mainstreaming in accession to leadership position and in the fight against corruption.

Adopted in Kigali, Rwanda, on 2 November 2018.

Original: ENGLISH

PAN-AFRICAN PARLIAMENT

ACTIVITY REPORT COVERING THE PERIOD MAY TO OCTOBER 2018

PRESENTED TO THE FIRST ORDINARY SESSION OF THE FIFTH PARLIAMENT OF THE PAN-AFRICAN PARLIAMENT

.....

BY

H.E. HONOURABLE ROGER NKODO DANG
PRESIDENT OF THE PAN-AFRICAN PARLIAMENT

KIGALI, REPUBLIC OF RWANDA

PAN-AFRICAN PARLIAMENT
DOCUMENTATION

OCTOBER 2018

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LIST OF ACRONYMS

ACBF	African Capacity Development Foundation
ASSAF	Academy of Science of South Africa
ADA	Africa Disability Alliance
AfCFTA	African Continental Free Trade Area
APROB	Appointment, Promotion and Recruitment Board
ARADI	Alliance for Rights- Africa towards Disability Inclusion
ATAF	African Tax Administration Forum
ATT	Arms Trade Treaty
AU	African Union
AU-ABC	African Union Anti-Corruption Board
AUC	African Union Commission
AUTJP	African Union Transitional Justice Policy
CAADP	Comprehensive Africa Agriculture Development Program
CAPA	Committee on Audit and Public Accounts
CFTA	Continental Free Trade Area
COP	Conference of PartiesEU European Union
FAHR	Finance, Administration and Human Resource
FAO	Food and Agriculture Organization
ICT	Information and Communication Technologies
IOM	International Organization for Migration
IDEA	Institute for Democracy and Electoral Assistance
ILO	International Labour Organization
NEPAD	New Partnerships for Africa's Development
PAP	Pan-African Parliament
RECs	Regional Economic Communities
SADC-PF	Southern African Development Community Parliamentary Forum
TB	Tuberculosis
TCP	Technical Cooperation Project
UNEP	United Nations Environmental Program

UNPoA	UN Program of Action on Small Arms and Light Weapons
WHO	World Health Organization

1. INTRODUCTION

From May to October 2018, the Pan-African Parliament undertook several activities, in fulfilment of its core mandate, which is to "*ensure the full participation of African peoples in the development of and economic integration of the continent.*"[1] This Activity Report captures in detail those activities, whether parliamentary and non-parliamentary activities, as undertaken by the PAP since the Sixth Ordinary Session of the Fourth Parliament, held from 7 to 18 May 2018, in Midrand, South Africa, under the leadership of the Fifth Bureau.

The Activity Report includes the activities undertaken by all organs and structures of the PAP, including the Plenary, the Bureau, Permanent Committees, Regional and thematic Caucuses as well as the Secretariat, all of which converging towards the achievement of the strategic objectives of the PAP, as per the Strategic Plan still in force.

This report provides a brief account of the activities undertaken and clusters them into the six strategic objectives with an effect to elucidate the extent to which the said activities contributed to the achievement, by the PAP, of its abovementioned strategic objectives. The Report also highlights the key achievements recorded by the PAP during the period covered by the Report, and brings up the major challenges faced in the fulfilment of its mandate. The Report ends with some thoughts on the future activities of the PAP, building on the progress made so far.

2. THE ACTIVITIES UNDERTAKEN TOWARDS THE ACHIEVEMENT OF THE STRATEGIC OBJECTIVES OF THE PAP

The strategic objectives of the PAP are the following:

i. To effectively exercise and strengthen parliamentary functions of the PAP (Strategic Objective 1);

[1] See Article 17 (1) of the African Union Constitutive Act; Art. 2 (2) of the PAP Protocol and Art. 3 (a) and (m) of the new PAP Protocol.

ii. To provide a platform for mainstreaming African voices and those in the Diaspora, into the African Union policy-making process (Strategic Objective 2);

iii. To promote human rights and democracy, good governance & development in Africa (Strategic Objective 3);

iv. To promote peace, security and stability in Africa (Strategic Objective 4);

v. To promote economic integration and development in Africa (Strategic Objective 5);

vi. To deploy and strengthen the institutional capacity of the PAP in support to its core mandate (Strategic Objective 6).

The below developments endeavour to cluster the activities carried out under each of the strategic objectives and to describe the extent to which the said activities contributed to the achievement of the said objectives.

2.1. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 1: EFFECTIVELY EXERCISE AND STRENGTHEN PARLIAMENTARY FUNCTIONS OF THE PAP.

The activities aimed at ensuring effective exercise and strengthening of the PAP parliamentary functions including the Ordinary Session and the Committees Sittings, during which the Plenary, the Bureau and Permanent Committees as well as Regional and thematic Caucuses met, discussed and decided on a wide range of issues, as detailed here below.

2.1.1. The Successful Holding of the Plenary of the Sixth Ordinary Session of the Fourth Parliament

Pursuant to Rule 28 of the Rules of Procedure of the PAP, the PAP successfully held the Sixth Ordinary Session of the Fourth Parliament from Monday, 7th to Thursday 17th May 2018 in Midrand, South Africa, under the theme "*Winning the Fight against Corruption: A Sustainable Path to Africa's Transformation*". The

Sixth Ordinary Session marked the end of the mandate of the Fourth Parliament and its Bureau and Bureaux, as well as beginning of the Fifth Parliament.

Pursuant to Rules 9 and 20 (4) of the Rules of Procedure of PAP, 77 new Members of Parliament (MPs) were sworn in and subscribed to the oath of office. The new Members came from the following Member States: Algeria (2 MPs), Angola (2 MPs), Botswana (1 MP), Burundi (1 MP), Cameroon (2 MPs), Central African Republic (1 MP), Comoros (5 MPs), Republic of Congo (3 MPs), Côte d'Ivoire (4 MPs), Democratic Republic of Congo (1 MP), Djibouti (5 MPs), Equatorial Guinea (5 MPs), Guinea Bissau (5 MPs), Kenya (5 MPs), Lesotho (1 MP), Liberia (2 MPs), Libya (5 MPs), Malawi (1 MP), Mali (1 MP), Morocco (5 MPs), Sao Tome and Principe (5 MPs), Senegal (5 MPs), South Africa (4 MPs), Sudan (5 MPs) and Zambia (1 MP).

Topmost on the agenda of the Session was the election of Members of the Bureau, which were successfully held and resulted in the re-election of Hon. Roger Nkodo Dang (Central Africa) as President, and election of Hon. Stephen Masele (East Africa) as First Vice-President, Hon. Haïdara Aichata Cissé (West Africa) as Second Vice-President and Hon. Bouras Djamal (North Africa) as Third Vice-President. Southern Africa did not contest Vice-Presidency and is yet to nominate candidates for the remaining seat of Fourth Vice–president, which could probably be filled during the October 2018 Ordinary Session.

The major issues deliberated by the Plenary during the Session included reports from the AU Commission on Political Affairs, Trade, Industry and Mining, which respectively focused on the AU Protocol on the Free Movement of Persons and Goods and the Free Trade Area, the areas of trade, industry, and mining, the blue economy and customs cooperation as contemplated in the abovementioned Protocol. The House also received presentations on the institutional reform of the African Union, the role of MPs in realizing the right to health, which generated a lot of interest and comments from the MPs.

The Plenary also debated and adopted the Activity Report of the PAP and ten Committee reports addressing various human rights, governance, development,

and rule of law issues affecting the continent and Member States. The most notable were the report of the Committee on Monetary Affairs on the 2019 Budget of the PAP and the terminal report of CAPA. It is also worth highlighting the report on the Regional Seminar on Small Arms and Light Weapons; the report of the workshop on Information and Communication Technology; the report on Action on Albinism in Africa; the report of the workshop on the African Continental Free Trade Area Agreement and the Protocol on the Free Movement of People and the African Passport; the report of the workshop on combating corruption; the report on the Study Visit on the Tourism Industry in Mauritius and the report on the PAP participation in the COP 23.

Finally, the Plenary debates culminated into the consideration and adoption of eight resolutions, two recommendations and one declaration.

Resolutions

The House adopted resolutions on the following:

(i) Resolution on achieving health targets and leaving no one behind;
(ii) Resolution on Nutrition and Food Systems in Africa;
(iii) Resolution on African continental free trade area and free movement of persons, right to residence and right to establishment.
(iv) Resolution on winning the fight against corruption
(v) Resolution on persons with albinism in Africa
(vi) Resolution on the establishment of the PAP desk on climate change
(vii) Resolution on the establishment of an Ad hoc Committee on AU reforms
(viii) Resolution for holding the First Ordinary Session of the Fifth Parliament of the PAP in a Member State

Recommendations

The House adopted two recommendations on the following;

(i) Recommendation on the ICT in Africa; and
(ii) Recommendation on the rights of older persons in Africa.

Declaration

The House adopted one declaration on events that took place in Palestine.

2.1.2. The Successful Holding of Meetings of Permanent Committees and Caucuses

The PAP successfully held meetings of Permanent Committees, both during the May 2018 Ordinary Session and during the August 2018 Committees Sittings.

2.1.2.1. Meetings of Permanent Committees and Caucuses during the May 2018 Ordinary Session

During the May 2018 Session, meetings of Permanent Committees and Caucuses were mainly focused on the election of Members of the various Bureaux of the Regional Caucuses, Permanent Committees, Women Caucus and Youth Caucus. Only the Committee on Audit and Public Accounts did not hold election of its Bureau Members, which it consensually postponed to be held in October 2018. It is worth highlighting that the elections were conducted successfully, in full compliance with the PAP Rules of Procedure, especially the principle relating to Regional balance within the Bureau of Committees.

In addition to fulfilling the statutory duty of renewal of their respective Bureaux, the Permanent Committees discussed and reflected on a wide range of issues, on which reports were presented to the Plenary and resolutions and recommendations were adopted in May 2018. The issues discussed include:

- The Participation of the PAP in the COP 23 Session, 6 – 17 November 2017, Bonn, Germany and food and nutrition systems (Committee on Rural Economy, Agriculture, Natural Resources and Environment);
- Reflections on the Study Visit on the Tourism Industry in Mauritius (Committee on Education, Culture, Tourism and Human Resources);
- Reflections on the AU Year of Combating Corruption-Legislation & Leadership: Deep impact conversation with Parliamentarians about combating corruption, repealing defamation laws to promote press freedom and Call for Action on Albinism (Committee on Justice and Human Rights);

- The Terminal Report of CAPA, May 2018;
- The Regional Seminar "Connecting the dots: Supporting 2030 Agenda, the Arms Trade Treaty (ATT) and the UN Program of Action on Small Arms and Light Weapons (UNPoA) implementation through increased parliamentary engagement and action in international processes" (Joint Committees Activity);
- The workshop on ICT (Committee on Transport, Industry, Communications, Energy, Science and Technology);
- The workshop on "Customs issues in Africa: Challenges and perspectives" and the Workshop of AfCFTA and Free movement of Persons in Africa (Committee on Trade, Customs and Immigration Matters);
- The Africa High Level Parliamentary Meeting on Achieving Health Targets and Leaving No One Behind (Committee on Health, Labour and Social Affairs);
- Consideration and analysis of the draft PAP Budget of 2019 (Committee on Monetary and Financial Affairs);

The examination and validation of nominations of various national delegations and individual MPs(Committee on Rules, Privileges and Discipline).The PAP also co-hosted on 12 May 2018, in the context of the Technical Cooperation Program with the United Nations Food and Agriculture Organization, a training and inception Workshop on "Strengthening Capacities of Parliamentarians in Africa for an Enabling Environment for Food Security and Nutrition including Right to Adequate Food" for the Committees on Rural Economy, Agriculture, Natural Resources and Environment, Justice and Human Rights, Health, Labour and Social Affairs, Transport, Industry, Communication, Energy and Technology and Gender, Family, Youth and People with Disability.

The Workshop brought together all relevant stakeholders (including parliamentarians from the four focus countries, project consultants, FAO staff and PAP staff) for a detailed work planning exercise. This exercise resulted in the development of the draft PAPA-FSN Work Plan and Communication Strategy, and

detailed Project-level and Country-level Implementation Plans for the duration of the project.

- Lastly, the PAP operationalized on the technical and advisory structures for the formulation of the Model Disability Law, of which the situational analysis and conceptual framework was presented and discussed by the Experts to the Committee on Gender. The contributions received from the MPs enabled the Experts to finalize the conceptual framework and to draft the zero draft of the draft Model Disability Law, which was tabled for consideration and discussion during the August Committees Sittings.

2.1.2.2. The Meetings of Permanent Committees and Caucuses during the August 2018 Committees Sittings

During the August Committees Sittings held on 4 – 11 August 2018, the PAP successfully organized meetings for all the 11 Permanent Committees, the One Regional Caucus and the two Thematic Caucuses – the Youth Caucus and the Women's Caucus. Given the transversal nature of some of the issues tabled for consideration of Committees, a number of the meetings were Joint-Committee meetings.

The major issues discussed by the Permanent Committees range from the formulation and promotion of model laws for adaptation to the local context; the sensitization of PAP Members on disability mainstreaming and development; the consideration of the zero draft of the draft Model Disability Law; the fight against hunger and the need for adequate legal frameworks on Food and Nutrition Security; Illicit Financial Flows (IFFs) out of Africa and the importance of Taxation Research in relation to the African continent.

It is worth highlighting briefly the issues, which each of the Permanent Committees considered and deliberated on.

i. The Committee on Rural Economy, Agriculture, Natural Resources and Environment

The Committee on Rural Economy, Agriculture, Natural Resources and Environment successfully held its statutory meeting, which was held in Cairo, Egypt. The Committee meeting focussed on Climate change and on the fight against poverty and hunger, linking it with the Committee's ongoing work on food security and nutrition, under the TCP signed with FAO. The Committee discussed the formulation of the Model Law on Food Security and Nutrition with technical support from FAO and the context of the TCP, with additional support by other interested stakeholders, such as NEPAD. These discussions resulted in the adoption of a draft Resolution on the Formulation of a draft Model Law on Food Security and Nutrition, which will be tabled for adoption by the Plenary during the October 2018 Ordinary Session. The Committee also formulated its draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

ii. The Committee on Monetary and Financial Affairs

The Committee on Monetary and Financial Affairs successfully held its statutory meeting in August, which discussed the Global Tax Agenda in relation to illicit financial flows as well as the Network and Taxation Systems in Africa. The Committee also discussed possibilities of formalizing its partnership with the African Tax Administration Forum (ATAF). The discussions in the Committee resulted in the decision for the ATAF to address the Plenary on the Correlation between Illicit Financial Flows and Taxation during the session in October. The Committee also formulated its draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

iii. The Committee on Trade, Customs and Immigration Matters and Committee on Transport, Industry, Communication, Energy and Technology

The Committee on Trade, Customs and Immigration Matters and Committee on Transport, Industry, Communication, Energy and Technology successfully held its statutory meeting, which discussed labour migration governance on the African Continent, the NEPAD's Program in the sector of transport and road infrastructure and the AU Convention on Cyber Security and Protection of Personal Data. The Committee on Transport also discussed possibilities of formalizing its partnership with United Nations Environment Program. The discussions in the Committee resulted in the drafting of an MOU which will be signed during the October 2018 Ordinary Session. The Committees also formulated their draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

iv. The Committee on Cooperation, International Relations and Conflict Resolutions

The Committee on Cooperation, International Relations and Conflict Resolution successfully held its sitting in August, which discussed the Peace and Security status on the continent, Advancing the declaration of peace and cessation of war and Advocating for the Rule of Law and Preventing Violet Extremism: educating our youth to be resilient to crime and terrorism. The Committee also formulated its draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

v. The Committee on Health, Labour and Social Affairs and the Committee on Gender, Family, Youth and People with Disability

The Committee on Health, Labour and Social Affairs and the Committee on Gender, Family, Youth and People with Disability held its statutory meeting in August successfully. Both committees jointly discussed the Continental Disability Legislation and other related Policy Instruments as well as the Advocacy for Increased Leadership and Accountability for TB Financing and Interventions.

Following the discussions in the Committee, the African Disability Alliance will present the Draft Model Law on Disability to the Plenary during this October Session. The Plenary will also be addressed on Policy Briefs around World Health.

vi. The Committee on Education, Culture, Tourism and Human Resources

The Committee on Education, Culture, Tourism and Human Resources, successfully held its statutory meeting, which discussed the NEPAD Home Grown School Feeding Program: Progress and Plans. The Committee also discussed possibilities of formalizing its partnership with the Academy of Science of South Africa (ASSAF).

vii. The Committee on Justice and Human Rights

The Committee on Justice and Human Rights successfully held its first statutory meeting, which discussed the Report of the Anti-Corruption Board (AUABC), the Human Rights Situation in Africa and the African Peer Review Mechanism (APRM).The discussions in the Committee resulted in the decision for the AU-ABC to address the Plenary on the fight against corruption and the APRM to present Country review reports to the Plenary in October 2018. The Committee also formulated its draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

viii. The Committee on Rules, Privileges and Discipline

The Committee on Rules, Privileges and Discipline successfully held its statutory meeting in August, which discussed, in addition to Model Law making, the Transitional Justice Framework with the Committee on Justice and also deliberated on the amendment of the PAP Rules of Procedure. The Committee also formulated its draft work plan which will be discussed during this session, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

ix. Committee on Audit and Public Accounts

The Committee on Audit and Public Accounts (CAPA) successfully met, which considered and reviewed Audit Reports for 2017 and 2018 and the progress on implementation of the audit recommendations by the PAP Management. The CAPA formulated a set of recommendations, which will be annexed to the Audit Report to be presented during the October 2018 Ordinary Session. The Committee also formulated its draft work plan, in preparation for the Joint Planning Meeting which will be held after the October 2018 Ordinary Session.

x. The Meeting of the Women's Caucus

The August Committees Sittings also afforded an opportunity for the holding of the Women's Caucus meeting, on 10 August 2018. The meeting was poorly attended with 12 out of 86 women members. The meeting discussed and adopted previous minutes and reports, and the Work plan of the Women's Caucus for the year 2018/2019 in order to define priority areas for the 5th Parliament. The meeting received a briefing on the mandates and objectives of the Women's Caucus and a presentation of the concept note and program of the 2018 Conference on women's rights, to be held from during the October 2018 Ordinary Session, in Kigali.

2.1.3. The Successful Holding of Bureau Meetings and Activities

Since its election in May 2018, the 5th Bureau of the PAP has held a number of meetings, to provide strategic leadership on parliamentary issues, and to exercise its leadership on administrative, human resources and financial issues. Under the leadership of the President of PAP, the Bureau has also undertaken a set of activities on behalf of the Parliament.

2.1.3.1. Bureau Meetings

The Bureau of the PAP has held four Bureau Meetings where it has regularly provided strategic direction and reviewed and formulated observations on the draft and/or amended Programs for the May 2018 Session and the August 2018 Committee Sittings. The Bureau also reviewed and provided direction on the Activity reports of the PAP, prior to its submission to the Plenary at both the May 2018 and October 2018 Ordinary Sessions.

Further, the Bureau has provided direction and taken decisions on recruitments for the vacant positions from which staff resigned in 2018 and those that are donor-funded to continue. The Bureau has considered and given direction on the resolution of the situation of special allowances of locally recruited GS staff and the possible implementation of the July 2018 Executive Council Decisions relating the PAP. The Bureau has also terminated the contract of the Clerk, and appointed an Acting Clerk and an Acting Deputy Clerk – FAHR.

2.1.3.2. PAP Effective Engagement within the AU Institutional Architecture

Under the leadership of the President of PAP, the Bureau of the PAP has, with the assistance of the Secretariat, provided leadership on the PAP engagement within the AU institutional architecture, particularly through preparation and submission of the PAP Activity Report to the 31st AU Summit, held in Nouakchott, Mauritania, in July 2018.

