

**Forum on the Participation of NGOs in the 55th Ordinary Session of the African Commission on Human and Peoples' Rights and 29th African Human Rights Book Fair
Luanda, Angola
24-26 April 2014**

Summary Report on the NGO Forum held from 24-26 April, 2014

The Forum on NGO Participation in the Work of the 55th Ordinary Session on the African Commission on Human and Peoples' Rights and the 29th African Human Rights Book Fair, organised and facilitated by the African Centre for Democracy and Human Rights Studies in collaboration with the African Commission on Human and Peoples' Rights; Associação Justiça, Paz e Democracia (AJPD-Angola); and the NGO Forum Steering Committee was held at the Centro Convencione de Belas, in Luanda, Angola from 24-26 April, 2014.

The Forum brought together over 175 participants and facilitators from over 30 countries - 26 of which are from Africa while the other countries are namely: Canada, Denmark, France, United Kingdom, and the United States. The participants and facilitators were generally from Non-Governmental Organisations with a few from government non-governmental organisations in the deliberations. Nine Commissioners participated at one point or another. A number of Commissioners of the African Commissioners steered the discussion and held consultations in the Special Interest Working Groups relevant to their mandates. This participation was noted and welcomed by all participants, which was a source of motivation.

The three-day activity was declared open by the Secretary of State, Minister of Justice and Human Rights of The Republic of Angola, Dr. Antonio Bembe, who gave the keynote address. Hon. Commissioner Lawrence Mute, Chairperson of the Committee on the Prevention of Torture in Africa on behalf of the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR); A Representative of the NGO Forum Steering Committee – Ms. Maximilliene Mbe; the Chairman, ACDHRS Governing Council, Mr. Andrew Chigovera and Ms. Maria Lucia de Silvera made statements at the opening ceremony. A tribute to Mr. Osman Hummada, Executive Director of the African Centre for Justice and Peace Studies was delivered by Mr. Mohammed Mabassa Fall, Executive Committee Member of ACDHRS. The occasion was chaired by Mrs. Hannah Forster, Executive Director, African Centre for Democracy and Human Rights Studies. The occasion was also graced by the Secretary of State for the Interior and Hon. Carvalho, a representative from the National Parliament of Angola.

The programme was guided by the provisional agenda for the 55th Ordinary Session of the African Commission circulated prior to this meeting and prepared in consultation with the NGO Steering Committee, all participants and the Secretariat of the African Commission respectively, with the aim to review and formulate strategies and recommendations on the following themes:

- **New Developments in the human rights and democracy situation in Africa:** Preceded by an overview of the situation of human rights and democracy in Africa, various presentations by three NGO Forum Sub Regional Focal Points, namely East Africa, Central Africa, and North Africa, highlighted the state of human rights and democracy in Africa as well as the rights of specific thematic groups. The Forum noted the disparity in the progress realised by some states - the deterioration in other states due to armed conflict, tribal wars, calamities and environmental degradation and failure in constitutional obligation. Diverse situations including repressive legislations to muzzle freedom of the press, expression and the media; the hostile environment characterising the hazardous situation of human rights defenders, not to mention the shrinking space for interaction in other states were raised; the precarious fate of the LGBTI particularly in Uganda with the enactment of the anti gay bill; the kidnappings, profiling and deportation threats of Somali nationals in Kenya; the kidnapping of school girls by Boko Haram in Nigeria; and the increase in public protests with corresponding cases of freedom of assembly, counter terrorism bills restricting association were among the areas of concern raised.

The situation in various countries especially Angola, Central Africa Republic, Burundi, Egypt, Ethiopia, Liberia, Mozambique, South Sudan, Sudan and Swaziland. alternative reports on Liberia and Mozambique were also discussed as their state reports would be considered in the forthcoming ACHPR session.

