



TREC/001/10/18: GENERAL RECOMMENDATION

We, the participants at the Forum on the Participation of NGOs Forum in the 63rd Ordinary Session of the African Commission on Human and Peoples' Rights and 37th African Human Rights Book Fair held from 20-22 October, 2018 at the Paradise Suites Hotel in Kololi, The Gambia

Call on the African Commission to encourage States to:

Refugees, asylum seekers, migrants and internally displaced persons:

1. Strengthen ethics and anti-corruption mechanisms to monitor the full spectrum of the humanitarian sector to ensure transparency and accountability on provision of assistance and use of resources for humanitarian response to reach the ones that are most in need;
2. Ratify, implement and report on regional legal frameworks including 1969 OUA Refugees convention, Kampala Convention and respect the right to free movement of refugees and internally displaced persons as it affects their means of livelihood, survival and access to humanitarian assistance;
3. Provide the proper documentation to facilitate movement;
4. Collect and publish accurate and regular data on displaced population to enable a targeted and efficient humanitarian response;

Role of paralegals in promoting access to justice:

1. Fully support legal initiatives by creating legal aid fund, recognising paralegals as crucial legal aid services provider and supporting primary justice initiatives.

Persons with disability and older persons:

1. Ratify the AU protocol on older persons and the AU protocol on persons with disabilities;

2. Include persons with disabilities in the fact finding missions of all Special Rapporteurs;
3. Strengthen implementation and reporting of human rights provisions as it relates to older persons and persons with disabilities;
4. Put into place mechanisms for the implementation of the UN Convention on the Rights of Persons with Disabilities for those countries which ratified it;
5. Participate in the ongoing discussions around the convention for the rights of older persons along with the NHRI;

Extractive industries, environment and human rights violations:

1. Participate in the formulation of a common African position on the Binding treaty holding transnational corporations and other business entities accountable for human rights violations;
2. Enact a law that is standardised and eliminates discretionary powers of ministers and government officials;
3. Establish laws where they do not exist and strengthening existing administration and enforcement institutions and agencies;

Freedom of expression and access to information

1. Develop a General Comment/Guidelines on Promotion and Protection of Independent journalism to encourage and promote investigative journalism as an important tool against corruption;
2. Develop special mechanism on independence of the judiciary on how to strengthen the capacities of the prosecutorial institutions on state obligations on freedom of expression, right to information and access to justice;
3. Develop a general comment/guidelines on civic education on corruption and how it affects human rights to be adopted by all states in their civic education processes;

4. Establish special investigative units within the police to carry out investigations on freedom of expression and access to violations together with other state entities;
5. Develop guidelines on best practices to combat corruption in line with the African Charter on Democracy, Elections and Good Governance. Member states that have not ratified the Charter should also be compelled to do so;
6. Endorse international declaration on the protection of safety of journalists, support adoption of international convention of safety of journalists and implement UN Security Council resolution on safety of journalists.

Indigenous people in Africa:

1. Develop laws and policies for the recognition of traditional and ancestral lands and sites, as well as for the customary governance which protects them (implement a model law following resolution 372 (LX) 2007);
2. Analyse the admissibility of the case of eviction of indigenous pygmies and other indigenous people of the national park of Kahuzi-Biega and make a decision to reinstate them on their traditional land;
3. Take into consideration African jurisprudence recognising customary governance systems which classify sacred and customary lands and sites of indigenous communities as forbidden area for all sorts of destructive or industrial development such as mining and other extractive activities.

Human rights defenders, freedom of association and assembly:

1. Elaborate and adopt laws protecting human rights defenders.

Children and youth:

1. Sensitise population on the negative impact of corruption on youth.

Done in Banjul, The Gambia – 22nd October, 2018