The PAP Delegation to the 31st AU Summit was led by Hon. Roger Nkodo Dang, the President of PAP, and composed of Members of the Bureau and supported by the Clerk and members of the Secretariat. The key outputs of this Summit included the participation of the PAP delegation to the 31st AU Summit of Heads of States and Government in general and, in particular, the speech of the Hon. President of PAP to the Heads of State and Government and the presentation of the PAP Activity Report for the period from October 2017 - May 2018 to the Executive Council for consideration. The Activity Report of the PAP resulted in the adoption of Executive Council Decisions Doc. EX.CL/1077(XXXIII) and Doc. EX.CL/1077(XXXIII) ii).

The Bureau also secured PAP participation in, and submission into, the AU reform process. The inputs prepared by the PAP has been considered and incorporated into the interim Report on Institutional Reform of the African Union.

The PAP has also had interactions with the AUC on various institutional matters, particularly the PAP participation in the validation exercise of the AUC Study on Coherence between the AU Organs. The PAP has also engaged with the AUC on possible options for the implementation of the Executive Council Decisions Doc. EX.CL/1077(XXXIII) and Doc. EX.CL/1077(XXXIII)ii) and challenges regarding the issue of special allowance for locally recruited GS Staff of the PAP.

Under the leadership of the Bureau, the PAP Secretariat, AU-IBAR and the AUC Department of Political Affairs organized a Workshop on Improving the Understanding of Sanitary and Phytosanitary Issues by the Members of PAP and a Workshop on Continental and Capacity Building on the Ratification of the PAP Protocol and other AU Instruments in September/October 2018.

2.1.3.3. Advocacy and other Activities of the Bureau and the President

Further, the Bureau represented the PAP in various meetings/conferences/events such as the 31st Ordinary Session of the Assembly of the African Union which was held from 25 June to 02 July 2018 in Nouakchott, Mauritania.

The Bureau was represented by a Member of Parliament as an Observer at the 43rd SADC Parliamentary Forum Plenary that was held in June/July 2018 in Luanda, Angola. One of the remarkable outcomes of this sitting was the unanimous adoption of a motion to amend the SADC-PF constitution and the Rules of Procedure to enable a much smoother operation of the SADC-PF by ensuring that where certain Members are for some reason unable to attend plenary business, they would be able to appoint a proxy so that the business of parliament is not disrupted by the non-attendance of members.

The Bureau was also represented at the 4th Annual Commemoration of the September 18th World Alliance of Religions Peace Summit hosted by the Heavenly Culture, World Peace, Restoration of Light that was held from 17 to 19 September

2018 in Seoul, South Korea. During this meeting, the PAP delegation had an opportunity to engage with the participating organizations, raise the visibility of the institution and explore opportunities for potential partnerships.

The President also participated as a Keynote Speaker at the High-Level Conference on the Future of International Election Observation, which to take place on 10 to 11 October 2018 in Brussels, Belgium. A particular focus of the Conference was the EU-AU partnership and existing cooperation in election observation and the impact of Electoral Observation Missions on the democratization process in a number of African countries. The Conference also focused on an exchange of best practices between parliamentarian observers, including on a Parliamentary Code of Conduct for election observation.Furthermore the Bureau was represented as an Observer at the 4th Ordinary Session of the Parliamentary Assembly of the Council of Europe, which took place from 08 to 12 October 2018, in Strasbourg, France.

Lastly the Bureau has continued to utilize opportunities whenever presented to advocate for more ratifications of the New PAP Protocol (Malabo Protocol). To date, the New PAP Protocol has garnered 10 ratifications (Benin, Cameroon, Chad, Gambia, Madagascar, Mali, Saharawi Arab Democratic Republic, Sierra Leone, Somalia, and Togo) and 19 signatures. Advocacy letters calling for urgent action to sign and/or ratify the Malabo Protocol and addressed to National Speakers will be given to Members of PAP from the Member States yet to sign and/or ratify the Malabo Protocol. The later will be expected to deliver the said letter to their respective Speakers as well as to support and monitor the possible steps to be taken in that regard.

2.2. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 2: PROVIDE A PLATFORM FOR MAINSTREAMING AFRICAN VOICES AND THOSE IN THE DIASPORA, INTO AU POLICY-MAKING PROCESS.

Considering that the primary mandate of the PAP is to ensure an effective participation of the people of Africa in the AU decision and policy-making process, providing a platform for the voices of African citizens, civil society and diaspora is

crucial to the success and effectiveness of the mandate of the PAP. Deliberate efforts made towards achieving this strategic objective include co-organisation of a workshop on migration flows, collaboration in hosting of a workshop on illicit financial flows, the convening of a civil society forum and invitation of civil society's technical presentations to various Permanent Committees.

2.2.1. Regional Workshop on Migration Flows jointly with the Konrad Adenauer Stiftung Foundation

In an effort to address the issue of migration flows from Africa to Europe the PAP, in conjunction with the Konrad Adenauer Stiftung Foundation, organized on 18 May 2018 a regional workshop which was attended by MPs, civil society and United Nations agencies.

The meeting noted that Africa was one of the world's largest refugee producing and hosting areas, with more than 11 million forced migrants. While the majority of forced migrants come from Eritrea, Somalia and South Sudan, South Africa, Ivory Coast and Uganda have become receiving centers of refugees. In line with trends in global displacement, forced migrations in Africa have become more complex and has increased in volume. It is fueled by political, socio-economic, and environmental factors.

The meeting also noted that migration flows in Africa are mixed, which means that they include persons with various different profiles and levels of vulnerabilities: migrant workers (both regular and irregular), refugees, smuggled migrants, trafficked persons, unaccompanied children, environmental migrants, stranded migrants, and victims of exploitation and abuse. Some use irregular channels to flee political unrest, persecution, and conflict, while others seek to escape situations of extreme resource scarcity, including drought, crop failure, food insecurity, and severe poverty. In the host and transit countries, migrants have less protection than others.

In pursuing a holisti approach, the meeting ag eed that the PAP should t ke a leadership role to harmonize AU policies and instruments dealing with migration and refugees with the ultimate aim of formulating a model law on the matter.

2.2.2. Involving Civil Society in the Fight against Corruption

The PAP also collaborated with civil society organizations and the AU Advisory Board on Corruption (AU-ABC) on 6 July 2018, a meeting to deliberate on collective efforts to combat corruption in Africa. This activity was part of the ongoing actions adopted by the PAP to sensitize citizens on the Declaration on the African Anti-Corruption Year at the July 2018 AU Summit, held in Mauritania. The participants in the meeting put specific emphasis on a wide range of measures to prevent and combat corruption, including combatting illicit financial flows, declaration of assets by public personalities, the ending of banking secrecy, recovering stolen assets and the empowerment of national anti-corruption bodies and the African Advisory Board on Corruption.

The participants agreed that corruption and illicit financial flows affect Africa's goals to end poverty and hunger and to achieve sustainable development through promoting inclusive economic growth, protecting the environment and promoting social inclusion. The meeting pledged support to the efforts of the AU, the Advisory Board on Corruption, relevant Organs and Institutions, and Regional Economic Communities in fighting the scourge of corruption and in securing accountability over the use of public resources across all Member States of the African Union.

2.2.3. Partnering with the Centre for Human Rights to Promote Effective Citizen and Civil Society Engagement with the PAP

On 8 August 2018, the PAP and the Centre for Human Rights of the University of Pretoria co-hosted a half-day dialogue to discuss effective citizen and civil society engagement with the PAP. Held on the sidelines of the August 2018 Committee Sittings of the PAP, in Midrand, South Africa, the Civil Society Forum, which was attended by more than 20 South Africa-based Civil Society representatives, aimed at fostering closer collaboration between and among CSOs and with the PAP, for the purpose of advancing and promoting an effective realization of the PAP as a continental Parliament.

To that end, the meeting achieved the following objectives:

i. CSOs sensitized on the workings of the PAP and committed to increasing programming on issues pertaining to the PAP;
ii. Active and constructive citizen and civil society engagement with the PAP promoted;
iii. Sharing of best practices on effective civil society advocacy and lobbying with AU institutions, particular the PAP;
iv. Identified gaps and challenges relating to civil society engagement with AU institutions, especially the PAP, and common strategies for addressing them devised.
v. Reflections on a mechanism for sustained civil society engagement with the PAP, including through continuation of the discussion on the sidelines of the October 2018 Ordinary Session, with the possible creation of a Civil Society Forum.

2.2.4. Technical Presentations and Briefing by Civil Society Organizations to the Permanent Committees

During the August 2018 Committees Sittings, several CSOs were invited to provide input into the work of Permanent Committees. The input was made through technical presentations and briefing on a wide range of issues, including the rights of persons with albinism, the rights of persons with disability, education, agriculture, effective tax management, fight against hunger and food security and nutrition, and transitional justice.

2.2.5. Negotiation of new strategic partnerships

The PAP has also fostered collaboration with a number of organizations, which is expected to culminate into the signing of partnership agreements during the October 2018 Ordinary Session:

- The UN Environment: Even though initiated by the Committee on Transport, this partnership is expected to benefit also the Committee on Rural Economy; and the Committee on Gender.
- The World Health Organization: Initiated by the International Relations Unit for the benefit of mainly the Committee on Health.
- The Southern Africa Parliamentary Support Trust: Initiated by the International Relations Unit for the benefit of all PAP Committees and the Secretariat in terms of support for technical research and training.
- IDEP to build the capacity of Parliamentarians in policy analysis. Members and staff will be expected to attend capacity building programs organized by IDEP;
- CODESRIA- CODESRIA will built the capacity of the PAP in policy research by seconding some of its experts to work with staff and Committee members;
- African Tax Administration Forum (ATAF), Tax Justice Network on Illicit Financial Flows. A platform has been established to facilitate all civil society organizations working on the issue of illicit financial flows to work closely with the committees dealing with matters pertaining to corruption and illicit financial flows.

Negotiations are underway with the Mo Ibrahim Foundation and the African Development Bank to mobilize financial resources for the Parliament.

2.3. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 3: PROMOTE HUMAN RIGHTS AND DEMOCRACY, GOOD GOVERNANCE AND DEVELOPMENT IN AFRICA.

One of the core objectives of the PAP is to promote human and peoples' rights, to consolidate democratic institutions and the democratic culture, good governance, transparency and the rule of law by all organs of the Union, Regional Economic Communities and Member States. The PAP organized activities and debates in furtherance of this strategic objective. Those activities include the presentations and debates on issues to do with human rights, democracy and good governance both in Plenary and Permanent Committees.

2.3.1. Plenary Debate on Human Rights, Democracy and Good Governance

During the May 2018 Ordinary Session, the Plenary debated issues and Committee reports addressing various human rights, governance, development, and rule of law issues affecting the continent and Member States. Those issues include the fight against corruption; achieving health targets and leaving no one behind; Nutrition and Food Systems in Africa; African continental free trade area and free movement of persons, right to residence and right to establishment; the rights of persons with albinism in Africa, climate change and the AU institutional reform.

2.3.2. The Sensitization of PAP Members on Disability Mainstreaming and Development

The August Committees Sittings provided an opportunity for a joint meeting of the Members of the Committee on Health, Labour and Social Affairs; the Committee on Gender, Family, Youth and People with Disability and the Committee on Justice and Human Rights to discuss on disability mainstreaming and development. This activity was a continuation of a series of trainings and technical support provided by the African Disability Alliance (ADA), in the process of formulation of a Model Disability Law.

Building on the activities organized during the May 2018 Session, the meeting provided an opportunity for the presentation of the zero draft of the draft Model Disability Law and enabled the Members to make their comments and observations on the document. The contributions of the Members enriched the draft Model Law, which will be presented to the Plenary during the October 2018 Ordinary Session, in order to allow for the entire house to enrich the document, before it can be opened for consultations. It is expected that the proposed Model law will facilitated the harmonization of domestic legal frameworks on disability, in line with the AU and universal legal standards.

2.3.3. The Fight against Hunger and the Need for Adequate Legal Frameworks on Food and Nutrition Security

During the Committees Sittings, the Committee on Agriculture met in Cairo, Egypt and discussed the AU Comprehensive Africa Agriculture Development Program (CAADP), the Malabo Declaration, Agenda 2063, the SDGs and specifically the "No Poverty" and "Zero Hunger" by 2030 goals. The Committee agreed to promote policies and strategies that will enable the achievement of these goals.

Linking those discussions on the fight against poverty and hunger with its ongoing work on food security and nutrition, the Committee on Agriculture considered and adopted a draft Resolution on the Development of a Model Law on Food Security and Nutrition, which will be tabled for adoption by the Plenary during the October 2018 Ordinary Session. The formulation of the Model Law Food Security and Nutrition will be carried out in the context of the TCP signed between the FAO and the PAP, and with additional support by other interested stakeholders, such as NEPAD. Nine members from the Executive Committee of the Pan-African Parliamentary Alliance on Food and Nutrition Security (PAPA-FNS) will participate in the Global Parliamentary Summit Against Hunger and Malnutrition which will take place in Madrid, Spain from 29 to 30 October 2018. Members will be sponsored by FAO within the framework of the TCP.

2.3.4. Illicit Financial Flows and the Importance of Taxation Research in Relation to the African Continent.

The Committee on Monetary and Financial Affairs has been creating awareness on Illicit Financial Flows (IFFs) out of Africa and in close collaboration with the ATAF is creating awareness on the importance of taxation research in relation to the continent. Through the ATRN, is building the capacity for credible research in tax policy, administration, law and leadership.

The Bureau of the Committee was therefore designated to speak in a Policy Panel Discussion on Empowering parliamentarians in countering IFFs: Challenges and solutions at the Fourth Annual African Tax Research Network Congress which

was held in Ifrane, Morocco from 10 to 12 September 2018 under the theme "*The role of the social and political environment in strengthening tax systems in Africa: solutions to tax collection.*" The congress brought together various stakeholders to discuss tax policy, administration, legislation and the effects of national, regional and international tax matters on African tax systems.

In order to equip MPs with the tools to curb IFFs, Members of the Committee on Monetary and Financial Affairs and CAPA took part in a Skills Development Training for African Parliamentarians on tracking, stopping and retrieving Illicit Financial Flows (IFFs) in Africa from 17 to 19 September 2018 in Nairobi, Kenya.

The training was jointly organized by the ATAF and Tax Justice Network Africa in recognition of the role of legislation and regulation in enabling IFFs thus undermining domestic resource mobilization efforts of governments. The meeting equipped Parliamentarians with the skills and knowledge necessary to develop effective legislative agenda on taxation and IFFs which will assist them in playing their role of ensuring accountability and conducive legislative framework in support of equitable, accountable and transparent tax systems for effective and efficient domestic resource mobilization.

2.3.5. The PAP Participation in the AU Joint Electoral Observation Mission

During the period of May to September 2018, the PAP deployed its Parliamentarians supported by staff members to participate in the observation of elections in five African countries, namely: Mali on 29 July (the first round) and 12 August 2018 (second round); Zimbabwe on the 31 July, Mauritania on 2 September, Rwanda from 2 to 4 September, and eSwatini on 21 September 2018. By observing those elections, the PAP has contributed to ensuring transparency, fairness and freedom in the conduct of elections in Africa.

It is important to highlight that participation of MPs in the elections has critically decreased. It is recommended that MPs confirm their participation on time to enable the PAP and AUC Electoral Coordination Units to make necessary arrangements for their travel.

2.4. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 4: PROMOTE PEACE, SECURITY AND STABILITY.

One of the core objectives of the PAP is to promote peace, security and stability on the African continent. The PAP organized activities and debates towards realizing this strategic objective. Those activities include the presentations, debates and training on issues to do with peace and security both in Plenary and Permanent Committees.

2.4.1. Plenary Debate on Peace, Security and Stability

During the May 2018 Session, the PAP debated in Plenary issues of peace, security and stability, either as a stand-alone matter, or as incidental to other topics such as corruption, migration and free movement of persons and goods.

2.4.2. Regional Seminar on Small Arms and Light Weapons

The PAP co-organized a Regional Seminar on Small Arms and Light Weapons, in conjunction with the International Committee of the Red Cross. The Seminar was attended by Members of the Committee on Justice and the Committee on Rules, who were capacitated on how best to play their role as Parliamentarians for regulating and controlling of the use and circulation of small arms and light weapons.

2.4.3. Co-organisation of the Workshop on Transitional Justice

The AU has demonstrated its commitment in promoting peace on the continent by adopting various agendas such as the Agenda 2063, ending conflicts and *Silencing the Guns* on the continent by the year 2020, the declaration of 2014-2024 as the "Nelson Mandela Decade of Reconciliation in Africa", AU Transitional Justice Policy (AUTJP), Recommendation of the Panel of the Wise, which produced a study on peace, justice and reconciliation in 2013.

The PAP being a fundamental organ of the AU has the task of promoting peace, security and stability on the continent as part of its objectives and as such, plays a vital role in the facilitation of the effective implementation, harmonization of all

AU policies which will include the African Union Transitional Justice Policy once adopted. It therefore became imperative that the capacity of Members is strengthened to facilitate and compliment efforts of Member States in having a common understanding and coordinated approach in implementing an African approach to transitional justice.

To that end, a workshop on Transitional Justice in Africa was co-organized with the Centre for the Study of Violence and Reconciliation for the Committee on Justice and Human Rights on 6 August 2018, during the Committees Sittings in view of challenges which Africa faces in addressing the consequences of conflict, authoritarianism and oppression with their attendant human rights violations.

The workshop strengthened the knowledge and understanding of the Permanent Committee on Justice and Human Rights on transitional justice in Africa and the AUTJP; interrogated and discussed the role of PAP in the adoption and the implementation of the AUTJP and support of Member states in developing national strategies on transitional justice and development of a joint action plan between the Center for the Study of Violence and Reconciliation and PAP to support the mandate and the work of the Permanent Committee on Justice and Human rights.

2.5. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 5: PROMOTE INTEGRATION AND DEVELOPMENT IN AFRICA.

2.5.1. Participation in the high-level dialogue on the nexus between tax policy and tax administration

Africa's development vision articulated in the African Union's Agenda 2063, and in recognition that the global Sustainable Development Goals (SDGs) 2030 can be realistically achieved through a coordinated response to resolve taxation issues with a view to increasing Domestic Resource Mobilization (DRM). The PAP took part in a high-level dialogue on the nexus between tax policy and tax administration to improve effective revenue mobilization on the continent, which was attended by representatives of Committee on Monetary and Financial Affairs from 30 – 31 July 2018 in Kigali, Rwanda. The dialogue, which brought together

stakeholders to match requisite policies with administrative changes, discussed development priorities, the required global international tax changes, and the existing taxation challenges faced by the African continent.

The discussions focused on re-prioritising Africa's response to global tax issues and equipping MPs with knowledge on the global tax landscape, bearing in mind the recent developments of free trade and free movement of persons in Africa. The event was organized by the ATAF, the Rwanda Revenue Authority (RRA), and supported by the African Development Bank (AfDB),

This event echoes with the ongoing activities of the Committee on Monetary and Financial Affairs, which has been creating awareness on IFFs out of Africa and in close collaboration with the ATAF and creating awareness on the importance of Taxation Research in relation to the continent.

2.5.2. Policy Panel Discussion on Empowering parliamentarians in countering IFFs

The PAP, through the Committee on Monetary and Financial Affairs, participated in a Policy Panel Discussion on Empowering parliamentarians in countering IFFs: Challenges and solutions at the Fourth Annual African Tax Research Network Congress which held in Ifrane, Morocco, from 10 to 12 September 2018 under the theme *"The role of the social and politico environment in strengthening tax systems in Africa: solutions to tax collection."* The congress brought together various stakeholders to discuss tax policy, administration and legislation and the effects of national, regional and international tax matters on African tax systems.