- In discussing the situation of human rights defenders, participants were concerned with the rising number of reprisals reported by civil society organisations and wished to request the African Commission to adopt a resolution urging states to halt the ongoing campaign of reprisals against human rights defenders and to support its call for a condemnation of reprisals to ensure a more effective and coordinated response by human rights mechanisms. States should also be urged to support the approval of the Human Rights Council resolution towards providing an enabling environment for human rights defenders to effectively execute their work.
- The importance and process of truth commissions as a tool for transitional justice was also explored while lessons learnt from various experiences including Kenya and South Africa was reviewed in the session that ensued.
- A Panel on the ACHPR's human rights approach to dealing with conflict and crisis solutions applauded their role in the AU missions in Mali
- The criminalisation of free speech in Africa both off and online was also the subject of discussion. Presenting the state of policy and practice of press freedom and the protection of journalists in Africa, this panel highlighted the increase in digital surveillance and safety in a number of African countries which violate the right to privacy of many citizens.

- It revealed the rising level of surveillance and the potential violations of privacy rights, both off and online and the need for positive regulation by states to enhance access to information rather than hinder this process.
- A documentary on forced evictions in Angola was shared and which reinforced the proposal made at previous Forums that the African Commission needs to investigate this phenomenon, especially in the province of Kabinda, here in Angola.
- During the session on Women's access to Land and Property Rights in Africa brought to the fore the dire need for States to be more proactive in addressing gender issues. In the same vein, it was proposed that the African Commission considers the development of a General Comment on the theme.

B. Thematic Interest Groups

- 14 Thematic special interest groups reviewed the situation relating to Refugees and Internally Displaced Persons; Minorities and Indigenous Persons; Women Land and Property Rights; Sexual Orientation and Gender Identity; the Death Penalty; Human Rights Defenders; Prevention of Torture; Impunity; and Freedom of the Press; Prison Conditions and Places of Detention; Rights of Older Person and Persons with Disabilities; Extractive Industries, Environment and Human Rights Violations; Policing and Human Rights, Freedom of Association and Assembly among others.
- A number of recommendations and resolutions were made and will be shared with the African Commission as our contribution to this Session.
- The need to ratify and implement all relevant human rights instruments including the Optional Protocol to the Convention Against Torture, and other forms of Cruel, Inhuman and Degrading Treatment (OPCAT) in Africa ; and for the ACHPR to urge states to sign the Declaration to the African Court to enable individuals and CSOs have access;
- Considering the rise in conflict worldwide, it is no coincidence that the Forum discussed the intersection between conflict and religion and generated a lot of interest.
- Protect the rights to free expression, privacy for journalists and the challenges of combating impunity; the provision of legal aid; pre trial detention; counter terrorism and torture respectively.

C. In line with the objectives of the ACDHRS' **Networking for Human Rights in Africa** session, which was geared towards the provision and sharing of more information between the three main partners i.e. the African Commission; States; and Civil Society, in the development and maintenance of an effective human rights community included

- An overview of United Nations Human Rights System, with special emphasis on opportunities available for civil society access and participation was provided Mr. Safir Syed from the Civil Society Unit of the UN OHCHR The exchange, intended to enhance forum shopping for dealing with human rights issues was engaging highlighting the similarities and areas of complementarities.
- The Forum in exploring its role in the linkage between the UN Human Rights System and its Mechanisms with the ACHPR reiterated the importance of such a crucial collaboration. Participants expressed satisfaction of the implementation process of the Addis Ababa Roadmap
- Opportunities for networking and collaboration continue to be at the core of Forum. It was therefore worthy to note that networking and collaboration continues to be one of the objectives of the Forum. Relationships among civil society and between civil society and other partners especially the African Commission, National Human Rights Institutions, OHCHR and other partners were examined to consolidate on the strategies for effective collaboration between these groups with a common goal of promoting and protecting human rights in Africa.
- Worthy of mention was the presence of Mr. Peter Ngumi from the Attorney General's Office in Kenya who enriched the exchange of the Panel on the Advocacy and Technical Support for Freedom under the African Union Human Rights Strategy.
- The final panel provide a space for further exchange of information and experience on advocacy strategies around the ACHPR and was a basis to share best practices and lessons learnt.

