



ADOPTED THEMATIC RESOLUTIONS

AT THE NGOs FORUM PRECEDING THE 64TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND 38TH AFRICAN HUMAN RIGHTS BOOKFAIR

20-22 APRIL, 2019

JOLIE VILLE INTERNATIONAL CONFERENCE CENTRE
SHARM EL SHEIKH, ARAB REPUBLIC OF EGYPT

TRES/001/04/19: Birth Registration

We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples' Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 4 of the African Charter on Human and Peoples' Rights (African Charter);

Recalling the joint general comment of the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child from 2017 on ending child marriage;

Bearing in mind the Nouakchott Declaration adopted at the Fourth Conference of African Ministers Responsible for Civil Registration in 2017 to coordinate improvement of civil registration and vital statistics;

Appreciating the designation of the theme of the year of 2019 to the "Year of Refugees, Returnees and Internally Displaced Persons in Africa: Towards Durable Solutions to Forced Displacement" and recognizing that lack of documentation significantly increases vulnerability especially among populations on the move;

Welcoming the commitment in the 50th Anniversary Solemn Declaration of the Assembly of Heads of State and Government of the African Union, the Agenda 2063 Framework Document and SDG 16 containing the target on providing identity for all, including birth registration under target 16.9.;

Acknowledging that birth registration rates vary greatly across the continent and challenges to implementing universal, free and accessible birth are diverse, while further recognizing the importance and positive effects birth registration can have on improving children's welfare and enjoyment of child rights;

Stressing that unregistered births are placing children at high risk of becoming stateless, especially when born to parents in irregular migratory status, in situations where barriers exist to acquiring nationality in the country of origin of the parents, as well as in the host-country;

Concerned about the negative impacts of lack or low levels of birth registration on children's rights, and acknowledging the increased vulnerability to child marriage, trafficking, forced recruitment and child labor.

We call on the African Commission to:

1. Ensure free accessible and universal birth registration for citizens, as well as regular and irregular migrants, asylum seekers and refugees in host and transit countries to strengthen children's rights, and prevent rights violations and statelessness;
2. Urge states to promote civil registration and vital statistics systems and enhance research and development efforts, which enhance methodologies that improve the processes pertaining to birth registration, civil registration and vital statistics;
3. Urge states to ratify the African Charter on the Welfare of the Child and urge member states to ensure legal frameworks are put in place, in line Article 6 of the African Children's Charter on "The Right to a Name, Registration at Birth, and to Acquire a Nationality".

Done in Sharm El Sheikh, Cairo – 22nd April, 2019

TRES/002/04/19: Abolition of the Death Penalty in Africa

We, the participants of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples' Rights and 38th African Human Rights Bookfair held from 20-22 April, 2019 at the Jolie Ville International Conference Centre in Sharm El Sheikh, Arab Republic of Egypt

Considering resolutions 42 (1999) and 136 (2008) of the African Commission on Human and Peoples' Rights (ACHPR) urging States parties to the African Charter on Human and Peoples' Rights (African Charter) to consider a moratorium on the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

Bearing in mind resolution 375 (2017) of the ACHPR on the right to life urging in particular State parties to the African Charter that have established a moratorium on executions to undertake further practical steps towards the abolition of the death penalty,

Recalling Article 4 of the African Charter stipulating that "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." and Article 5 stipulating that "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.";

Recalling the seven resolutions of the General Assembly of the United Nations, adopted in 2007, 2008, 2010, 2012, 2014, 2016 and 2018 calling on all States that still retain the death penalty to, inter alia, observe a moratorium on executions with a view to abolishing the death penalty;

Welcoming the continental and worldwide trend towards the abolition of the death penalty;

Welcoming also the holding of the first Continental Conference on the death penalty organized by the African Commission on Human and Peoples' Rights (ACHPR) in 2014 in cooperation with the authorities of Benin; which created space for an open debate on the issue of the death penalty in Africa as well as on the necessity for Member States of the African Union (AU) to support the adoption of a regional protocol on the abolition of the death penalty;

Noting in particular that 21 African Union Member States have abolished the death penalty in law¹;

Nothing also that 27 African countries voted in favour of the resolution 73/175 (2018) of the General Assembly calling for a moratorium on executions.

Observing that only 14 out of 53 State Parties to the African Charter on Human and Peoples' Rights have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty²;

Regretting that in 2018 at least 22 African States passed death sentences and in at least 5 of those States carried out executions;³

Regretting also that 9 African states still retain the mandatory death penalty for certain offences;

Considering that the death penalty has no deterrent effect, is irreversible and constitutes a serious infringement to the right to life;

Observing that the death penalty is regularly imposed after unfair trials and that it is often used in an arbitrary and discriminatory manner, particularly against vulnerable groups;

We call on the African Commission to adopt a resolution to:

1. Urge State Parties to the African Charter on Human and Peoples' Rights that still retain the death penalty to fully comply with their obligations under this treaty;
2. Urge State Parties that still retain the death penalty to observe a moratorium on the executions and the death sentences with a view to abolishing the death penalty in conformity with resolutions 42 (1999) and 136 (2008) of the African Commission and the seven resolutions of the General Assembly of the United Nations;

1

South Africa, Angola, Benin, Burkina Faso, Burundi, Cape-Verde, Congo, Ivory Coast, Djibouti, Gabon, Guinea, Guinea Bissau, Madagascar, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Togo.

2

Benin, Cape-verde, Djibouti, Gabon, Gambia, Guinea Bissau, Liberia, Madagascar, Mozambique, Namibia, Rwanda, Sao Tome, South Africa and Togo.

3

Botswana, Egypt, Somalia, South Sudan and Sudan.

3. Urge State Parties to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty;
4. Urge those State Parties that still retain the mandatory death penalty to abolish it as it breaches the right , liberty of the person to life and the right to a fair trial;
5. Urge those State Parties that have established a moratorium on executions to undertake further practical steps towards the abolition of the death penalty, in accordance with their regional and international legal obligations, by reinforcing their moratorium and by encouraging judicial authorities to refrain from imposing the death penalty;
6. Call on State Parties to the African Charter to include in their periodic reports information on the steps they are taking to move towards the abolition of the death penalty in their countries; and
7. Call on State Parties to support the adoption by the African Union of the draft Protocol to the African Charter on the abolition of the death penalty, adopted by the ACHPR in 2015.

Done in Sharm El Sheikh, Egypt – 22nd April, 2019