2.5.3. Promotion of free movement of people, goods and services within Africa

The PAP, through the Committee on Trade, Customs and Immigration Matters, participated in the 1st AU Labour Migration Advisory Committee (AU-LMAC), held in Dakar in Senegal from 2 to 4 May 2018. The meeting aimed to address labour migration issues on the continent and was attended by PAP, RECs trade unions, civil society and diaspora representatives.

The meeting was convened to inaugurate the Labour Migration Advisory Committee and to elect its Bureau. Working documents of the Committee were considered such as the Terms of Reference, roadmap /program of work 2017-2019 and Rules of Procedure of the Committee.

Awareness was created on AU policy frameworks on migration and labour migration, including the renewed Migration Policy Framework, International Labour and Migration Instruments by International Labour Organisation (ILO) and International Organization for Migration (IOM) as well as the AU Common Position on Global Compact for Safe, Orderly and Regular Migration.

The Meeting formulated a set of recommendations on synergies between MPs the AUC, RECs and Members states in advancing the agenda of constructive migration, protecting the interest of women and domestic workers, right of residence harmonization between RECs, inclusive national legislations and ratification of international standard labour migrations treaties.

2.5.4. The Symposium on fostering labour mobility within and from Africa

Through the Committee on Trade, the PAP participated in the Symposium on fostering labour mobility within and from Africa in Nairobi, Kenya, from 10-11 July 2018, which was organized by IOM in collaboration with the AUC. The aim of the symposium was to foster intra-regional labour mobility within Africa and to protect the fundamental human, labour, and social rights of workers migrating within the continent and from Africa to Europe and to Gulf Cooperation Council (GCC) Member States.

The symposium was the first official continental-level effort to implement the AUC-led Joint Labour Migration Program (JLMP) adopted by the AU Heads of State in 2015. In recognition that worker mobility is a right in the African Union Constitutive Act of 2000. The right to free movement of people is also recognized as a fundamental part of integration at the continental and regional levels. Given how critical increasing cross-border labour and skills mobility is for the development of the continent as well as for regional integration, labour migration

and ensuring the social protection of migrant workers has become an ever-more urgent challenge for governance across Africa.

The Meeting focussed on the establishment of regular, transparent, comprehensive, and gender-responsive labour migration policies, legislation, and structures at the national and regional levels can result in significant benefits for countries of origin and destination, and agreed to the need to strengthen labour migration governance through tripartism and social dialogue in the formulation and implementation of evidence-based and gender-sensitive labour migration policies.

2.5.5. Participation in the 4th African Union Customs Experts Trade Facilitation Forum

The PAP participated in the 4th African Union Customs Experts Trade Facilitation Forum, held from 15 to 17 August 2018 in Cairo, Egypt with the Committee on Trade, Customs and Immigration Matters represented. The objective of the Forum was to provide a platform for participants to share information on developments in the area of Trade Facilitation. The forum provided an opportunity to share best practices in the implementation and certification of Authorized Economic Operators as well as provide comments on the Draft African Union Trade Facilitation Strategy with a view to improving it. The Forum was held under the theme, *"Authorized Economic Operators and Mutual Recognition Arrangements for Improved Trade Facilitation in Africa"*.

The PAP stressed the need for platforms to inform the national and regional Parliaments on the AU programs for the facilitation of ratification and domestication of all AU Treaties/Conventions by Member States and promoting the implementation of the African Continental Free Trade Area Agreement.

2.6. ACTIVITIES UNDERTAKEN IN FULFILMENT OF STRATEGIC OBJECTIVE 6: STRENGTHEN INSTITUTIONAL CAPACITY OF THE PAP.

The PAP has implemented several activities aimed at strengthening its institutional capacity. Those activities relate to effective administrative and human resources management, on the one side, and to effective financial and budget management, on the other.

2.6.1. Effective Administrative and Human Resources Management

Administrative and human resource-related activities range from training for MPs and Staff Members, the conduct of the mid-term review, and the organization of the meetings of APROB.

2.6.1.1. Training for MPs and Staff Members

The PAP conducted a Performance Management System workshop on 11 - 13 June 2018 and subsequently a Record Management & Archive Policy Training on 23 - 27 July 2018. The two activities, which were conducted for the benefit of all PAP Secretariat Staff, strengthened the capacity of individual PAP Staff and also various units, divisions and departments in the use the AU performance management and record management systems.

In the context of the capacity building program under the European Commission PANAF Program, fourteen staff members of the PAP from various Units undertook a study visit to the European Parliament from 4 to 8 June, 2018 in Brussels, Belgium. The study visit enabled staff to understand the structure and procedures of the European Parliament; and to share experience on how various units work in synergy to effectively support the work of Parliamentarians within the Committees, Plenary and other organs of the Parliament. The PAP delegation had an opportunity to interrogate and compare systems and procedures in place in both institutions with a view to addressing the challenges that exist in the PAP. The lessons learned will contribute to more effectiveness and efficiency in the services offered t Parliament and Parliame tarians, and as well as su port the PAP's transition towards a legislative mandate.

The PAP Secretariat also organized an Induction Program for Youth Volunteers held 24 - 25 June 2018, which provided an opportunity to introduce the PAP institutional architecture and operations to the Youth Volunteers attached to the PAP, to capacitate them to provide better support to the Secretariat. The PAP also launched Knowledge Sharing Sessions (Brown Bag Sessions), of which the first session took place on 5 September 2018 on the topic of Security facilitated by the Sergeant-at Arms. The second session took place on 17 September 2018 under the facilitation of the Legal Counsel on the theme of *"Update on the Malabo Protocol: Context, Analysis and Progress."*

Further, the PAP partnered with International IDEA to organize on 2 - 3 August 2018 a Capacity Development Workshop for Members and Staff of the PAP on Drafting of Model Laws, in Midrand. The training enhanced the programmatic and analytical capacities of the Members and Staff of PAP on issues related to democratic governance generally, and the mandate of the PAP in respect of model law formulation. The training also developed and reinforced knowledge and skills of MPs and Staff on drafting and adopting Model Laws and improved their knowledge and skills on integration of Model Laws into the national legal frameworks.

In addition, the Members of the Committee on Monetary and Financial Affairs and CAPA took part in a Skills Development Training for African Parliamentarians on tracking, stopping and retrieving IFFs in Africa from 17 to 19 September 2018 in Nairobi, Kenya. The training was jointly organized by the ATAF and Tax Justice Network Africa in recognition of the role of legislation and regulation in enabling illicit financial flows thus undermining domestic resource mobilization efforts of governments. The training equipped Parliamentarians with the skills and knowledge necessary to develop effective legislative agenda on taxation and IFFs which will assist them in playing their role of ensuring accountability and conducive legislative framework in support of equitable, accountable and transparent tax systems for effective and efficient domestic resource mobilization

2.6.1.2. The conduct of the mid-term Performance Review

The PAP Secretariat conducted the mid-term performance appraisal for all members of staff from July to September. This being the first appraisal to be done on the SAP system, it required constant training and sensitisation of both staff and managers on the benefits of SAP-based performance appraisal. Though the process has been long and tedious, but it has finally yield good results.

2.6.1.3. Meeting of the Appointment, Promotion, and Recruitment Board (APROB)

The PAP Secretariat organized two meetings of the APROB during the period under review. The APROB is an administrative structure of the Secretariat whose mandate is to advise the Bureau on the recruitment, appointment, promotion and on all matters related to the careers of staff members of the Secretariat.

The matters considered by APROB and approved by the Bureau include the shortlisting reports for the positions of Senior Protocol Officer (P3); Editor of Debates (P3); Research Officer (P1); Finance Officer – Accounting (P2); Finance Officer- Programs (P2); Renewal of contracts for nineteen (19) staff members; reclassification of the entry point step on initial appointment for four staff members were reclassified; and the advertisement of the positions of English Translator/Interpreter (P4), PANAF Project Officer (P2) and Usher/Mail Runner (GSB6).

2.6.1.4. Promoting the visibility of the PAP

The PAP Secretariat ensured the visibility of the reported PAP activities through the PAP website, YouTube channel and Social Media. Also, articles and short videos were produced and uploaded on the PAP Website, Facebook and YouTube. Information and promotional materials were also produced for the Ordinary Sessions and the Committee Sittings.

The PAP Secretariat has also used Mandela Day in July 2018 in a corporate social responsibility activity, as part of the visibility program. This annual event consisted in donations of various items to children with disability from Eyethu

Centre in Soweto. It is a way of giving back to the communities where we operate. This year's activity also sought to rebuild PAP's image in light of the negative media coverage that emanated from the May 2018 Session.

Further, the PAP engaged in a Youth Outreach Program continued in the third quarter with two important public engagements in which the PAP took part in the African Business Radio Dialogue on Democracy held at Monash University and the Media Student Conference organized by the Cape Peninsula University of Technology in Cape Town. These engagements provided an opportunity to sensitize students and civil society on the mandate of the PAP, its vision and missions. The PAP Secretariat has also undertaken strategic communication activities, with the production of PAP information and promotional materials, which will promote the visibility and a positive image of the PAP.

2.6.2. Effective Financial and Budget Management

The PAP has maintained sound and effective financial and budget management, which can be seen not only from the outcomes of the external audit of the 2017 financial statements and a positive budget execution, but also from the budgetary increases secured for the 2019 year operational and statutory activities.

2.6.2.1. Clean External Audit of the 2017 Financial Statements

The PAP maintained sound financial management, which has led to its clean audit by both the AU and the external auditors. The 2017 Financial Statements of the PAP were audited in the first half of 2018 and the Board of External Audit issued an unqualified audit opinion.

2.6.2.2. The 2018 Budget Execution

In 2018 the approved Operational Budget is US$17,044,559 and the budget execution rate as at 30 September 2018 is 57.75%. The budget execution per category is shown in the Table below.

	APPROVED	EXPENDITURE	BUDGET

	BUDGET	TO 30/09/2018	EXECUTION
Staff Cost	9,810,123	5,594,866	57.03%
Parliamentary Activities	5,403,771	3,106,002	57.48%
Missions	1,045,398	743,080	71.08%
Maintenance, Utilities & Other Expenses	195,932	129,821	66.26%
Communication	200,293	89,509	44.69%
Stationery and Supplies	132,706	67,903	51.17%
Bank charges	91,217	74,386	81.55%
Legal costs	34,614	-	0.00%
Capital Expenditure	130,505	37,577	28.79%
TOTAL OPERATIONAL BUDGET	**17,044,559 1717,044,559**	**9,843,137**	**57.75%**
PROGRAM BUDGET	**2,920,000**	**439,885.23**	**15%**

The Parliamentary Activities which constitute the main activity of the Parliament, with a budget of USD 5.403.771 had a utilization rate of 57.48%. The two statutory Committee Sittings an one Session have been held. Outstanding activiti s include the October 2018 Session, Women's conference and Joint Planning workshop.

The Program Budget is mainly the EC PANAF Program with an operational period of three years running from July 2016 to June 2019. The approved Program Budget of US$2,920,000 for 2018 has a budget utilization of 15.06% as at 30 September 2018.

The low budget execution is due to the following reasons:

i) Only the EC PANAF Project had a commitment of USD 872,870 for the year, out of which USD 439,885 was utilized as at 30/09/2018, amounting to a budget utilization of 50%. Hence, there is a non-committed overall budget of USD2,047, 130.

ii) Late release of fund under the EC PANAF Project: Fund under this project was released on 29 August 2018.

The main activities undertaken as at the conclusion of this report are :

PANAF Poject Budget Execution	
January - September 2018	USD
Staff Salaries (January - September 2018)	185,455.56
Consultancy - Implementation strategy	19,840.00
Consultancy - development of 2018-2021 strategic plan	17,200.00
Exchange program to EP	52,133.08
PANAF Poject Expenditure Verification	5,980.59
	280,609.23
Continental Consultative Meetings in Banjul (Commitment)	159 276
	439,885.23

The overall program budget execution for the period is shown below:

PAN-AFRICAN PARLIAMENT						
BUDGET YEAR JANUARY - DECEMBER 2018						
PROGRAM BUDGET FINANCING STATUS AS AT 30 SEPTEMBER 2018						
S/N	SOURCE OF FINANCING	Program Budget Appropriation 2018	Available Funds (Released funds from the partner)	Expenditure (on the partner funds including commitments)	Balance of Funds Available	Execution Rate %
		A	B	C	E= (B-C)	F=(C/A)
1	EC - PANAF	872,870	829,227	439,885	389,342	50%
2	ACBF	-			-	0%
3	Others	2,047,130	-	-	-	0%
GRAND TOTAL		2,920,000	829,227	439,885	389,342	15%

2.6.2.3. The 2019 Approved Budget

The 2019 Total Approved Budget for the PAP is US$ 18,510,115, a reduction of 7.9 % on the Total Approved Budget of US$ 19,964,559 for 2018. This is a result of a drastic reduction (2018: USD 2,920,000 against 2019: USD 470,000) in the partner-funded programs and projects budget, taking into account the approved 2019 work plan, which cover 6 months to the completion of the PANAF Program.

For 2019, the AUC reclassified Parliamentary Activities from Operational Budget to Programs Budget. The Table below shows the comparison of the 2019 Total Approved Budget per category against the 2018 Total Approved Budget.

	APPROVED BUDGET 2018	APPROVED BUDGET 2019	Percentage (%) INCREASE
Staff Cost	9,810,123	9,564,593	-2.50%
Missions	1,045,398	1,255,561	20.10%
Maintenance and Other Expenses	219,011	170,379	-22.21%
Communication	200,293	201,158	0.43%
Stationery and Supplies	132,706	130,936	-1.33%
Bank charges	68,138	156,000	128.95%
Legal Costs	34,619	15,000	-56.67%
Capital Expenditure	105,505	255,505	142.17%
TOTAL OPERATIONAL BUDGET	**11,615,793**	**11,749,132**	**1.15%**
Parliamentary Sessions	2,654,080	2,814,519	6.04%
Committee Meeting Statutory	879,200	1,200,068	36.50%
Non Statutory Activities	274,750	535,660	94.96%
Women/Clerks and Speakers Conference	300,000	-	-100.00%
Regional Parliamentary Conference	-	150,000	-
Ratification of AU Legal Instruments	-	90,000	-
Public Hearing	-	180,000	-
Preparation of meetings/Translations/Interpretation	132,430	132,430	0.00%
Bureau Meetings and Rotation	254,026	254,026	0.00%

AU Activities	131,880	131,880	0.00%
Bureau and MPs allowances	802,400	802,400	0.00%
Programs and Projects	2,920,000	470,000	-83.90%
PROGRAM BUDGET	**8,348,766**	**6,760,983**	**-19.02%**
TOTAL BUDGET	**19,964,559**	**18,510,115**	**-7.29%**

It is worth indicating that the PAP managed to secure budgetary increase and successfully introduced new budget lines in the 2019 budget, which are:

i. Regional Parliamentary Conference: USD 150,000
ii. Ratification of AU Legal Instruments: USD 90,000
iii. Public hearings: USD 180,000

3. SUMMARY OF THE KEY ACHIEVEMENTS

While the PAP successfully organized several activities, its visibility was enhanced owing to a number of achievements which can be listed as follows:

i. The successful preparation and organization of all statutory and non-statutory activities of all organs of PAP, in a secure environment and in compliance with the PAP legal framework;

ii. The professional and full support of all staff, units, divisions and departments of the PAP Secretariat to the activities of the PAP;

iii. The holding of successful elections of Bureau and Bureauxes, in compliance with the PAP legal framework;

iv. The participation of the PAP in the African Union institutional reform process;

v. The thematic focus of the work of the Permanent Committees and the Plenary consonant with the continental priorities and shared values;

vi. The effective management of financial and management and the clean audit of PAP has led to budgetary increases and the introduction new budget lines in the 2019 budget;

vii. The PAP has embraced new thematic areas and established frameworks to guide the process of formulation of model laws;

viii. Prevention of litigation and zero legal cost incurred, thanks to effective legal support and interventions;

ix. The increase in the number of signatures and ratifications of the Malabo Protocol, with more Member States and the AU Policy Organs calling for action for the ratification of the PAP Protocol.

4. SUMMARY OF THE MAJOR CHALLENGES

While the PAP has made strides in its pursuance of its strategic objectives, it is worth recognizing that its 2018 activities faced a number of challenges, which are important, noting:

i. The year 2018 being an electoral year meant that the Parliament and its Members were for a while focused on electoral matters, preparations and competitions, with some real or perceived fragmentation within our Plenary;

ii. The high turnover of the Members of the PAP, with 77 new Members - almost a third of the PAP Membership - having been sworn in this year, requires continuous work for the preservation of the institutional memory and capacity of the Parliament;

iii. The creation of vacancies within the Secretariat of the PAP and the freezing of the recruitment for the outstanding positions, which caused administrative burden and relative instability within the Secretariat;

iv. Rebuilding the image of PAP following the negative media coverage that emanated from the May 2018 Session and its aftermath;

v. The negative criticisms of the PAP by the African Union Policy Organs, even where the PAP had not been given an opportunity to respond or to bring contrary evidence;

vi. The poor attendance of the Members of PAP recorded during the Women's Caucus meeting, held on 10 August 2018 (12 out of 86 women members).

vii. The critical decrease of the participation of the MPs in the AU election observation missions. It is recommended that MPs confirm their participation on time to enable the PAP and AUC Electoral Coordination Units to make necessary arrangements for their travel;

viii. With the organization of the October 2018 Ordinary Session in Kigali, Rwanda, the Parliament needed to make efforts to secure additional funds to meet the cost involved in holding an Ordinary Session away from the Host-Country;

ix. The postponement of one major traditional activity of the PAP - the Annual Speakers' Conference and the Annual Meeting of Secretaries-General - in order to redirect the limited financial resources to the October 2018 Ordinary Session.

5. LOOKING FORWARD

In line with its core mandate of ensuring effective participation of the peoples of Africa in the economic development and integration of the African continent, the PAP will strive to assert its relevance and pro-activeness by considering and debating the issues that speak directly to the realities of the continent and the peoples of Africa. In 2019, the PAP will mainstream the African Union theme of the year, which is "*Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Forced Displacement*".

Also, building on its milestones and achievements for the year 2018, the PAP will continue to have high in its agenda a wide range of issues relating to human rights, democracy, governance and integration in Africa. More efforts by the PAP will be made to ensure that we engage more with national parliaments and RECs' parliaments to sensitize more on ratification, domestication and implementation of the continental legal and policy frameworks on free trade and free movement, the fight against corruption, the rights of forced migrants, and the rights of persons with disability.

The year 2019 will also enable the PAP to continue its work with the formulation of draft Model Laws in the area of policing, disability, climate change and food security and nutrition. With the finalization of the Procedural Guidelines on Model Law Formulation, the process of model law formulation will have more predictability and precision in terms of the steps and the roles and responsibilities of the various stakeholders.

Further, the PAP will review and rethink its advocacy for the ratification of the Malabo Protocol, with a view to fast-tracking its ratification by the Member States. The PAP will also continue to strengthen its institutional and operational capacity and be prepared to take on future challenges and opportunities, in anticipation of the entry into force of the Malabo Protocol as well as the implementation of the AU institutional reform.

Last, but not least, the year 2019 will also provide an opportunity to kick-start the process of reviewing and updating our Rules of Procedure. In the context of the last elections, the lacunae, ambiguities and inconsistencies recorded in the Rules of Procedure may require urgent work that would enable our Parliament to amend and update its standing Rules.

6. CONCLUSION

This PAP has made meritorious efforts to fulfil its strategic objectives, through a wide range of activities, both statutory and non-statutory. I would like to hereby acknowledge the technical support and contributions received from all

stakeholders, whether AU organs and institutions or civil society organizations, which made possible it to achieve several objectives.

Our sincere thanks go to the Members of the PAP Bureau, the Honorable President and the Vice-Presidents for the support and constant involvement in the functioning of Bureau and the Parliament. Without making themselves available to serve on a rotation basis, the Bureau would not have been able to provide effective leadership to the work of the Parliament.