The sessions were well attended and registered the dynamic and interactive participation as well as the constructive exchanges of information, experiences and expertise. Participants approached their work with much enthusiasm, determination, and objectivity.

The Forum on the Participation of NGOs in the Work of the 55th Ordinary Session of the African Commission on Human and Peoples' Rights was declared closed by the the Representative of the Commissioner for Political Affairs, Dr. Salah Hammad representing the Commissioner for Political Affairs of the African Union Commission. Other speakers included Her Excellency, Madame Sylvie Zainabou Kayitesi, Chairperson of the ACHPR; Ms. Lucia De Silveira, Director of AJPD; Mr. Andrew Chigovera, Chair of ACDHRS Governing Council; and Mr. Ibrahima Kane, AU Advocacy Director of Open Society Initiative of Eastern Africa.

The vote of thanks on behalf of organisers and participants was made by Mrs. Hannah Forster who gave certificates of appreciation to partners who had contributed towards the success of the Forum. The occasion was chaired by Ms. Corlett Letlojane of HURISA and Southern Africa NGO Forum Steering Committee Focal Point, who also paid a tribute to Mrs. Elizabeth Delpont, a colleague and former ACDHRS Governing Council Member.

A vote of thanks was extended by the Forum to the Office of the High Commissioner for Human Rights, East Africa Office; IPAS-Africa Office; Open Society Initiative of Southern Africa – Angola Office; The Ministry of Justice and Human Rights; and the AJPD, our local partners.

On behalf of the Forum, Resolutions and Recommendations have been formulated and will be forwarded, to the African Commission for their kind consideration. The Forum took the liberty of reviewing some of these resolutions and recommendations from the previous Forum and urge the African Commission to revisit them with a view to adopting them since they are still pertinent to the promotion and protection of human rights. They will also be shared with all interested partners.

D. The list of proposed resolutions comprise

THEMATIC RESOLUTIONS

TRES\001\4\2014: Development of General Comments on Women’s Land and Property Rights

TRES\002\4\2014: Combating Sexual and Gender Based Violence Against Women

TRES\003\4\2014: Police and Human Rights in Africa

TRES\004\4\2014: Protection of Free Expression and Privacy Online

TRES\005\4\2014: Freedom of Religion, Conscience and Conflict in Africa

TRES\006\4\2014: Fight Against Impunity for Serious Crimes

THEMATIC RECOMMENDATIONS

TREC\001\4\2014: Rights of Women in Africa

TREC\002\4\2014: Human Rights Defenders in Africa

TREC\003\4\2014: Follow-up Mechanism on Reprisals and intimidation for engagement with the ACHPR

TREC\004\4\2014: Prevention of Torture in Africa

TREC\005\4\2014: Refugees and IDPs in Africa

TREC\006\4\2014: Indigenous Populations and Communities in Africa

TREC\008\4\2014: Economic, Social and Cultural Rights

TREC\008\4\2014: Older persons and People Living with Disabilities

TREC\009\4\2014: HIV/AIDS

TREC\010\4\2014: Extractive Industries in Africa

TREC\011\4\2014: Policing and Human Rights

TREC\012\4\2014: Sexual Orientation and Gender Identity

TREC\013\4\2014: Freedom of Association and Assembly

TREC\014\4\2014: Conflict and Religious Belief

LIST OF COUNTRY RESOLUTIONS

CRES\001\4\2014: Resolution on the situation of human rights in Angola

CRES\002\4\2014: Resolution on the situation of human rights in Burundi

CRES\003\4\2014: Resolution on the situation of human rights in Central Africa

CRES\004\4\2014: Resolution on the situation of human rights in Egypt

CRES\005\4\2014: Resolution on the situation of human rights in South Sudan

CRES\006\4\2014: Resolution on the situation of human rights in Sudan

It is worthy to note that all the recommendations and resolutions were adopted unanimously by consensus.

*ACDHRS
April 2014
Luanda, Angola*