We also wish to acknowledge the Members of PAP for actively participating in the realization of the activities reported here above. The presence of the MPs in the statutory and non-statutory activities and their deployment in regular official missions cannot be taken for granted, in view of their busy schedules dual membership, as well as conflicting schedules. Nothing would have been possible without them going out of their way and making sacrifices to avail themselves for the work of the PAP, indeed with the well acknowledged generous support of our Member States.

We also commend the PAP Secretariat Staff, irrespective of rank, who continue to dedicate their energy, time, experience and knowledge to the achievement of the PAP mandate. The overall activities and objectives of the Parliament cannot be achieved without the enormous work and technical support from the Secretariat.

While concluding this report, our sincere gratitude is also expressed to our development partners, for their generosity and fruitful partnership, which enabled us to bring our budgetary gaps to achievement of our objectives. We are pleased that the PAP has continued to garner the trust of our development partners in supporting our shared values.

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THE AFRICAN MODEL LAW ON DISABILITY

PAN-AFRICAN PARLIAMENT
DOCUMENTATION

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PREAMBLE

THE PAN-AFRICAN PARLIAMENT,

Considering Article 17 of the Constitutive Act of the African Union, which establishes the Pan-African Parliament (PAP) to ensure the full participation of the people of Africa in the development and economic integration of the continent;

Considering also Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament (PAP Protocol), and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament (PAP Rules), which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

Considering further Article 11(3), (7) of the PAP Protocol and Rule 4 (d), (e) of the PAP Rules, which Contribute to the harmonization and coordination of the legislative texts of The State in accordance with Article 11 (3) of the Protocol;

Recalling Article 66 of the African Charter on Human and Peoples' Rights which provides that special protocols or agreements, if necessary, may supplement the provisions of the African Charter;

Recalling Article 18 (4) of the African Charter on Human and Peoples which provides for the right of persons with disabilities to special measures of protection in keeping with their physical or moral needs and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa;

Recalling the principles on the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world has enshrined in the Charter of the United Nations as well as the Constitutive Act of the African Union;

Mindful of the fact that the various international instruments including the United Nations Charter, the Universal Declaration of Human Rights, and the International Covenants on Human Rights,

have proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind,

Reaffirming the characteristics of human rights and fundamental freedoms such as their universality, indivisibility, interdependence and interrelatedness as well as the need for persons with disabilities to be guaranteed of their full enjoyment without discrimination,

Recalling the protection laid down in the core international human rights instruments such as in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others;

Recognizing the importance of the principles and policy guidelines contained in the international and continental Programmes such as the World Programme of Action concerning Disabled Persons, the 2002 AU Continental Plan of Action for the African Decade of Persons with Disabilities (CPOA), and the Second African Decade of Persons with Disabilities; as well as other existing legal and policy frameworks at the national and regional levels, including the SADC treaty, Protocol on Gender and Development, the SADC Charter of Fundamental and Social Rights, with the aim to further equalize opportunities for persons with disabilities;

Recalling the AU's Agenda 2063 vision of "An integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in global arena.", in particular Aspiration 6 of an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children;

Concerned that, despite these various legal and policy instruments and undertakings, persons with disabilities continue to be discriminated, face barriers in their participation as equal members of society and violations of their human rights in all parts of the world,

Recognizing that risk of vulnerability of women and girls with disabilities raise greater concern, both within and outside the home, including violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation,

Emphasizing the need to mainstreaming disability issues as an integral part of relevant strategies and developmental programmes of sustainable development;

Convinced that the family is the natural and fundamental unit of society and is entitled to protection by society and the State, and that persons with disabilities and their family members should receive the necessary protection and assistance to enable families to contribute towards the full and equal enjoyment of the rights of persons with disabilities,

Convinced that a comprehensive and integral continental framework to promote and protect the rights and dignity of persons with disabilities will make a significant contribution to redressing the profound social disadvantage of persons with disabilities and promote their participation in the civil, political, economic, social and cultural spheres with equal opportunities, at both national and international levels;

Hereby adopts the following African Model Law on Disability:

Part I: Preliminary Provisions

1. Purpose of this Model Law
2. Definitions
3. Principles for the protection of persons with disability
4. Scope and Primacy or status of the Model law
5. Interpretation

Part II: Rights and Welfare of Persons with Disability

6. Right to Human Dignity

7. Right to Life
8. Freedom of Expression and Opinion
9. Association and Assembly
10. Access to Information
11. Right to liberty and Security of the person
12. Privacy
13. Right to vote, stand for elections and make political
14. Right to Work
15. Right to Education
16. Living independently and being included in the community
17. Right to Adequate Standard of Living
18. Right to Health
19. Personal mobility
20. Right to a fair and equal treatment
21. Right to equal recognition before the law
22. Elimination of all forms of discrimination
23. Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment
24. Participation in Programmes and Recreational Activities
25. Duties of Persons with Disabilities
26. Right to Family
27. Access to Justice

Part III: State obligations

28. Respect & ensure the respect
29. Promotion, Popularization and Awareness Raising on disability
30. Protection from Abuse and Harmful Traditional Practices
31. Situations of Risk and Humanitarian emergencies
32. Care & Support
33. Accessibility
34. Habilitation and Rehabilitation
35. Self-representation
36. Statistics, Data and Other Surveys
37. Cooperation
38. Right to a nationality
39. Implementation
40. Partnership with Civil Society Organisation, and Disabled People's organisations

Part IV: Gender, Aging and Disability (Special treatment)

41. Women with Disabilities
42. Older Persons with Disabilities
43. Children with Disabilities
44. Youth with Disabilities

Part V: General Provisions

45. Safeguard Clause
46. Amendment and Revision
47. Authentic Texts

Part I: General Provisions

Article 1. Purpose

The purpose of this Law is to provide a legal and institutional framework for the protection and promotion of the rights of persons with disabilities, in line with the existing international and regional legal and policy instruments.

Article 2. Objectives

The objectives of this Law shall be to:

a. Provide basic principles to be observed by State and non-State institutions and actors in respect of persons with disability;
b. Promote the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.
c. Promote national policies, programmes and best practices that encourage the full participation of persons with disabilities in social and economic development;
d. Encourage the creation or strengthening of national disability coordination bodies, and ensure effective representation of persons with disabilities and their organisations.

Article 3: Definitions

For the purpose of this Law:

"Persons with Disabilities" include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with

various barriers may hinder their full and effective participation in society on an equal basis with others."

"African Charter" means the African Charter on Human and Peoples' Rights adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Banjul, Gambia, in June, 1981;

"AU" or "Union" means the African Union established by the Constitutive Act of the African Union adopted by the Heads of States and Government of the Organization of African Unity (OAU) in Lomé, Togo, in July, 2000;

"Communication" means languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative;

"Alternative modes" means any other formats of communication, including accessible information and communication technology;

"Language" includes spoken and signed languages and other forms of non-spoken languages.

"Deaf culture" means the way deaf people interact, it includes a set of social beliefs, behaviours, art, literary traditions, history, values, and shared institutions of communities that are influenced by deafness and which use sign languages as the main means of communication.

"Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human and people's

rights in the political, economic, social, cultural, civil or any other field. Discrimination on the basis of disability shall include denial of reasonable accommodation;

"Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;

"Habilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology, audiology that address the competencies and abilities needed for optimal functioning to in interaction with their environments: enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social, and vocational ability, full inclusion and participation in all aspects of life;

"Harmful practices" include behaviour, attitudes and practices based on tradition, culture, religion, superstition or other reasons, which negatively affect the human rights and fundamental freedoms of persons with disabilities or perpetuate discrimination;

"Legal capacity" means the ability to hold rights and duties and to exercise those rights and duties;

"Persons with disabilities" include those who have physical, mental, psycho-social, intellectual, neurological, developmental or other sensory impairments which in interaction with environmental, attitudinal or other barriers hinder their full and effective participation in society on an equal basis with others;

"Reasonable accommodation" means necessary and appropriate modifications and adjustments where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human and people's rights;

"Rehabilitation" means inpatient or outpatient health care services such as physical therapy, occupational therapy, speech-language pathology and psychiatric rehabilitation services that help a person keep, restore or improve skills and functioning for daily living and skills related to communication that have been lost or impaired because a person was sick, injured or disabled.

"Ritual killings" means the killing of persons motivated by cultural, religious or superstitious beliefs that the use of a body or a body part has medicinal value, possesses supernatural powers and brings good luck, prosperity and protection to the killer.

"Situations of risks" means any situation that poses grave risk to the general population, including disasters and all forms of armed conflict

"The State" mean any The State of the African Union which have ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the African Union Commission;

"Universal design" means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialised design, and shall not exclude assistive devices for particular groups of persons with disabilities where this is needed;

"Youth" means every person between the ages of 15 and 35 years.

Article 4: Principles for the protection of persons with disability

The protection and promotion of the rights of people with disability is hereby guarantee in accordance with the following principles:

a. Respect for inherent dignity, privacy, individual autonomy including the freedom to make one's own choices, and independence of persons;
b. Equality, including between men and women with disabilities;
c. Prohibition of all forms of discrimination;
d. Full, effective, participatory and inclusive democracy;
e. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
f. Equality of opportunity;
g. Accessibility;
h. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.
i. Promotion of the best interest of the child;

Article 5: Scope of Application and Primacy of the Law

1. Save for the Constitution, this Model Law applies to the exclusion of any national conflicting or restrictive provision in any other legislation or regulation.

2. Nothing in this law may limit or otherwise restricts any other legislative requirement, privilege or right already provided for under existing international, regional and national laws.

3. Provisions of any existing law in conflict with this law shall, to the extent of the inconsistency, stand amended or repealed.

Article 6: Interpretation

a. When interpreting this law, due consideration shall be given to the principles and purpose of this law, international and regional legal and policy instruments.
b. In so doing, the rights enshrined herein, should be largely interpreted to provide a favourable interpretation for people with disabilities and restrict any adverse or restrictive interpretation.

Part II: Rights and welfare of Persons with Disabilities

Article 7: Right to Human Dignity

1. Every person with disabilities has inherent dignity.

2. Every person has a duty to uphold the rights of persons with disabilities and to respect and safeguard the dignity of persons with disabilities.
2. The State shall take effective and appropriate measures to:
   a. Promote and conduct educative campaigns to raise awareness of the inherent dignity of persons with disabilities;
   b. Ensure that persons with disabilities have access to services, facilities and devices to enable them to live with dignity;
   c. Protect and promote respect for the dignity of persons with disabilities, on an equal basis with others.

Article 8: Right to Life

1. Every person with disabilities has the inherent right to life.

2. The State shall take all necessary measures to ensure the right to life of persons with disabilities and ensure the effective enjoyment of this right:
   a. on an equal basis with others, provide protection and respect for the life of persons with disabilities; and
   b. that persons with disabilities have access to devices, amenities and facilities to enable them to fully realise their right to life.

Article 9: Right to Equality and Non-Discrimination

1. Every person with disability is:
   a. Equal before the law in the social, cultural, economic, political, or any other field of life and is guaranteed to protection, benefit of the law and to effective legal protection against discrimination on all grounds;
   b. Entitled to the full and equal enjoyment of the goods, services, facilities, or accommodations on an equal basis with others.
2. Special measures, including reasonable accommodation and support services which are necessary to accelerate or achieve equality and eliminate discrimination against persons with disabilities shall not be considered discrimination.

3. Discrimination against persons with disability by public and private entities at any levels of life is prohibited.

2. The State shall take all necessary and appropriate measures to;
   a. Eliminate discrimination on the basis of disability;
   b. Guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds;
   c. Ensure that appropriate and specific measures are provided to persons with disabilities in order to eliminate discrimination and such measures shall not be considered discrimination;
   d. to protect the parents, children, spouses, other family members closely related to the persons with disabilities, caregivers or intermediaries from discrimination on the basis of their affiliation with persons with disabilities.

Article 10: Right to Legal Capacity

1. Every person with disability has the right to recognition of legal capacity before the law and shall have the right to protection and benefit of the law on an equal basis with others.
2. Every person with disability is entitled to the support services he or she may require in exercising the right to legal capacity.
3. Every person with disability has equal right to own or inherit property, to control his or her own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.
4. The State shall take all necessary measures to ensure that persons with disabilities have the equal right to:

a. Hold documents of identity and other documents that may enable them to exercise their right to legal capacity;
b. To control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit;
c. To own or inherit property and are not arbitrarily dispossessed of their property

5. Public institutions and private persons shall not violate or interfere with the right to exercise legal capacity by persons with disabilities.

Article 11: Right to a nationality

1. The State shall recognize the rights of persons with disabilities to a nationality, on an equal basis with others, including by ensuring that persons with disabilities:
   a. Have the right to acquire and change a nationality and are not deprived of their nationality arbitrarily or on the basis of disability;
   b. Are not deprived, on the basis of disability, of their ability to obtain, possess and utilize documentation of their nationality or other documentation of identification, or to utilize relevant processes such as immigration proceedings, that may be needed to facilitate exercise of the right to liberty of movement;
   c. Are free to leave any country, including their own;
   d. Are not deprived, arbitrarily or on the basis of disability, of the right to enter their own country.

2. Children with disabilities shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by their parents.

Article 12: Freedom of Expression and Opinion

1. Every person with a disability has the right to freedom of expression and opinion including the freedom to seek, receive and impart information and ideas through all forms of communication of their choice.

2. Public and private institutions shall put in place adequate mechanisms to ensure that persons with disabilities can exercise their freedom of expression and opinion, on an equal basis with others.

Article 13: Association and Assembly

1. Every person with disabilities has the right to freedom of association and to peacefully assemble.

2. The State has a duty to recognise and facilitate the right of persons with disabilities to associate and assemble in all spheres of life, including by promoting an environment that enables persons with disabilities to:

a. Form and participate in the activities of organisations of persons with disabilities at national, regional and international levels;
b. To build relationships and networks at national, regional and international levels;
c. Form and participate in the activities of nongovernmental organisations and other associations;
d. Effectively advocate for their rights and inclusion in society;
e. Gain and enhance capacities, knowledge and skills for effectively articulating and engaging in issues of disability, including through direct collaboration with organisations for persons with disabilities and academic institutions and other organisations;
f. Be actively consulted and involved in the development and implementation of all legislation, policies, programmes and budgets that impact persons with disabilities.

Article 14: Access to Information

1. Every person with a disability has the right to access to information.
2. The State, public and private institutions have a duty to put in place mechanisms to facilitate access to information by persons with disabilities, on an equal basis with others, including by:
   a. Recognising and encouraging the use of braille, sign languages and deaf culture;

b. Ensuring that persons with visual impairments or with other print disabilities have effective access to published works including by using information and communication technologies;

c. Providing information intended for the general public as well as information required for official communications to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner, and without additional cost to persons with disabilities;

d. Requiring private entities that provide services to the public, including through print and electronic media, to provide information and services in accessible and usable formats for persons with disabilities.

Article 15: Right to liberty and security of person

1. Every person with a disability has the right to liberty and security of person which includes, but is not limited, to:
   a. not be deprived of freedom arbitrarily or without just cause;
   b. be free from all forms of violence, abuse and exploitation from either public or private sources;
   c. not be treated or punished in a cruel, inhuman or degrading way;
   d. not be forcibly confined or otherwise concealed by any person or institution;
   e. security in and control over their body;

f. not be subjected to medical or scientific experiments without their informed consent.

2. The State shall;

a. take appropriate measures to prevent deprivation of liberty to persons with disabilities by;

i. prosecuting perpetrators in the event of such deprivation, and

ii. providing effective remedies for the victims.

b. In the case of lawful deprivation of liberty, ensure that persons with disabilities are on an equal basis with others and are entitled to guarantees in accordance with international human rights law and the objects and principles of the Protocol and the Convention on the Rights of persons with Disabilities

3. In no instance will the deprivation of liberty and security of a person be justifiably due to the existence or perceived existence of a disability.

Article 15: Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment

1. Every person with a disability shall have the right to be free from torture or cruel, inhuman or degrading treatment or punishment.

2. The State, State institutions and private persons shall ensure that persons with disabilities, on an equal basis with others:

a. Are not subjected to torture or cruel, inhuman or degrading treatment or punishment;
b. Are not subjected without their free, prior and informed consent to medical or scientific experimentation or intervention;
c. Are not subjected to sterilization or any other invasive procedure without their free, prior and informed consent;
d. Are protected, both within and outside the home, from all forms of exploitation, violence and abuse.

3. The State shall take appropriate measures to prosecute perpetrators of torture or cruel, inhuman or degrading treatment or punishment against persons with disability and to provide effective remedies for the victims.

Article 16: The Right to Privacy

1. Every person with disabilities has the right to privacy irrespective of his or her place of residence or living arrangements and shall not be subjected to arbitrary or unlawful interference of his or her privacy, family, home or correspondence or other types of communication or to unlawful attacks on his or her honour and reputation.

2. The State, public and private institutions shall uphold duty to put in place mechanisms with disabilities have the right to the protection of the law against interference or attacks against their right to privacy.

3. The State shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.
4. Every public and private institution shall protect confidential information relating to personal health, habilitation and rehabilitation services for persons with disabilities with dignity and such information shall not be shared without express authority of the person with disability concerned.

Article 17: Right to vote, stand for elections and make political choices

1. The State shall guarantee to persons with disabilities the right to vote, the right to stand for elections, the right to make political choices, and the opportunity to enjoy them on an equal basis with others.

2. The State shall also ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

    i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
    ii. Protecting the right of persons with disabilities to vote by secret ballot in elections and public

referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

iii. Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.

3. The State shall promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

    i. Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political organizations parties;

    ii. Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

4. To that end, the State shall:

    a. Develop effective mechanisms for the full and efficient inclusion participation of members with disabilities in all levels of government institutions including parliaments,

national assemblies, executive and judiciary with consideration of gender equality,

b. Put in place mechanisms for promotion, training, and awareness raising that helps motivate people with disabilities to participate in the political process and share their experiences with other members of the community.

Article 18: Right to Work

1. Every person with disabilities has the right to work, on an equal basis with others; this includes;
   a. The right to decent work with just and favourable conditions;
   b. The right to the opportunity to gain a living by work freely chosen or accepted in a labour market and;
   c. Work environment that is open, inclusive and accessible to persons with disabilities;
   d. protection against unemployment;
   e. protection against exploitation.

2. The State and employers in the public and private sector shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through:
   a. Prohibition of discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

b. Protection of the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;
c. Recognition the social and cultural value of the work of persons with disabilities;
d. Ensuring that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;
e. Enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;
f. Promoting employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
g. Promoting opportunities for self-employment, entrepreneurship, the development of cooperatives starting one's own business and to access financial services;
h. Employing persons with disabilities in the public sector including by reserving and enforcing minimum job-quotas for employees with disabilities;
i. Encouraging the employment of persons with disabilities in the private sector through appropriate policies and measures,

which may include affirmative action programmes, tax incentives and other measures;

j. Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace;

k. Ensuring that employees with disabilities or those who become disabled are not unfairly dismissed from employment on the basis of their disability;

l. Promoting the acquisition by persons with disabilities of work experience in the open labour market;

m. Ensuring that the principle of equal pay for equal work is not used to undermine the right to work for persons with disabilities;

n. Promoting vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities;

o. Ensuring that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.

Article 19: Right to Education

1. Every person with a disability has the right to education.

2. The State shall guarantee to persons with disabilities by taking reasonable, appropriate and effective measures an inclusive education and skills training system at all levels and lifelong learning on an equal basis with others, including by:

a. Ensuring that persons with disabilities can access free, quality and compulsory basic and secondary education;
b. Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others, including by ensuring the literacy of persons with disabilities above compulsory school age;
c. Ensuring reasonable accommodation of the individual's requirements is provided, and that persons with disabilities receive the support required to facilitate their effective education;
d. Providing reasonable, progressive and effective individualised support measures in environments that maximise academic and social development, consistent with the goal of full inclusion;
e. Ensuring appropriate schooling choices are available to persons with disabilities who may prefer to learn in particular environments;
f. Ensuring that persons with disabilities learn life and social development skills to facilitate their full and equal participation in education and to participate effectively in a free society. To this end, The State shall take appropriate measures, including:
    i. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and

mobility skills, and facilitating peer support and mentoring;

ii. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

iii. Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

g. Ensuring that multi-disciplinary assessments are undertaken to determine appropriate reasonable accommodation and support measures for learners with disabilities, early intervention, regular assessments and certification for learners are undertaken regardless of their disabilities;

h. Ensuring educational institutions are equipped with the teaching aids, materials and equipment to support the education of students with disabilities and their specific needs;

i. Employing teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities;

j. Facilitating respect, recognition, promotion, preservation and development of sign languages;

k. Ensuring that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.

3. The education of persons with disabilities shall be directed to:

a. The full development of human potential, sense of dignity and self-worth;

b. The development by persons with disabilities of their personality, talents, skills, professionalism and creativity, as well as their mental and physical abilities, to their fullest potential;

c. Educating persons with disabilities in a manner that promotes their participation and inclusion in society;

d. The preservation and strengthening of positive African values.

Article 20: Living independently and being included in the community

1. Every person with a disability has the right to live in the community with choices on an equal basis with others.

2. The State shall facilitate full enjoyment by persons with disabilities of the right to live and fully participate in the community on an equal basis with others, including by ensuring that:

a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live, on an equal basis with others and are not obliged to live in a particular living arrangement;
b. Persons with disabilities who require intensive support and their families, have adequate and appropriate facilities and services, including caregivers and respite services;
c. Persons with disabilities have access to a range of in-home, residential and other community support services necessary to support living and inclusion in the community;
d. Community-based rehabilitation services are provided in ways that enhance the participation and inclusion of persons with disabilities in the community;
e. Community living centres organised or established by persons with disabilities are supported to provide training, peer support, personal assistance services and other services to persons with disabilities;
f. Community services and facilities for the general population, including health, transportation, housing, water, social and educational services, are available on an equal basis to persons with disabilities and are responsive to their needs.

Article 21: Right to Adequate Standard of Living

1. Persons with disabilities have the right to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and

clothing, to the continuous improvement of living conditions and to social protection.

2. The State shall facilitate full enjoyment by persons with disabilities of this right, on the basis of equality, including by:
   a. Ensuring that persons with disabilities shall access appropriate and affordable services, devices and other assistance for disability-related needs, including accessible housing and other social amenities, mobility aids and caregivers;
   b. Ensuring access by persons with disabilities to social protection programmes;
   c. Putting financial measures in place to cover disability-related expenses, including through the use of tax exemptions or concessions, cash-transfers, duty waivers and other subsidies;
   d. Facilitating provision of assistance, including interpreters, guides, auxiliary and augmentative supporters and caregivers, while respecting the rights, will and preferences of persons with disabilities.

Article 22: Right to Health

1. Every person with a disability has the right to the highest attainable standard of health.

2. The State shall take appropriate and effective measures to ensure persons with disabilities have, on an equal basis with

others, access to health services, including sexual and reproductive health, such as by ensuring that:

a. Persons with disabilities enjoy the same range, quality and standard of free or affordable health care and programmes as provided to other persons;
b. All health services are provided on the basis of free, prior and informed consent;
c. These health services are provided as close as possible to people's own communities, including in rural areas;
d. Health-care services are provided using accessible formats and that communication between service providers and persons with disabilities is effective;
e. Awareness is raised on the human rights, dignity, autonomy and needs of persons with disabilities through training and the promulgation of ethical standards for public and private healthcare;
f. Persons with disabilities are provided with support in making health decisions, when needed;
g. Health campaigns include disability specific needs, but in a manner, which does not stigmatise persons with disabilities, and designing services to minimise and prevent further disability;
h. The training of health-care providers takes account of the disability specific needs and rights of persons with disabilities and ensuring that formal and informal health services do not violate the rights of persons with disabilities;

i. Provision is made for those health services needed by persons with disabilities specifically because of their disabilities or health services designed to minimise or prevent further disability, the provision of medicines including pain relieving drugs;

j. Discrimination against persons with disabilities by providers of health services or providers of insurance is prohibited.

k. Allocate a percentage of health budget to persons with disabilities

3. Subject to subsection (4), no employer shall discriminate against any person with disability in relation to:

a. The advertisement of employment; or

b. The recruitment for employment; or

c. The creation, classification or abolition of jobs or posts; or

d. The determination or allocation of wages, salaries, pensions, accommodation, leave or other such benefits; or

e. The choice of persons for jobs or posts, training, advancement, apprenticeships, transfer, promotion or retrenchment; or

f. The provision of facilities related to or connected with employment; or

g. Any other matter related to employment.

4. An employer shall not be deemed to have discriminated against a person with disability in terms of subsection (3) if:

a. The act or omission alleged to constitute the discrimination was not wholly or mainly attributable to the disability of the disabled person; or

b. The disability in question was a relevant consideration in relation to the specific requirements of the employment concerned; or

c. Special facilities or modifications, whether physical or administrative or otherwise, are required at the workplace to accommodate the person with disability, which the employer cannot reasonably be expected to provide.

Article 23: Personal mobility

1. The State shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:

   a. Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;

   b. Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;

   c. Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;

   d. Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Article 24: Sports, Recreation, Social and Cultural Activities

1. Every person with a disability has the right to participate in sports, recreation, social and cultural activities.

2. The State shall take effective and appropriate policy, legislative, budgetary, administrative and other measures to ensure this right, based on equality, including through:
   a. Ensuring that persons with disabilities have access to sports, recreational and cultural services and facilities, including access to stadia and other sporting facilities, theatres, monuments, entertainment establishments, libraries museums and other historical sites;

      4Encouraging and promoting the participation, to the fullest extent possible, of persons with disabilities in mainstream sporting activities at all levels;
   b. Raising awareness by identifying and eradicating any stigmatizing and discriminating policy and practices within the government itself with regard to sports;
   c. Facilitating persons with disabilities to have the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society;
   d. Promoting disability-specific sporting and recreational activities and ensuring provision of appropriate infrastructure;
   e. Facilitating funding, research and other measures aimed at promoting the participation of persons with disabilities both

in disability-specific and mainstream sporting and recreational activities;

f. Ensuring that children with disabilities have equal access with other children to participation in play, recreation and leisure and sporting activities, including those activities in the school system;

a. Facilitating access to audio, video, print and media technologies and services including theatre, television, film and other cultural performances and activities;

b. Discouraging negative representations and stereotyping of persons with disabilities in both traditional and modern cultural activities and through the media;

c. Ensuring, in accordance with international law, that laws protecting intellectual property rights do not constitute an unreasonable or discriminatory barrier to access by persons with disabilities to cultural materials;

d. Encouraging and supporting creativity and talent among persons with disabilities for their own and the society's benefit;

e. Putting in place measures to mitigate barriers that encumber access to cultural materials in accessible formats;

f. Recognising and supporting the cultural and linguistic identities of persons with disabilities, including deaf-blind and deaf culture, and sign languages.

g. Engaging the media to support the promotion of disability rights

Article 25: Duties of Persons with Disabilities

1. Persons with disabilities have duties on an equal basis with other person as elaborated in the African Charter on Human and Peoples Rights.

2. The State shall:
   a. Recognise that persons with disabilities have the duties aforementioned in paragraph 1 above; and
   b. Ensure that persons with disabilities are rendered the forms of assistance and support, including reasonable accommodations, which they may require in performance of such duties.

Article 26: Right to Family

1. Every person with a disability has a right to marry and form a family with their full, prior and informed consent.

2. The State shall take all necessary and appropriate measures to eliminate discrimination against persons with disabilities including negative stereotypes in all matters with regard to family, marriage, parenthood, guardianship, adoption and relationships, on an equal basis with others, in order to ensure that:
   a. Persons with disabilities may decide on the number and spacing of their children, and have access to family planning, and sexual and reproductive health education and services;

b. Persons with disabilities, including children, retain their fertility on an equal basis with others;

c. Persons with disabilities have the right to keep their children and not be deprived of their children on account of their disability.

3. The State shall;

a. Ensure in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents;

b. Ensure the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions, where these concepts exist in national legislation; in all cases the best interests of the child shall be paramount;

c. Ensure that a child shall not be separated from his or her parents against their will, except when competent authorities, subject to judicial review, determine in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child;

d. Provide appropriate assistance to persons with disabilities in the performance of their child-rearing responsibilities;

e. Undertake to provide early and comprehensive information, services and support to children with disabilities and their families to;

i. ensure that children with disabilities have equal rights with respect to family life and

ii. to prevent concealment, abandonment, neglect and segregation of children with disabilities.

f. Undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting, in instances where the immediate family is unable to care for a child with disabilities.

Article 27: Access to Justice

1. The State shall take measures to ensure that persons with disabilities have access to justice on an equal basis with others, including through:
   a. The provision of procedural, age and gender-appropriate accommodations, in order to facilitate their effective roles as participants in all legal proceedings;
   b. Ensuring that customary law processes are inclusive and should not be used to deny persons with disabilities their right to access appropriate and effective justice;
   c. Ensuring that all law enforcement and justice personnel shall be trained at all levels to effectively engage with and ensure the rights of persons with disabilities are recognised and implemented without discrimination;
   d. Ensuring that legal assistance including legal aid to persons with disabilities.

Part III: State obligations

Article 28: Respect & ensure the respect

1. The State undertakes to respect by all public and private institutions and individuals within its territory and subject to its jurisdiction the rights recognized in the present law, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each the State undertakes to take the necessary steps, in accordance with the Constitution and with the provisions of the present law, to adopt such measures as may be necessary to give effect to the rights recognized in the present law.

3. The State undertakes:

   a. To ensure that any person including persons with disabilities whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity

   b. To ensure that any person including persons with disabilities claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority

provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

c. To ensure that the competent authorities shall enforce such remedies when granted.

Article 29: Promotion, Popularization and Awareness Raising on Disability

The State undertakes to:

1. Develop programmes to promote full, inclusive, and accessible education for persons with disabilities, eradicate vulnerability through empowerment, education, establish and/or strengthen national focal point for the coordination and mainstreaming of disability issues in the State and establish monitoring mechanisms to ensure people with disability benefit from the rights enshrined under international, regional and national instruments

2. Raise awareness on the rights of people with disabilities, to promote their inclusion, adopt and implement relevant laws/policies and strategies to remove barriers that hinder or discriminate against the participation of persons with disabilities in society
3. Formulate or reformulate policies and national programmes, including on poverty alleviation, greater awareness, gender equality, conscientiousness of communities and governments relating to disability amongst persons with disabilities and their

families to encourage their full participation in social and economic development

4. Create or reinforce national disability coordination focal points, committees, and ensure effective representation of persons with disabilities and their organisations;

5. Promote and encourage positive attitudes towards children, youth, women and adults with disabilities and their families, and implement measures to ensure their access to rehabilitation, education, training and employment, as well as to cultural and sports activities and access to the physical environment

6. Prevent disability by promoting peace, mainstreaming disability on the social, economic and political agendas of African government, ratify and implement the CRDP and its Optional Protocol, ratify the African Disability Protocol and implement all AU and UN human rights instruments to promote and monitor the rights of persons with disabilities.

7. Establish a mechanism/award to recognise prominent disability rights defenders and advocates.

8. Establish a fund tracing mechanism for the budget on disability.

Article 30: Protection from Abuse and Harmful Traditional Practices

The State shall develop mechanisms limiting, prohibiting and criminalising harmful traditional practices, including witchcraft accusation, and other abnormal attitude such as pity, shame, stigma, exclusion, marginalization, discrimination targeting persons with disability, especially women and girls. These mechanisms should include engagement with traditional leaders

Article 31: Situations of Risk and Humanitarian emergencies

1. The State shall take specific measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, forced-displacements, humanitarian emergencies and natural disasters;

2. The State shall ensure that persons with disabilities are consulted and participate in all aspects of planning, implementation and monitoring of pre and post-conflict reconstruction and rehabilitation

Article 32: Care & Support

1. The State shall put in place effective mechanisms, including programmes and policies to provide incentives and other credits facilities to family members or organisations who provide assistance to persons with disabilities.

2. The State shall identify, strengthen and promote traditional support systems to enhance the ability of families and communities to care for people with disabilities.

3. The State shall promote provisions and culture of preferential treatment in service delivery for persons with disabilities.

Article 33: Accessibility

1. The State shall take appropriate measures to ensure and enable persons with disabilities to live independently and participate fully in all aspects of life, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

2. The State shall adopt measures, which shall include the identification and elimination of obstacles and barriers to accessibility, particularly such measures shall apply to, inter alia:

    a. Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces, take into account population diversities as well as rural and urban settings;

    b. Information, communications and other services, including electronic services, emergency services, sign languages

and tactile interpretation services, braille, audio and quality and affordable mobility aids, assistive devices or technologies and forms of live assistance and intermediaries;

c. The modification of all public and private inaccessible infrastructures and the universal design of all new infrastructure.

3. The State shall also take appropriate measures to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public

Article 34: Habilitation and Rehabilitation

1. The State shall ensure that persons with disabilities have access to comprehensive habilitation and rehabilitation services and programs to obtain maximum independence and full participation in all aspects of life, including
   a. Taking effective and appropriate measures, including peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability
   b. Organising, increasing access to appropriate, suitable and affordable assistive devices and extending comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services;

c. Supporting the design, development, distribution and servicing of local production equipment and assistive devices for persons with disabilities adapted to local conditions;

d. Developing, adopting and implementing standards, including regulations, policies and programmes to strengthen habilitation and rehabilitation services for persons with disabilities;

Article 35: Statistics, Data and Other Surveys

1. The State shall ensure that continuous data gathering on the causes and prevalence of disabilities, the types of disabilities, disaggregated regarding gender and age, participation of women, children, youth and with disabilities in education, health care, labour market, vocational skills training are available.

2. The State shall:
   a. Establish inter-ministerial epidemiological surveillance system on disabilities to gather evidence for consideration by National Disability Councils, policy bodies and relevant Government Ministries;
   b. Provide indicators on disabilities in national census questionnaires and other national surveys;
   c. Stimulate research and conduct surveys to collate disability data from health, education, and tertiary and labour statistics regularly and publish regular reports on the situation of disability and persons with disabilities in the country.

Article 36: Cooperation

1. The State recognizes the importance of cooperation and shall ensure to promote cooperate at the international, continental, sub-regional and bilateral levels on, inter alia:
   a. Capacity-building on issues of persons with disabilities, including in research and access to scientific and technical knowledge, technical, human and financial resources by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies, sharing and exchange of information, experience, training programmes and good practices to support implementation and realization of the purpose and objectives of this law;
   b. Partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities.

2. The State shall ensure development programmes and institutions for cooperation are inclusive of and accessible to persons with disabilities and support the implementation of this Model Law

3. The State shall support the African Union Commission to set up an Advisory Council on Disability as an ad hoc mechanism to facilitate the implementation and follow up of the continental policies and plans on disability.

4. The State shall ensure disability mainstreaming in all African Union monitoring mechanisms including the African Peer Review Mechanism

5. The State shall ensure that development financing is inclusive of disabilities programmes.

6. The provisions of this article are without prejudice to the obligations of each State Party to fulfil its obligations under the present law

Article 37: Partnership with Civil Society Organisation, and Organisations-of Persons with Disabilities

1. Civil society and Disabled People's Organisations must enjoy governmental support for the development and strengthening of their role in the planning and implementation of public policies and programmes.

2. The State shall:
   a. Establish and resource a national Civil Society Organisation/Disabled People's Organisation fund for the promotion and establishment of active Disabled People's Organisations at local, national and regional levels in order to support persons with disabilities empowerment;

   b. Promote and facilitate the establishment of National Federations of Disabled Persons Organizations and the

representation of persons with disabilities in all decision-making structures;

Part IV: Gender, Aging and Disability

Article 38: Women with Disabilities

The State shall commit to:

1. Achieve full participation and equal rights for women with disabilities by raising public awareness, developing programmes to address the needs of women with disabilities and promoting the inclusion of women with disabilities in all mainstream women's organizations and programs.

2. Eradicate vulnerability through empowerment, education and awareness of women with disabilities, especially focusing on rural women through the adoption of relevant laws policies and strategies to remove barriers that hinder or discriminate against the participation of women with disabilities in society.

3. Mainstream the needs and interests of women and in particular those with disabilities as provided for under international and regional instruments such as the Protocol to the African Charter on the Rights on Women

4. Provide effective remedies on sexual violence and ensure access to sexual and reproductive health services for women with disabilities.

5. Ensure the active participation and visibility of women with disabilities in activities related to the celebration of women's day

Article 42: Older Persons with Disabilities

The State shall:

1. Recognise the fundamental rights of older persons with disabilities and commit to abolish all forms of discrimination based on age, increased access by older persons with disabilities to their rights, security and fundamental freedoms as provided for under the international and regional instruments including the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa, the United Nations Convention of the Rights of People with Disabilities

2. Provide resources for the implementation of the provisions of the Protocol to the African Charter on the Rights of Older Persons in Africa, the Convention on the Rights of Persons with Disabilitiesand other international instruments for the benefit of older persons with disabilities

Article 39: Children with Disabilities

The State must:

1. Ensure full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

2. Adopt mechanisms to ensure effective access to education including early childhood development, healthcare services and specialized medical facilities

3. Develop programmes, strategies, policies and laws to remove barriers that hinder and or discriminate against the participation of children with disabilities in society and recognise specific needs of children with disabilities and their care givers in line with international and regional instruments including the African Charter on the Rights and Welfare of the Child;

4. Ensure the active participation and visibility of women with disabilities in activities related to the celebration of children's day

Article 40: Youth with Disabilities

The State shall:

1. Develop effective mechanisms to ensure full participation and equal rights for youth with disabilities in training, sports, culture, science and technology,

2. Eradicate vulnerability through empowerment, awareness, access to education, information, credit facilities and labour market by youth with disabilities, especially those in rural areas;

3. Ensure the active participation of youth with disabilities in the celebration of Youth Day.

Part V: Implementation, Coordination and Monitoring

Article 41: Establishment of a National Coordination Body for Persons with Disabilities

1. There is hereby established a council to be known as the National Council for Persons with Disabilities.

2. The Council shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of suing and being sued, and acquiring, holding and disposing of movable and immovable property.

3. The Council shall be responsible for:

a. oversee, coordinate and mainstreaming disability issues or review and make reports after considering input from Organisations of persons with disabilities to the Prime Minister on progress made in the implementation of this Law.
b. Develop of a National Policy and Plan of Action on Disability with specific targets, timeframes and means of monitoring and evaluation;
c. Undertake a review and formulate proposals for updating of legislations on the rights of persons with disabilities and ensure their rights are consistent with and included in National Constitutions;

d. Make proposals on the national budget to support policies and programmes of work to promote the rights and inclusion of persons with disabilities;

e. Manage a trust fund to be established by the Government and Donors to support the implementation of disability rights.

4. The Council shall consist of the following members appointed by the Prime Minister/Head of Cabinet:

(a) Not more than three persons nominated in a manner approved by the Prime Minister, by organisations representing persons with various categories of disabilities;

(b) Three members appointed from a panel of names submitted to the Primer Minister by organizations for persons with disabilities;

(c) Eight members representing the Ministries responsible for the following:

(i) culture and social services;

(ii) justice and human rights;

(iii) health;

(iv) education;

(v) economic planning;

(vi) gender;

(vii) transport; and

(viii) labour;

Provided that—

(i) The membership of the Council shall not exceed fifteen persons, out of whom at least three members shall be persons with disabilities;

(ii) The members nominated under paragraph (a) shall equitably represent the types of disabilities occurring in the country; and

(iii) At least one of the members of the Council shall be from a rural-based organization.

5. The Members of the Council shall designate amongst themselves a Bureau consisting of the chairman, vice-chairman and Rapporteur.

6. The Members of the Council shall hold office for a period not exceeding three years and shall be eligible for re-appointment for a further term not exceeding two years.

7. The Council shall adopt its develop its Rules of Procedure to be approved by the Prime Minister.

Article 42: Adjustment orders and discrimination

1. This Article shall apply to:

(a) Any premises to which members of the public are ordinarily admitted whether on payment of a fee or otherwise; and

(b) any services or amenities ordinarily provided to members of the public.

2. Without prejudice to the provisions of section 22, if the Council considers that any premises, services or amenities are inaccessible to persons with disabilities by reason of any structural, physical, administrative or other impediment to such access, the Council may,

subject to this section, serve upon the owner of the premises or the provider of the services or amenities concerned an adjustment order:

a. setting out:
    i. A full description of the premises, services or amenities concerned; and
    ii. the grounds upon which the Council considers that the premises, services or amenities are inaccessible to persons with disabilities;
b. requiring the owner or provider concerned to undertake at his own expense such action as may be specified in order to secure reasonable access by persons with disabilities to the premises, services or amenities concerned; and
c. stipulating the period within which the action referred to in paragraph (b) shall be commenced and completed.

3. Before serving an order under subsection (2) the Council shall serve notice upon the person concerned:

a. specifying the ground upon which the adjustment order is to be issued and the nature of the action which the Council considers necessary to rectify the situation which has given rise to the proposed order;
b. stipulating the maximum period that the Council considers reasonable for the implementation of the action it proposes to order; and
c. calling upon the person or institution concerned, if he wishes to do so, to make representations to the Council within thirty days from the date of the service of the notice.

Article 43: Offences and Penalties

1. Failure to comply with adjustment Order

Without prejudice to other applicable provisions of the Criminal Law, a person is guilty of an offence if he fails to comply with an adjustment order served under Article 42.

2. Violation of the rights of persons with disability

A person that contravenes any Articles under Part II or discriminates against a person with disability guilty of an offence.

3. Concealment of persons with disabilities

No parent, guardian or next of kin shall conceal any person with a disability in such a manner as to deny such a person the opportunities and services available under this Act. A person who contravenes this sub-section is guilty of an offence and is liable on conviction.

4. Negligence by doctor

Any person who, being a doctor or other medical practitioner, negligently causes a disability to a patient is guilty of an offence and is liable on conviction to a fine not exceeding the equivalent of one hundred thousand USD dollars or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

The Court may order a doctor convicted under this section to pay to the patient such sums of money in compensation as it may deem appropriate.

5. Giving false information to get benefits extended to persons with disabilities

A person is guilty of an offence if he knowingly gives false information to the Council for the purpose of being registered or for the purpose of acquiring any privilege due to persons so registered.

6. General penalty

Any person found guilty of an offence under this Act for which no penalty is expressly provided shall be liable to a fine not exceeding the equivalent of five hundred or imprisonment for a term not exceeding one year, or both such fine and imprisonment.

3. A person found guilty of an offence under this section may in addition to the penalty imposed by the Court be ordered to pay the person injured by the offence such sums of money in compensation as the Court may deem appropriate.

Article 44: Regulations

The Cabinet may, by statutory instruments, make regulations to prescrive anything required under this Act and for the effective implementation of the provisions of this Act.

Part VI: General Provisions

Article 45: Safeguard Clause

1. No provision in this Model Law shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of Persons with Disabilities in Africa.

2. In the event of a contradiction between two or more provisions of this Model Law, the interpretation which favours the rights of Persons with Disabilities and protects their legitimate interests shall prevail.

Article 46: Amendment and Revision

1. Any State Party may submit proposal(s) to the Pan-African Parliament for the amendment or revision of this Model Law

2. Proposals for amendment or revision submitted and adopted by the Pan-African Parliament shall be transmitted to the Assembly at least six months before the meeting at which it shall be considered for adoption.

3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.

Article 47: Entry into Force

This Law shall enter into force at such time as the State or the Minister responsible shall determine.

Article 47: Authentic Texts

This Model Law is drawn up in all four (4) African Union original texts, namely Arabic, English, French and Portuguese languages. All four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, has adopted the African Union Model Disability Law.

PAN AFRICAN PARLIAMENT

REPORT OF THE COMMITTEE ON AUDIT AND PUBLIC ACCOUNTS TO THE 1ST ORDINARY SESSION OF THE 5TH PARLIAMENT

October, 2018

PAN-AFRICAN PARLIAMENT
DOCUMENTATION

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A. EXECUTIVE SUMMARY

1.0 Introduction

The Committee on Audit and Public Accounts (CAPA) presents its report from its sittings, which were held from 6th to 10th August and 18th to 20th October, 2018 to review the reports from the audit of the activities of the Pan African Parliament, to the 1st Ordinary Session of the Fifth Parliament of the Pan African Parliament (PAP).

The Pan African Parliament, as an organ of the African Union is supported by the CAPA to ensure good governance, transparency and accountability in pursuance of its objectives. The work of the Committee leading to this report is in accordance with its mandate as provided for in Article 3 of the PAP resolution that established it as a Committee in October, 2015.

The reports considered during the sittings are those of the Office of Internal Audit of the PAP and the Board of External Auditors of the African Union. Each issue observed is presented together with the related recommendations. Other issues that came to the attention of the Committee, which it considered should be brought to the attention of the Plenary have also been included in this report.

1.1 ESTABLISHMENT OF THE COMMITTEE ON AUDIT AND PUBLIC ACCOUNTS

In accordance with Rule 22(2) of the Rules of Procedure of the Pan African Parliament (PAP) on the establishment of Committees, the Committee on Audit and Public Accounts was established on 14th October, 2015 following the adoption of the resolution by the 1st Ordinary Session of the Fourth Parliament. The CAPA comprises fifteen (15) members, equally representing, and designated, by each of the five Regional Caucuses.

Article 3 of the resolution gives CAPA the mandate to:

a) Consider the internal and external audit reports relating to the Pan African Parliament and recommend appropriate measures for an effective implementation of the recommendations arising therefrom;
b) Consider the reports of the Board of External Auditors (BEA) of the African Union and recommend appropriate measures for an effective implementation therefrom;
c) Exercise all other functions as are incidental and auxiliary to the discharge of its mandate.

1.2 FUNCTIONS OF THE CAPA

As one of the Organs of the African Union (AU), the PAP's administrative, financial and other activities are conducted in accordance with AU Rules and Regulations. These include: AU Staff Regulations and Rules (AU SRR) 25 - 27 July, 2010; AU Financial Rules and Regulations (AU FRR) 1 January, 2014; Procurement Manual, Travel Policy and other policies and guidelines. The CAPA has a duty to monitor and ensure that the PAP complies with the provisions contained in these documents.

Also, the Committee has the mandate to oversee the entire AU financial reporting process and review its operations and activities in order to ascertain whether they are being undertaken with due regard to economy, efficiency and effectiveness as well as in compliance with the AU regulatory documents.

CAPA has the responsibility of ensuring that the Office of the Internal Audit (OIA) is properly supported to carry out its duties effectively by enhancing its independence, ensuring prompt response to its reports and appreciation of its work.

It also reviews the status of implementation of recommendations emanating from Audit and its own reports to ensure that they are fully implemented and the work of the Internal Auditors are not undermined.

1.3 Office of Internal Audit

The Pan African Parliament at the 4th Session of the First Parliament in 2004, mandated the Office of Internal Audit of the PAP to 'ensure that the Financial Rules and Procedures of the PAP are up to date, effective and are adhered to accordingly. PAP/Doc/4th Session/Decision 2 refers.

The AU Executive Council Decision EX.CL/DEC. 340 (X) January 2007, specifically authorised the establishment of the Office of Internal Audit of the PAP.

In order to have an effective audit system, the Office of Internal Audit of the African Union was established by the Executive Council Decision EX/CL/Dec. 34(III) of July, 2003 and incorporated as Article 71 of AU FRR, 2014.

These documents provide:

"The mandate of OIA shall cover internal audit, special investigation, inspection, monitoring and evaluation of the adequacy and effectiveness of the internal control, financial management, accounting, administrative, data quality, computing and other operational activities of all the African Union Organs."

1.4 Board of External Auditors

The establishment, mandate and functions of the Board of External Auditors is provided for in Articles 77 to 84 of the AU FRR, 2014.

According to Article 77 of the AU FRR, 2014,

(1) There shall be established a Board of External Auditors whose function shall be to audit the accounts of the Union.
(2) The Audit shall be conducted in accordance with Internationally Accepted Auditing Standards. The Board of External Auditors shall be appointed by the Executive Council

1.5 Reports considered by the CAPA

During its sittings from 6th to 10th August, 2018 the Committee reviewed the audit reports of the PAP Office of Internal Audit and Board of External Auditors.

The documents that were reviewed include:

a. Office of Internal Audit report on the AU Election Observation Mission to Sierra Leone, 2018.
b. Office of Internal Audit report on PANAF expenditure for the period 1 July, 2016 to 31 December, 2017.
c. The report of the Board of External Auditors of the African Union on the Pan African Parliament for the year ended 31st December, 2017

1.6 Methodology

i. The Committee compiled this report based on its conclusions from the evaluation of the findings from the review of the audit reports noted above. The methodology adopted in carrying out this work include:

a. Reviews and assessment by the individual Members, the reports presented and clarified by the Office of the Internal Audit of the Pan African Parliament;
b. Members sat in the same room discussing the reports with, and interviewing, the Clerk and relevant members of staff of the PAP;
c. Preparation of the Committee Report and draft recommendations by the team of Internal Auditors of the PAP and Clerk of the Committee;
d. CAPA members return 3 days before the October session to further discuss and confirm the draft Report;
e. Discussions with the Bureau of the Pan African Parliament and finalization of the draft CAPA report;

f. Presentation of the Report to the Plenary.

1.7 ATTENDANCE

Members in attendance

1. Hon. Ahmat Tahir Ahamat	Chad	Central Africa
2. Hon. Sekou Fantamadi Traore	Mali	West Africa
3. Hon. Bissiri Sirima	Burkina Faso	West Africa
4. Hon. Magdi Shams El Din	Sudan	East Africa
5. Hon. Said Brahim Said	Saharawi Republic	North Africa
6. Hon. David Ernest Silinde	Tanzania	East Africa
7. Hon. Hordofa Bekele	Ethiopia	East Africa
8. Hon. Noé Mbonigaba	Burundi	Central Africa
9. Hon. Hans Barchue	Liberia	West Africa
10. Hon. Zely Pierre Inzoungou Massanga	Congo	Central Africa
11. Hon. Mongi Rahoui	Tunisia	North Africa

Members absent with apologies

12. Hon. Chief Fortune Charumbira	Zimbabwe	Southern Africa

Members absent

13. Hon. Abdelkader Moukhioua	Algeria	North Africa

Staff in attendance

1. Mr. Yusupha Jobe	Acting Clerk of Parliament
2. Mr. Gali Massa Harou	Deputy Clerk LBC
3. Mr Kenneth Akibate	OIC Deputy Clerk FAHR
4. Ms. Charlotte Marck	Head of Finance and Budget
5. Mrs. Vivian Abii	Head of Human Resources
6. Mr. Azizou El-Hadj Issa	PANAF Project Coordinator
7. Dr. Ndidi Abanno	Senior Committee Clerk
8. Mr. Emmanuel Afedor	Senior Internal Auditor
9. Mr. Celestine Aharanwa	Senior Finance Officer
10. Mr. Ian Chingwalu	Senior Human Resources Officer
11. Mr. Rodin Mvindu	Senior Procurement Officer
12. Mr. Clement Phebe Mavungu	Legal Officer
13. Mr. Ohiwe-ei Felix Unuigbe	Internal Auditor

1.8 PREVIOUS KEY CAPA RECOMMENDATIONS

We wish to highlight some of the issues in respect of which recommendations were made in the previous reports of this Committee and endorsed by the Plenary. A matrix showing the details of the recommendations and status of implementation is presented as is prepared and tracked by the Office of Internal Audit.

The issues include:

i. Host Agreement between the African Union and the Government of the Republic of South Africa on the Seat of the Pan African Parliament.
ii. Non- disclosure of contributions of the Republic of South Africa to PAP.
iii. Non -recognition of Members of Parliament in the African Union Regulations and Rules and Policy Documents
iv. Health Insurance Scheme for Members of Parliament
v. Delayed collection of VAT receivable from SARS
vii. Bad Debts reported in the financial statements of the PAP
viii. Pre-finance of expenditures funded by Development Partners
ix Need for Organisational Audit/ Performance Audit
xiii. Delay by Management in Responding to Audit Queries.
xiv. Delays in the preparation of procurement plans.
xv. Inadequate compliance with Procurement Rules.
xvi. Rising Support staff costs, especially Interpreters and Translators
xvii. Inadequate staffing and placement of internal audit staff within the PAP structure.
xviii. Absence of risk management and risk strategy
xix Performance indicators in the PAP strategic plans not in line with the SMART criteria.

1.9 HIGHLIGHTS OF MAJOR ISSUES IN THIS REPORT

i. Inadequate participation of Members of the Pan African Parliament in an election observation mission.

ii. Staffing of the AU EOM Support Team and the involvement of the MPs and Staff of the PAP.

iii. Management of air ticketing and planning deficiencies.

iv. Delayed and irregular payment periods

v. VAT registration status of Vendors not verified

vi. Ineligible expenses

vii. Irregularities in the appointment of the Project Coordinator of the PANAF

viii. Inadequate exercise of due care in the preparation of appointment letters

ix. Non-compliance with AU Rules and the Resolutions of the PAP Plenary with regard to issuing contracts to Project Staff.

x. Inappropriate recruitment of a Finance Officer – Programmes and the avoidable indefinite vacancy resulting from the abrupt separation of same.

xi. Final Annual Financial Statement not submitted for audit by 31 March 2018

xii. Long outstanding uncleared items in bank reconciliation

xiii. No Fraud prevention plan and Risk Management Policy

xiv. Preparation and presentation of Budget Information not in compliance with IPSAS

xv. Predetermined objectives - Performance indicators are not well defined

xvi. Planned indicators not consistent with reported information

B. DETAILED REPORT

B1. AUDIT REPORT ON AU ELECTION OBSERVATION MISSION TO SIERRA LEONE

1.0 INTRODUCTION

One of the internal Auditors who participated in the African Union Election Observation Mission (AUEOM) in Sierra Leone, 2018 observed amongst other outcomes, the level of participation of the PAP MPs in the election and some weaknesses in the way the African Union Commission (AUC) handled the administrative processes of this election and AU EOMs generally. This was presented to the CAPA by the Office of Internal Audit (OIA) of the Pan African Parliament as matters that require the attention and intervention of the MPs and Management of the PAP. Other observations relating to the conduct and results of this election have been presented to the Unit of the PAP Secretariat responsible for AU Elections and these are included in the general report on PAP activities that are presented to the Plenary of the PAP by its management.

Therefore, only the issues relating to governance as they arose from the AU Election Observation Mission to Sierra Leone have been included in this report.

1.1 PARTICIPATION OF MEMBERS OF THE PAN AFRICAN PARLIAMENT IN THE ELECTIONS

1.1.1 Observations

The general and run-off elections in Sierra Leone were held on 7th and 31st March 2018 respectively. Out of the forty (40) number of Short Term Observers invited, twelve (12) were MPs of the PAP.

Out of the twelve MPs of the PAP invited to attend the AU EOM to Sierra Leone, only two (2) attended the general election and only one, (Hon. Abdiaziz) attended the run-off.

The reasons for this low attendance as noted by the MPs of CAPA were:

i. Organisational problem by the AUC in terms of not sending the invitations and tickets on time

ii. The AUC staff travel in business class while MPs of the PAP are issued with economy class tickets. This is considered disrespectful to the MPs of the PAP.

1.1.2 Risks / implications

i. The PAP and its MPs may be perceived as not committed to the election observation responsibility of the AU.
ii. Future slots to PAP may be reduced.

1.1.3 Recommendations

i. The respective Regional Caucuses and relevant Committees, should emphasize the need for all MPs to always honour as much as possible, invitations as this, which are extended to them. This would improve the image, visibility and perception of stakeholders to the commitment of the PAP to fulfilling its mandate.

ii. The CAPA calls for the exercise of transparency, accountability and probity in the way members are selected into the election observation missions.

iii. Election Observation calendar for a year should be sent by the AUC to the PAP at the beginning of each year. If the AUC continues to send invitations and tickets close to the time of elections, the PAP should have the courage to reject it.

1.1.4 Management response

We shall make a proposal to the AUC for the PAP to manage ticketing and other matters relating to the MPs and staff during AUEOM. The AUC would have to allocate funds to the PAP for this purpose.

1.2 STAFFING OF THE AU EOM SUPPORT TEAM

The African Union Election Observation Mission (AU-EOM) administrative and logistic manual - 2013, regulates:

i. The Structure and responsibilities of AU Elections Coordination Team;
ii. Mission activities and
iii. Dealing with Observers

This manual provides:

a. For 8 (eight) staffing positions to be taken up by staff members of the PAP and AUC in the ratio of 4:6, to provide administrative support to the AUEOM.

b. The positions of the Mission Coordinator (MC) and Mission Co-coordinator (MCC) included in these 8 are provided to direct the mission activities and these are to be occupied

by a staff each, of the AUC and the PAP respectively. The manual specifically outlined the functions of the two coordinators in providing leadership to the AUEOM support team.

c. The Coordination Team arrives minimum of five days prior to the expected arrival of the observers and sets up the AU-EOM Mission secretariat in one of the big and secure hotels in the capital city, preferable in the same hotel where the AU observers are accommodated."

d. That duties should be "agreed in a coordinating meeting between the MC and MCC".

1.2.1 Observations

During this election and in many other elections:

i. Only 2 (two) members of staff were invited from the PAP, whereas the AUC had 5 (five).

ii. Only the position of the MC was indicated (and this has been so in the AUEOM the OIA is aware of). The role or position of the MCC was not mentioned or conferred on any of the PAP staff.

iii. AUC Staff Members got to this mission field on average of 3 days before (it could be 5 days or more) the PAP staff and stayed at least two (2) days after the PAP staff had departed. PAP staff are made to arrive and depart at the same time as other Short Term Observers.

iv. The AUC staff members usually share the duties amongst themselves and this is prior to their arrival in the Country holding elections. When the PAP staff members arrive, they are mostly given general and menial roles and duties, which is, "Supporting the AUC Support Team", as the MC determines.

1.2.2 Risks / implications

i. The role and relevance of the PAP in AU election observation is being undermined.
ii. Important information deriving from and relating to the elections are unavailable to the PAP.

1.2.3 Recommendations

i. PAP should contribute at least, three staff members and one of these should be the MCC. Staff members chosen could be a mix of Junior and Senior Staff in order to encourage positive experience and career development for all. They should always be properly and adequately briefed on what to expect and what is expected of them. Important information

about the country relating to personal hygiene, feeding and safety should be sought out and discussed with both staff and MPs.

ii. The PAP Management and Members of Parliament should take up the matter of the non-implementation of the AUEOM Manual with the appropriate AUC authorities to ensure adherence to the letter and the spirit of the Manual.

1.3 EXCLUSION OF PAP MEMBERS AND STAFF FROM THE AU EOM HEAD OF DELEGATION'S TEAM

1.3.1 Observations

During this mission and in many other missions, the Head of AU EOM delegation's team was constituted by the AUC and the MC and it comprised the Head of delegation (a former president of a member state) and his deputy who is a member of the PRC from the AUC, the MC, two staff from the AUC one of which is in PSD and the other in AUC Media and the Coordinator of the Long-Term Observers (LTO). No member of Staff or Member of Parliament of the PAP was included in this team.

1.3.2 Risks/ implications

i. Non-involvement in Stakeholders' meetings organized or attended by the Head of AU EOM;
ii. Lack of on-the-spot knowledge of events and processes engage in by the Head of Delegation which are high level.

1.3.3 Recommendations

At least, one member of staff (who should be designated as MCC) and one MP should be in the Head of Delegation's Team. This should be urgently and clearly taken up and resolved with the AUC. Once resolved, all members of the AU Support Team (Staff and Officials) should be clearly informed.

1.4 LACK OF ACCESS TO WORKING DATA AND INFORMATION

1.4.1 Observations

Apart from the general programme of the Election Observers, which include training, briefing and debriefing of the observers, PAP team does not get informed about, or involved in,

i. The programme of activities of the Support Team and the Head of delegation;

ii. AU EOM planning, data collation and information dissemination processes of the Support Team;
iii. Unfolding issues, events, strategic action plans are not disclosed to the PAP team.
iv. The agenda and reports of meetings of Heads of Delegation which AU EOM took part in are not provided for the PAP Team.

The staff of the PAP are treated as "OUTSIDERS" and these aspect of the work is treated as exclusive preserve and privilege of the Staff members of the AUC, Electoral Institute for Sustainable Democracy in Africa (EISA) and some select LTOs.

1.4.2 Risks / implications

i. It is demoralizing to the PAP staff.
ii. The benefit and effectiveness of the attendance and contribution of the PAP Secretariat is limited.
iii. Information and data relating to the election mission that are available to the PAP are secondary.

1.4.3 Recommendations

The PAP Management should resolve with the AUC, the matter of excluding the PAP Team from data and information relating to events and reports that emanate constantly from the activities of the AU EOM Support Team and the Head of AU EOM Delegation.

Once clarified, the AUC and the PAP should issue a joint briefing to emphasize the provision within the AU EOM Manual and to ensure they are adhered to.

1.5 FURTHER RECOMMENDATIONS

1.5.1 Involvement of PAP Media Unit

The election plan prepared by the relevant Unit of the PAP showing the list of staff members nominated should be communicated to the Media Unit for their involvement, coverage and dissemination to the PAP family and stakeholders. This is part of promoting PAP visibility.

If a media staff is nominated, such could take the role of the media within the AU EOM Support Team. This should be clarified early with the AUC. Where they are part of the team, they should be involved in briefing the staff that have been nominated on what they would require from them.

1.5.2 End of Mission Reports and Utilization

The PAP should move from the theoretical requirement to produce End of Mission report to, effective enforcement of this requirement for all staff and MPs. These reports should be read and discussed at the relevant forums of staff and MPs accordingly. Once discussed, the issues requiring to be addressed would need to be immediately given the priority attention and this should be assigned to the appropriate persons or units to facilitate implementation.

Reports from missions should be circulated to all staff for information purposes after they have been properly screened and considered to be in order by the appropriate PAP Management.

Everyone who is sent on missions by the PAP should be made to produce the missions' report.

B2. THE REPORT FROM THE AUDIT OF PAN AFRICAN PROGRAMME (PANAF)

2.0 INTRODUCTION

This programme is funded by the European Union (EU), PANAF/2016/376-101 and is aimed at "Strengthening the role of the Pan African Parliament in the African Human Rights System". The period covered in the audit report was, 1 July 2016 to 31 December, 2017.

During this period fourteen (14) activities were undertaken by the PAP under PANAF and the major expenditure areas were Air Tickets, Accommodation, Per Diem and Professional fees.

2.1 PLANNING DEFICIENCIES INDICATED BY THE PURCHASE OF AIR TICKETS ON DATES TOO CLOSE TO DATES OF EVENTS AND NON-COMPLIANCE WITH MINIMUM QUOTES REQUIREMENT

2.1.1 Observations

The audit observed many instances where tickets were purchased on dates, which were very close to the dates of events. It also found many cases in which the minimum quotes of 3 required under Paragraph 4.5.1, AU Procurement Manual, 2016 were not complied with. Explanations from the Procurement Unit indicate that authorizations for the purchase of air tickets were received very close to the dates of events.

2.1.2 Risks / implications

Where tickets are procured too close to the dates of events:

- The prices are higher.
- Available routes are limited.
- Extra charges are incurred for "after hours" requests for booking.

2.1.3 Recommendations

i. The Bureau, Members of the PAP and the Secretariat Management should give priority attention to the issues raised on the consequences of not planning on time and apply measures to address the cost implications of this weakness.

ii. Better planning and timely issue of tickets is strongly advocated within the Procurement Unit.

2.1.4 Management response

The observation and recommendation are well noted and will be complied with. It should however be noted that some activities are delayed because if the nature of the decision making body of the PAP, the Bureau which is not full time. This slows down the decision process. Management will however put in place with the guidance of the Bureau measures to improve the planning process.

2.2 DELAYED AND IRREGULAR PAYMENT PERIODS

2.2.1 Observations

The audit report revealed that payment to Travel Agencies for tickets purchased from them were delayed and the payment period showed irregular patterns. The analysis of ticket vendors' payment period showed payment periods ranging from 51 days to 162 days (that is, above 5 months).

No evidence of any agreed payment period between the PAP and the Travel Agencies could be provided for audit review.

One of the reasons observed for these delays in making payments was traced to the gap between the times tickets are raised and when they are packed for payment in the SAP (Systems, Applications & Products). This is noted below in paragraph 2.3 of this report.

2.2.2 Risks / implications

i. The PAP could be exposed to emergency cash purchases, where agents suddenly refuse to issue tickets for non-payment of outstanding balance. This would be at greater cost to the PAP.

ii. This could also adversely affect management of the budget as funds not spent within the planned periods will limit allocation for the next period.

iii. Adverse exchange difference would be a constant phenomenon as the rate at the time of payment could be very different from the rate at the time of purchase of tickets.

2.2.3 Recommendations

i. The Travel Unit which currently has only one staff member should be provided with more staff in order to spread and share the work load.
ii. Supervision should be improved upon.
iii. Payment periods should be clearly defined and agreed with the Vendors (Travel Agents).

iv. Management should consider the purchasing of tickets directly from airlines at a cheaper rate by MPs in their countries to be refunded by PAP.

2.2.4 Management response

This issue will be considered in preparing the ongoing proposed new structure for the PAP. The AU recruited a travel agent to handle AU Organs in SA and this will be monitored to ensure less cost and value for money.

2.3 NON ADHERENCE TO TICKET DOCUMENTATION PROCEDURE

Management has taken note and will comply. The PAP Management is taking measures to provide temporary staff to support the Travels Unit. One AU Volunteer will be assuming duty in Travels Unit in November, 2018

2.3.1 Observations

Many cases were observed where purchase orders (POs) were issued long after the tickets had been procured whereas POs should be raised before the tickets are issued. The number of days between the date of issue of ticket and the date the POs are raised as noted in the period under review range from 22 days to 138 days, an average of 75 days margin for 19 of the instances noted.

The reasons provided for this situation are:

i. Pressures for urgent ticket requests and
ii. Inadequate staffing in the Travels units (Only one staff member)

2.3.2 Risks / implications

i. Payments are delayed as Payments cannot be made without POs being raised.
ii. Account balances problems are created for Finance Division.
iii. Year- end closure of the accounts become difficult.

2.3.3 Recommendations

i. The Travels Unit requires more staffing than it currently has.
ii. More supervision is important.

2.3.4 Management response

Management has taken note of the audit recommendations and will take appropriate steps to comply.

2.4 VAT REGISTRATION STATUS OF VENDORS NOT VERIFIED

2.4.1 Observations

In previous audit reports, recommendations have been made that VAT registration status of vendors be confirmed in order to avoid recurring cases of vendors not having proper VAT registration, which led in the past to the SARS rejecting claims for VAT refunds from the PAP.

Some of the contracts examined showed that no verifiable step is being taken in the procurement process to confirm proper VAT registration by vendors.

Specifically, in the CAPA report of May, 2017, some of the difficulties in getting refund for VAT by the PAP was presented as follows:

Between January to June, 2014, out of the total VAT claims of USD 15,815.80, only claims totalling USD 8,282.52 (52%) were honored by the South African Revenue Authority (SARS). The balance of claims was rejected due to invalid/improper tax invoices, invalid VAT numbers, and incomplete Tax invoices.

A review of the account balance on the final accounts audited by the BEA revealed that the amount of USD.197,269.43 was receivable from SARS as at 31st December, 2015. This amount shows an increase of USD.53,983.43 over the amount due from the previous year of USD.143,286.

It was noted that the PAP attempted in July 2015, to register a PAP representative with SARS (Ref. PAP/HFB/006 dated 29th July, 2015) in order to recover the amount but without success. A similar attempt was made in March, 2016, this time around with the Directorate, African Union Desk, Department of International Relations and Cooperation, Republic of South Africa (Ref. PAP/HFB/006 dated 18th March, 2016).

And one of the recommendations then was:

PAP should ensure that proper, correct and complete VAT returns are filed with SARS on a regular interval, probably monthly, to avoid delays in obtaining refunds and also to reduce the rejection rate.

2.4.2 Risk / Implication

Claims will be rejected by the SARS and this constitutes loss of funds to the PAP

2.4.3 Recommendations

i. Procurement Unit is hereby advised to include in its processes, a step that involves the confirmation of the validity or existence of a valid VAT registration number of its vendors. This step should be clearly verifiable.

ii. The Supervising levels should ensure the procedure recommended in (i) is implemented.

2.4.4 Management Response

The issue of unregistered vendors was noted in the 2014 VAT claims. There has been an improvement in procurement system in that the process of loading a vendor on the SAP system requires the VAT registration details to be loaded. In addition the procurement process includes assessment of VAT registration.

The PAP Finance staff met with the SARS representatives on September 2018 and were advised to lodge claims manually while waiting to register a VAT representative so as not to miss the 5 years deadline.

Management will no longer accept unregistered vendors in South Africa unless in serious emergency situations where no registered vendors are available. All Vendors must possess VAT registration and these will be validated by Procurement and Finance Department.

2.5 INELIGIBLE EXPENSES

2.5.1 Observations

From the requirement in Article 14 of the PANAF agreement, which specifies conditions for costs to be eligible or otherwise, a number of expenses were considered from the audit observations to be ineligible costs. The total of these was **USD 39,584.59**.

2.5.2 Risks / Implications

i. These are indications of errors in the statement produced and they primarily result from wrong collation of data in the course of preparing the financial statement.
ii. Inadequate supervision
iii. The amounts involved will not be borne by the EU and would have to be borne by the PAP, hence further strain on PAP finances.

2.5.3 Recommendations

i. More supervision is encouraged.

ii. Internal check should be improved.

iii. The vacant position of the Finance Officer should be filled by start of 2019 financial year.

2.5.4 Management response

The Project accounting is handled by a Senior Finance Officer with no assistant. The misclassifications were due to the fact that Partner activities are jointly funded and costs may be charged to the project account and the reallocated later. Because of the staffing constraints, the reallocations were not done on time. The misclassification of costs have been corrected and charged to the correct fund.

2.6 REFUND OF AN ADVANCES PAID TO A HOTELS NOT ACCOUNTED FOR

2.6.1 Observations

It was observed that the amount of R64,496.80 refundable from the advance paid to the hotel that provided accommodation to participants at the Speakers' Conference held in 2016 was not tracked for collection by the PAP and consequently was not received as at the date of this report (August, 2018). Doc no. 5200004489 refers.

2. 6.2 Risks/ implications

i. Scarce funds are being held outside of the PAP unused.
ii. Where such omissions are a constant feature, the PAP may be losing funds undetected.
iii. This indicates weakness in the control over the management of Accounts Receivable.

2.6.3 Recommendations

i. Supervision should be improved upon.
ii. This transaction should be investigated and the balance recovered.

2.6.4 Management Response

Management got notice of this omission and immediately wrote to the hotel for the refund. The hotel confirmed the amount is owing and are processing the refund noting that PAP still had invoices to pay to them. PAP is following up the refund of ZAR64,496.80 (equiv US$4500) with the hotel. The hotel will release the funds once PAP has cleared amounts due to the hotel. The reconciliation with the hotel will be finalized this October 2018.

2.7 IRREGULARITIES IN THE APPOINTMENT OF THE PROJECT COORDINATOR OF THE PANAF

2.7.1 Observations

It was observed that the Project Coordinator of the Pan African Programme (PANAF) who was initially employed as Technical Expert of African Governance Architecture (AGA) - funded by GIZ) on 21 December, 2016 and who only assumed duty on 2 May, 2017 when the AGA project had ended, was converted to the position of Project Coordinator of the PANAF (funded by the European Union) without following the processes defined in the AU Rules.

By a memo dated 13 November 2017, his contract was amended to the position of Project Coordinator of PANAF.

The time between the issue of the letter of appointment under AGA and when the staff assumed duty as Project Coordinator of PANAF was 4 months and 12 days. The letter of appointment of 21 December, 2016 did not give the time limit within which this staff must assume duty as is required in standard employment letters.

The memo and the addendum to amend the earlier appointment letter was written on 13 November, 2017 and 14 December, 2017 respectively and these were 6 and 7 months after the staff had assumed duty.

2.7.2 AU Regulations and Rules 2010 – relating to due process for recruitment

Regulations 6.1 (b & c), 6.2 (a) and 6.3 (f & g); Rules 27.1 and 28, AU SRR, 2010 refer.

Regulations 6.1 (b & c):

"(b) The power for the appointment and posting of all the other staff members (other than Elected Officials and Political and Special Appointees), their periodic advancement from one step to another in the salary scale as well as their promotion, transfer and release/termination in accordance with these Regulations and Rules shall be vested on the Chairperson or the competent authority of any other organ.

(c) In exercising his/her authority under Article 6.1(b) of the Regulations, the Chairperson or the competent authority of any other organ shall be advised by the Appointment, Promotion and Recruitment Board (APROB)."

Regulation 6.2 (a)

"(a) Subject to the provisions of Regulation 6.1(b) of these Regulations, all appointments of staff members shall be governed by the provisions of these Regulations and Rules."

Regulations 6.3 (f & g):

"Any person may be appointed to work in the Union upon fulfilling the following conditions that he or she:
(f) Meets the skills and other job requirements specified in the Rules, Administrative Notices and job descriptions; and;
(g) Goes through the laid-down recruitment procedure."

Rule 27 Conditions of Appointment

27.1 The Appointment, Promotion and Recruitment Board (APROB) shall deal with all matters relating to recruitment, appointment, promotion, review, and reemployment and staff development, unsatisfactory performance and make appropriate recommendations to the Chairperson or the competent authority of any other organ.

2.7.3 Audit conclusion

The basis for the staff working for the PAP and being paid from PANAF funds for over 6 months without a contract could not be justified by management.

2.7.4 Risks/ implications

i. Where the requirements for employment as Technical Expert for AGA is not the same, or is not considered to be the same as that for the Project Coordinator for PANAF by the Development Partner (EU), it may constitute a breach of agreement and the PAP may lose the funding.
ii. Delay in the implementation of administrative procedures relating to staff contract could lead to breach of the Rules relating to recruitment as is the case under examination.
iii. When the date of assumption of duty for a recruited staff is left open, it is an indication that management did not have a clear plan of whether, or when, they needed the staff.
iv. The absence of the time limit for assumption of duty could be an error or omission, which may be deliberate or otherwise.
v. One consequence of not stating clearly the time limit within which the candidate should assume duty, is loss of funds (GIZ funding) and the benefit from the implementation of the part of AGA programme that was allowed to expire.

2.7.5 Recommendations

PAP management and the units/ divisions/department concerned should investigate the issues raised with a view to ensuring non reoccurrence of the same experience.

2.7.6 Management response

Management has noted the observations and will ensure the non-reoccurrence of the same experience.

B3. MANAGEMENT REPORT ON THE AUDIT OF PAN AFRICAN PARLIAMENT FOR THE YEAR ENDED 31 DECEMBER, 2017

3.1 FINAL ANNUAL FINANCIAL STATEMENTS NOT SUBMITTED FOR AUDIT BY 31 MARCH 2018

Article 72(1) of the African Union Financial Rules and Regulations provides that the Accounting officer shall prepare financial statements of the Union for each financial year and submit to the Board of the External Auditors by 31st March of the following year.

3.1.1 Observations

The annual final financial statements were not submitted to the Board of the External Auditors by 31 March 2018. The draft annual financial statements were received on 12 April 2018.

The above is as a result of weaknesses in the annual financial statement preparation process.

3.1.2 Risk / implication

Management did not put in place adequate review controls to ensure that the annual financial statements are submitted by 31 March 2018.

3.1.3 Recommendation

Management should ensure that the annual financial statements are submitted by 31 March 2018.

3.1.4 Management response

The Finance Officer responsible for preparation of Financial Statements resigned on 20 February 2018 when the Financial Statements were due on 31 March 2018. This created a staffing gap in the Finance division and as a result the full set of financial statements could not be completed by 31 March 2018. Management agrees with the finding. This delay was unusual as was caused by the abrupt resignation of the finance officer responsible for preparation of the financial statements. We have since trained others as backup to avoid such a situation recurring.

3.2 PROCUREMENT PROCESS NOT FOLLOWED – NON-COMPLIANCE WITH AU PROCUREMENT MANUAL

Chapter 4.5.1 Request for Quotation (RFQ)

An RFQ is a competitive selection method based on the comparison of quotations obtained from no less than three (3) suppliers.

(b) It is appropriate in the following circumstances:

(i) Where the value of the requirements is very low (Annex II);
(ii) Where the requirement is a readily available, off-the-shelf product or service.
(iii) Where the requirement is clear and specific and the goods or services are straightforward and easily specified.

Chapter 4.5.2 Request for Bids (RFB)

(a) An RFB is considered to be a formal selection method where suppliers are requested to submit a bid for the provision of goods, services or straightforward works.

Annexure II: Thresholds

Category 1: ORGANS, INSTITUTIONS AND PEACE SUPPORT MISSIONS /OPERATIONS

Threshold	Appropriate method
Up to USD 2 000	Direct selection / RFQ
Above USD 2 000 - 100 000	RFQ / RFB / RFP
Above USD 100 000	RFB / RFP

3.2.1 Observations

The following discrepancies were identified during the audit of procurement:

i. The Parliament planned for 39 standard rooms for the COP 23 conference in Bonn, Germany with a budget amount of USD82 500. Therefore the RFQ method was used. However the total invoice amounted to USD115 256. This resulted in non-compliance to the procurement manual as the RFB process was not used.

ii. The parliament did not request for quotations as per the procurement manual for the following transactions above USD 2 000:

Item description	Doc Nr	Amount
DHL - Courier Services	Doc: 1900000985	6 591
Sunbird Capital - Malawi Mission	Doc: 1900001780	3 808

3.2.2 Risk / implication

Management's process of inviting suppliers to provide quotations was not always effective to ensure that competition is enhanced. This will result in non-compliance with the procurement manual.

3.2.3 Recommendations

i. Management's process or method of inviting suppliers to provide quotations should be improved in order to enhance competition and obtain competitive quoted prices.

ii. The planning process surrounding missions should be improved to ensure that the procurement requirements are adhered to.

3.2.4 Management response

The procurement for hotel for the COP 23 followed the proper procedure for the level of expenditure that was expected. However due to increased number of participants and the fact that some participants stayed longer in order to travel to another activity that was taking place in Brussels, the cost went up to a threshold that would have required request for bids. It was not possible at that time to start the procurement process.

The issue with the DHL Courier services has to do with rebidding the services after a period. PAP has an account with DHL and the charge to send a document is less than US$2,000 which requires direct selection. The procurement of Sunbird Capital hotel is an example of a mission cost where the traveler books a hotel on arrival. However, Management takes note of the recommendation. The event was mostly funded by a partner. Management will ensure that such an issue will not recur by sticking to the original lists once finalized.

3.3 INACTIVE BANK ACCOUNTS

Article 67, AU FRR, 2014 provides:

The Accounting Officer shall establish a system of internal controls that ensure that within all the Organs and Institutions of the Union:

(a) Revenue is properly collected;
(b) Expenses are valid and correctly authorized;

(c) revenue, expenses, assets and liabilities are properly recorded and accounted for.

3.3.1 Observations

The Pan African Parliament has accounts held with Nedbank, the existence of which could not be confirmed:

Bank	Account name	Account number	Amount (USD)
Nedbank	Pan African Parliament	1634056175	2 667,52
Nedbank	Pan African Parliament	7526015973	7 557,42
Total			**10 224,94**

These accounts have been inactive for over 5 years. The bank will not process any instructions from the parliament as instructions are not supported by identification and authorization from the registered signatory and the signatories registered by the PAP for Nedbank account are no longer in its employment.

This issue is as a result of the PAP not following proper handover procedures. The employees that were signatories should have gone through proper exit procedures to ensure that all powers and roles linked to them have been updated.

3.3.2 Risk /implication

Effective leadership based on a culture of honesty, ethical business practices and good governance, protecting and enhancing the best interests of the entity was not provided.

3.3.3 Recommendation

i. We recommend that management involves its legal department to assist in remedying the situation.

ii. PAP should have a culture of handover upon disengagement from the institution.

3.3 4 Management response

Recommendation is well noted and management will engage the Legal Unit to assist in ensuring that the Nedbank Accounts are closed. NEDBANK accounts have been dormant for a long time. The signatories to the accounts left the PAP a long time ago and in order to close the accounts, NEDBANK is insisting that the registered signatories sign the request to close the account. Management had advised the bank of new signatories and requested that the accounts be closed. It was the Nedbank that refused to close the accounts claiming signatories have been changed before they wrote to change the signing mandate. This

situation could never recur as PAP now has a robust handing over and clearance policy which ensures that Staff leaving the institution clear all obligations including any signature requirements. The Secretariat has been pursing Nedbank for years now and have decided to take the legal route to close this matter.

3.4 LONG OUTSTANDING UNCLEARED ITEMS IN BANK RECONCILIATION

Article 35(5) of the AU FRR 2014 provides that at the end of every month, the Directorate of PBFA of AUC or Financial Unit of an Organ/Institution shall draw up Bank Reconciliation Statements of all bank accounts of the Union. Any cause for discrepancy shall be investigated so as to restore the situation with the least possible delay.

3.4.1 Observations

In the audit of the parliaments banking, instances where bank reconciling items were uncleared for long periods were observed. There were reconciling items that date as far back as 2014 and 2015 identified on the 31 December 2017 bank reconciliation.

As the testing of reconciling items was done on a sample basis, PAP management needs to revisit the entire banking section to ensure all uncleared items are identified and cleared.

Long outstanding uncleared items				
No.	**Date**	**Reference**	**Description**	**Amount**
Reconciling items as per bank statement				
1	2017/03/27	Bank Statement	BINITOOCOM 10542948 SAGEPAY	969.00
2	2017/03/24	Bank Statement	BINITOOCOM 10572725 SAGEPAY	989.00
3	2017/03/28	Bank Statement	BINITOOCOM 10603933 SAGEPAY	986.00
4	2017/03/28	Bank Statement	BINITOOCOM 10603930 SAGEPAY	1 000.00
5	2017/03/30	Bank Statement	BINITOOCOM 10795612 SAGEPAY	1 000.00
6	2017/03/31	Bank Statement	BINITOOCOM 10864290 SAGEPAY	1 000.00
7	2017/04/01	Bank Statement	BINITOOCOM 10984100 SAGEPAY	985.00
8	2017/07/20	Bank Statement	170720FF839033	500.00
Payments not in bank statement				
9	2017/06/30	150001	AFRICAN UNION (PAP USD ACC)	214 971.00
10	2017/07/31	150001	AFRICAN UNION (PAP USD ACC)	150 000.00
11	2017/08/31	150001	AFRICAN UNION (PAP USD ACC)	83 294.00
12	2017/05/31	150001	AFRICAN UNION (PAP USD ACC)	79 221.73
13	2017/03/31	150011	AFRICAN UNION (PAP RAND ACC)	872.14

Management did not respond on time to the differences identified between the bank statements and the cash journals to ensure that all differences are corrected as soon as

possible and accounted for appropriately. This audit issues had been raised in the prior year.

3.4.2 Risks / implications

i. The items not reconciled and adjusted for in the cash book constitute misstatements of the balances and amounts in the accounts presented by the PAP in the years concerned. They could have been under or overstated.
ii. Errors and omissions, deliberate or otherwise may have passed undetected. Amounts mis-posted by the bank either deliberately (fraudulently) or by error could constitute loss of funds to the PAP.
iii. Stakeholders of the PAP who use the financial statements of the PAP for decision making may be misled and could make inappropriate decisions as result of reliance on the figures that have been affected by items not reconciled and adjusted for.

3.4.3 Recommendation

We recommend that management should follow up on bank reconciling items on a regular basis and make the necessary adjustments for reconciling items as soon as practically possible.

3.4.4 Management response

Management agrees to the finding. Lack of a staff in this area prolonged the delays in reconciling. The newly appointed reconciliation staff was denied visa and stayed in Addis for a long period. However, she has now cleared backlog of two years and is in the process of clearing these item. These items will be completely cleared in 2018.

3.5 NO FRAUD PREVENTION PLAN AND RISK MANAGEMENT POLICY

Article 68 (1) and (2) of the AU FRR requires that the Accounting Officer establish a risk management policy for the Union and maintain a risk-management system to manage and control financial and other types of risks, including the identification, evaluation, and measurement of possible impact on Union, and the selection and maintenance of various solutions to mitigate risk.

It further requires that all Controlling Officers of the Union develop appropriate risk management frameworks and maintain risk management registers to be updated on annual basis.

3.5.1 Observations

It was established that the Accounting Officer and Controlling Officers of PAP did not establish a risk management policy as required by Article 68 (1) and (2) of the Financial Rules and Regulations.

The management of the PAP stated that a Risk Committee has been established. However, the committee is its infancy stage in terms of devising and executing a risk management plan. Thus, an assessment of the risks to which PAP is exposed to did not taken place in the 2017 financial year.

Management places reliance on the work performed by the internal audit unit to limit PAPs exposure to operational risks and financial risks. This however, is insufficient as the core role of the internal audit unit in relation to risk management is not to perform the risk management function but to report on its effectiveness.

3.5.2 Risk / implication

In the absence of a risk management policy the organ is exposed to instances of fraud occurring as well as operational and financial risks materializing.

3.5.3 Recommendations

i. Management should adopt and audit action plan in which a monitoring tool is incorporated to ensure that audit findings are not repeated in subsequent years as this finding has been raised in the prior year with minimal progress.

ii. Management should develop a risk management policy and system as per the requirements of the African Union Financial rules and regulations. Thereafter management should maintain a risk register which consists of the risk, evaluation and measurement of possible impact of the risks that are identified.

iii. Furthermore, management should have action plans in place detailing the ways in which they will mitigate the risks that have been identified.

3.5.4 Management response

PAP management has developed a risk management policy which was submitted to the Bureau for approval. Once approved a risk management systems development company will be appointed to develop the system in line with the PAP POLICY document. This activity will commence implementation during 2018 and completed early 2019

3.6 PREPARATION AND PRESENTATION OF BUDGET INFORMATION NOT IN COMPLIANCE WITH IPSAS

IPSAS 24.14 states that subject to the requirements of paragraph 21, an entity shall present a comparison of the budget amounts for which it is held publicly accountable and actual amounts either as a separate additional financial statement or as additional budget columns in the financial statements currently presented in accordance with IPSASs. The comparison of budget and actual amounts shall present separately for each level of legislative oversight:

(a) The original and final budget amounts;
(b) The actual amounts on a comparable basis.

IPSAS 24.29 states that an entity shall present an explanation of whether changes between the original and final budget are a consequence of reallocations within the budget, or of other factors:

(a) By way of note disclosure in the financial statements; or
(b) In a report issued before, at the same time as, or in conjunction with the financial statements, and shall include a cross reference to the report in the notes to the financial statements.
The accounting policy for the comparison of budget information states that the Organization prepares its budget on a modified accrual basis as opposed to the IPSAS full accrual basis. As a result of the adoption of the cash basis for budgeting purposes, IPSAS 24 requires a reconciliation between the statement of comparison of budget and the statement of Financial Performance identifying separately any basis, timing, presentation and entity differences.

3.6.1 Observations

During the audit of the Presentation of Budget Information in Financial Statements the auditors noted the following issues:

a. No disclosure of the original budget amount

The original budget amount was not disclosed in comparison with the final budget amount. This also resulted in the parliament not disclosing the explanations for differences between the original and final budget.

b. No disclosure for Development Partners

The budget for Development Partners was not included in the budget disclosure. Therefore a comparison of the budget and actual amounts for which the parliament is held

accountable is not appropriately disclosed. The amount of USD1,026,812 was included as revenue in the Statement of financial position for the year under review.

c. Staff related costs included in Operating Expenses

The budget is prepared according to a modified accrual basis, however the accrued staff cost of USD184,742 was excluded from staff related costs and included in operating expenses. This should be reversed so that the accrual for staff cost is included in the staff related cost.

d. Budget amount as per annual financial statements differs from the approved budget

The budget amount disclosed in the presentation of budget Information in the financial statements did not agree to the final approved budget amount:

Management did not prepare the budget information in line with IPSAS 24. Furthermore, the Annual Financial Statements were not prepared on time and reviewed to ensure full compliance with IPSAS.

The budget information was not disclosed as required by IPSAS.

Budget Item	Final Budget as per AFS	Budget amount per approved Budget	Difference
Staff related costs	8 580 175.00	8 768 424.32	-188 249.32
Operating Expenses	7 735 424.00	7 765 424.68	-30 000.68
Capital Expenses	145 663.00	115 663.00	30 000.00
	16 461 262.00	16 649 512.00	-188 250.00

3.6.2 Risks / implications

i. Management did not adequately review the annual financial statements to ensure full compliance with IPSAS.
ii. Users of the financial statement are not provided with adequate information to enable them make informed conclusions about the reasons for the changes in approved budget.
iii. The performance of Programme Budgets cannot be determined.
iv. Incorrect classification of Staff costs, which in this case has been understated, is misleading.
v. Non-disclosure of reasons and timing of differences between the approved budget and adjusted budget would not give the PAP the opportunity to learn from the past as a basis for improvement in future budgeting and budgetary controls.

3.6.3 Recommendation

Management should ensure that the annual financial statements are prepared in compliance with the IPSAS. Relevant detailed data should be used in disclosing the budget information.

3.6.4 Management response

As noted in 2.5.4 the resignation of the Finance Officer responsible for the preparation of Financial Statements resulted in the delay in the completion of Financial Statements. When the Auditors arrived, the preparation of the Financial Statements was not complete. The errors noted by the auditors was due to the fact that the preparation of the Financial Statements was not yet complete. The Financial Statements were eventually completed resulting in a clean and unqualified audit opinion. The annual financial statements were amended to include the required budgetary disclosures accurately.

3.7 PREDETERMINED OBJECTIVES - PERFORMANCE INDICATORS ARE NOT WELL DEFINED

Recommended Practice Guideline (RPG) 3 Reporting Service Performance information states the following:

24. Service performance objectives will generally be specific, measurable, achievable, realistic and time-bound (SMART).
48. Performance indicators that involve quantification should be able to be measured reliably. Where performance indicators can be generated by a transaction processing system the use of such system will support the verifiability and timeliness of reported information.

3.7.1 Observations

Value-add procedures were performed on performance indicators to test the measurability and relevance of the performance indicators and the following weaknesses were observed.

i. The performance indicators did not have a clear unambiguous definition.
ii. The performance indicators are not defined so that data will be collected consistently.
iii. The targets are not specific i.e. the nature and required level of performance are not clearly identified.
iv. The targets are not measurable, as there is no pre-determined target.
v. The targets are not time bound.
vi. The performance indicators are not verifiable i.e. it should be possible to verify the processes and systems that produce the indicator. "

vii. No technical indicator descriptions (TID) or data definitions or otherwise standard operating procedures do exist to ensure an indicator is being well-defined, verifiable or a target measurable, specific and time-bound.

RPG 3 *Reporting service performance information* is part of IPSAS and it is applicable to all public sector entities. It represents good practice but compliance with this RPG is not required in order for an entity to asset that its financial statements comply with IPSAS.

3.7.2 Risks / Implications

i. Management did not adequately review performance reports in order to ensure that they are presented in line with RPG 3 Reporting service performance information.
ii. Where objectives that represent good practice are not observed in planning, monitoring evaluation and controls relating to the implementation of those plans cannot be effectively performed.
iii. Input – output – outcome are not determined following the principle of Economy, Efficiency and effectiveness. Measuring accountability for value for money becomes difficult as the criteria for measurement were not set in the plans.
iv. Wastefulness, fraud and incompetence are perpetuated and encouraged.

3.7.3 Recommendations

i. Management should ensure that for each indicator as per the strategic planning documents a TID is prepared. This will ensure the performance indicators are clear and unambiguous.
ii. The TID will also assist management to ensure the measurement process was predetermined and consistently applied throughout the year.

3.7.4 Management response

As part of the operationalization of the PAP 2014-2017 Strategic Plan, a review of the Key Performance Indicator was done (see attached) to determine their relevance and give a proper description of each indicator with a view to develop the Technical Indicator Descriptions (TID). However, Management has taken of this comment and plans are underway to develop and operationalize a TID for the upcoming 2018-2023 Strategic Plan.

3.8 PLANNED INDICATORS NOT CONSISTENT WITH REPORTED INFORMATION

Recommended Practice Guideline (RPG) 3 Reporting service performance information states the following:

39. With respect to performance indicators and the total costs of the services, the entity should display:

(a) Planned and actual information for the reporting period; and
(b) Actual information for the previous reporting period.

55. Planned and actual service performance information should be reported consistently so that users' assessment of effectiveness is facilitated. Where possible, entities should report on the same performance indicators, with the same methodology and parameters for their computation, as that established before the start of the reporting period. This enables users to compare actual performance with planned performance at the end of the reporting period.

3.8.1 Observations

During the audit of predetermined objectives the following issues were observed:

a. No planned targets were disclosed in the annual report

Planned targets for the reporting period and actual information for the previous reporting period were not included in the Institutional Work Plan Implementation Status thus in contravention of paragraph 39 of RPG 3 Reporting service performance information.

b. There are some gaps in aligning the indicators in the long term plan and the annual plan

Some of the indicators in the Strategic Plan are not consistent with the indicators formulated in the annual institutional plan. This is to some extent in contravention of paragraph 55 of RPG 3.

c. Planned indicators not consistent with reported information

The following indicators and targets on the annual work plan where not reported consistently with indicators and targets on the implementation status report thus in contravention of paragraph 55 of RPG 3 Reporting service performance information.

Planned indicators/ measures per annual planning document	Reported indicators/ measures per APR	Planned targets per annual planning document	Reported actual achievement per APR
1.1.1. Organise and convene Plenary and Committee meetings.	1.1.1. Organise and convene statutory and non-statutory meetings	- Two (2) Plenary meetings convened - Four (4) Committee meetings convened - Number of Non-Statutory meetings convened.	Two (2) Plenary sittings were convened in May & October 2017. Non-statutory Committee

			meetings were convened in March & August 2017.
1.2.2. Organize a capacity building workshop on the formulation of model laws by the Committee on Cooperation, International Relations and Conflict resolution.	1.2.2. Organize a capacity building workshop on the formulation of model laws.	Number of MPs that have been trained by Committee on Cooperation, International Relations and Conflict Resolution Report of the workshop	Content covered in March 2017 workshop.
1.2.4. – Draft new PAP Rules of Procedure in line with revised PAP Protocol - Organize a Non Statutory Meeting with all PAP Committee Bureau's to analyze area that require formulation of model laws - Recruit a specialist to coordinate needs assessment. - Recruit a consultant to develop guidelines on Drafting Model Law by the Committee on Rules, Privileges and Discipline	Not disclosed	- Draft Rules of Procedure presented and adopted by Plenary - Report on areas requiring Model Laws - Draft Guidelines compiled, presented and adopted by PAP Plenary.	Not disclosed
1.2.5. Formulation, dissemination and promotion of the PAP Model Laws for adoption to the local context: - Develop applicable Immigration Model law that will enhance immigration sector in Africa.	1.2.4. Formulation, dissemination and promotion of the PAP Model Laws for adoption to the local context	Organise a meeting with the AUC Department for Political Affairs and the International Organisation for Migration (IOM) for technical support in information gathering and development of a Model law in the Immigration sector	Activity proposed to be carried out in August 2017 after Model Law is formulated.

3.8.2 Risk /Implication

Management did not adequately review performance reports in order to ensure that they are presented in line with *RPG 3 Reporting service performance information.*

3.8.3 Recommendation

i. Management should prepare performance reports in line with RPG 3 *Reporting service performance information* in order to allow stakeholders to assess the entity's service efficiency and effectiveness. This is important because PAP relies on public funding in order to carry its mandate.

ii. Management should ensure that the planning documents have been aligned with the reporting documents. Additional reviewing process could be implemented to ensure proper alignment.

3.8.4 Management response

Management agrees with the finding and will improve the M&E Framework for the 2018-2023 Strategic Plan and formulate the Key Performance Indicators (KPIs) in line with the SMART Principles. In addition, there are specific milestones to track performance in alignment with the PAP annual Institutional Work Plan.

The reporting for the 2018-2023 Strategic indicators will also be based on what has been planned against the actual to determine and compare actual performance with planned performance as recommended in this audit.

C CONCLUSION

We have noted the commitment in the responses of Management of PAP to implement the recommendations proffered in this report. However, we observed the absence of time line within which implementation will be carried out. Management should state clearly the target dates to implement the recommendations.

CAPA remains committed to tracking all the issues raised in this report in order to ensure the implementation of the recommendations therein.

SUMMARY OF PROCEEDINGS AND RECOMMENDATIONS OF THE 11TH CONFERENCE ON WOMEN HELD FROM 31ST AND 1ST NOVEMBER, 2018 IN KIGALI, RWANDA

Summary of Critical issues raised in debate

In debate members pointed out the increase in the incidences of electoral corruption as having the potential to undermine the effectiveness of women in the fight against corruption. Members also questioned the assertion that women were less corrupt noting that either participated indirectly through agents or benefitted from proceeds of corruption.

It was pointed out that further research was needed to clearly identify why women were considered less corrupt and also unearth how women were affected by corruption.

Recommendations

1. The Conference should condemn corruption in all its forms and call upon all Parliaments in Africa to implement without delay appropriate means to fight corruption;
2. African governments should adopt and implement appropriate legislative and other measures to fight corruption;
3. PAP and AU Member States should work with AU Board on anti-corruption to oversee the measures to fight corruption;
4. AU Member states should repeal all national laws which promote illicit financial flows especially in the mining sector and other sectors dealing with exports and imports to reduce capital flight;
5. AU Member states should be encouraged to ratify and domesticate AU instruments on gender equality and fight against corruption and also report on the implementation of the instruments;

6. Women should impart anti-corruption values in families, communities' and society at large;
7. African Countries should introduce values of anti-corruption in the school curricula;
8. Women Parliamentarians should advocate for gender mainstreaming in all governance and developmental initiatives in order to ensure that women are given leadership positions and that women empowerment is given priority;
9. National agencies responsible for fighting corruption should strengthen international collaboration to deal with the transboundary corruption and asset reconverts.