

STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOs AT THE OFFICIAL OPENING OF THE

**64TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS,
24TH APRIL, 2019
JOLIE VILLE ROYAL PENINSULA, SHARM EL SHEIKH, ARAB REPUBLIC OF EGYPT**

Your Excellency, Mr. Omar Marawan, Minister of Parliamentary Affairs of the Arab Republic of Egypt

Mr. Khabele Matlosa, Director, Department of Political Affairs, African Union Commission representing HE Madame Minata Samate Cessouma, The Commissioner for Political Affairs Honourable Madame Soyata Maiga, Chairperson of The African Commission on Human and Peoples' Rights (ACHPR), Hon. Vice Chairperson, Hon. Lawrence Mute and Members of the African Commission;

Honourable Lady Chafika Bensaoula, African Court on Human and Peoples' Rights; and Hon. Members of the African Court on Human and Peoples' Rights (AfCHPR);

Honourable Chairperson and Members of the Committee of Experts on the Rights and Welfare of the Child;

Honourable Members of the African Union Organs here present;

Honourable Quattara Maminata, Minister of Civic and Human Rights Promotion in Burkina Faso;

Representatives of African Union Member States;

Mr. Stefanov Vladlen, Representative of the United Nations Office of The High Commissioner for Human Rights

H.E. Mohamed Ibn Chambas, Special Representative of the UN Secretary General for West Africa and The Sahel (UNOWA)

Special Mandate Holders of the United Nations here present;

Your Excellencies, The Dean and Members of the Diplomatic and Consular Corps;

Honourable Ministers of the Arab Republic of Egypt;

Honourable Members of the National Assembly;

Members of the African Centre for Democracy and Human Rights Studies Governing Council;

Distinguished Members of the NGO Forum Steering Committee;

Venerable Religious and Traditional Leaders;

Mr. Erasto Hilarius Mugwandi, Chair of the Zimbabwe Human Rights Commission;

Representatives of National Human Rights Institutions;

Representatives of National and International NGOs;

Representatives of the Press;

Distinguished Ladies and Gentlemen;

All protocols respectfully observed

On behalf of my colleagues of the Forum on the Participation of NGOs in the 64th Ordinary Session of the African Commission on Human and Peoples' Rights, I have pleasure, as Spokesperson, to deliver this statement on this auspicious occasion. Please allow me to **thank the Chairperson, Honourable Soyata Maiga and Members of the African Commission** for affording us this opportunity.

Your Excellencies, Distinguished Ladies and Gentlemen

At the request of Participants, I extend our **gratitude to the Government and people of The Arab Republic of Egypt** for the hospitality extended, in facilitating the activities of the 64th Ordinary Session and to express the appreciation of the Forum of NGOs for the cordiality accorded them since their arrival on Egyptian soil.

However, Participants at the Forum expressed their dismay at the number of NGOs that have been denied visas. Furthermore, some of those who came to this beautiful land faced prohibitive rates which curtailed their engagement and sharing of experiences usually done in side events. Moreover, they lamented the absence and lack of participation of local and indigenous Egyptian NGOs.

Your Excellencies, Distinguished Ladies and Gentlemen,

The Forum on the Participation of NGOs in the 64th Ordinary Session on the African Commission on Human and Peoples' Rights and the 38th 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, was held at the Jolie Ville International Conference Centre, Sharm El Sheikh from 20-22 April, 2019. Although the turnout at the Forum was lower than is usually the case, it was worthy to note that it did not in anyway affect the quality of the objective debate on issues of mutual and professional interest which led to the adoption of commendable outcomes. Over 135 representatives

from 25 African countries participated including participants from Europe - France, Switzerland, the United Kingdom and North America.

Additionally, the Forum welcomed the participation and contribution of Special Guests, namely the Chairperson of The African Commission and Special Rapporteur on Human Rights Defenders in Africa; the United Nations Special Rapporteurs for Human Rights Defenders and Freedom of Peaceful Assembly respectively; the Deputy Minister of Foreign Affairs in charge of Human Rights, Ambassador Youssouf Zada; Mr. Mohammed El Fayek and including Members of National Human Rights Commissions of Egypt, Morocco, The Gambia.

The development of the programme was a collective undertaking, as common practice, which was guided by the provisional agenda for the 64th Ordinary Session of the African Commission, circulated prior to the said Forum and prepared in consultation with all stakeholders, namely: the NGOs Steering Committee, all interested participants, the Secretariat of the African Commission and the ACDHRS Governing Council respectively, bearing in mind the main objective to review and formulate strategies and recommendations on the following three themes –

1. The Developments on the Situation of Human Rights and Democracy in Africa;
2. The Review of Specific Human Rights Relevant to the Work of the African Commission; and
3. Networking for Human Rights in Africa.

Furthermore, the main theme for the Forum was aligned to that of the African Union 2019 theme '**Refugees, Returnees, Asylum Seekers and Internally Displaced Persons: Towards durable solutions to Forced Displacement**'. The full report of the Forum together with the adopted resolutions and recommendations namely, 5 country resolutions (Burundi, Cameroon, Sudan, Tanzania and Togo); 2 country recommendations (Burkina Faso and South Sudan); 2 thematic resolutions (on the Death Penalty and Birth Registration); 1 petition (on Egypt) and 1 letter of protest (to Cameroon), will be forwarded, for the kind consideration of

your distinguished body, as our contribution to your deliberations at this 64th Session.

Distinguished Ladies and Gentlemen

We crave your indulgence as we present to you a few highlights of the said deliberations.

Participants deliberated in eight plenary panels and eleven breakaway special interest groups, during three days filled with sharing and networking at an expert level indicative of the professionalism that civil society have attained in a number of specialized themes of refugees, returnees, corruption, human rights and governance.

In reviewing the situation of human rights and democracy on the continent, The Forum on the Participation of NGOs in the Work of the African Commission on Human and Peoples' Rights applauded positive developments in the situation of human rights and democracy during the intersession. These include the adoption of an Access to Information Law in Ghana; the positive signs of new leadership in Ethiopia which has witnessed the appointment of women to key decision-making positions and the lifting of the state of emergency; and the conducting of peaceful elections in Senegal. The Forum applauds the stance taken by the African Union Commission in drawing attention to the provisions of the African Charter on Democracy, Elections and Governance and urging states to ensure that the will of the people in the popular civil uprisings in Algeria and Sudan are respected.

Nonetheless, the Forum took note of reports on the ongoing challenges to the enjoyment of human rights in many countries on the continent. From the East to the West, the North to the South of the continent, violations of the freedom of assembly and association is a cause for concern in most of the countries reviewed as states (including Algeria, Burundi, Cameroon, Egypt, Kenya, Lesotho, Mauritania, Nigeria, South Africa, The Gambia, Togo and Zimbabwe) formulate and or implement legislations to curb the

enjoyment of these fundamental freedoms by citizens. Freedom of expression, the criminalisation of bloggers and internet restrictions continue to hinder the independence and freedom of journalists and like minded groups were also reported.

It was observed that the emergence of rule by law rather than the rule of law is institutionalised in many an African state.

Corruption is real and the challenge of curbing this social and economic ill remains a daunting task for many countries around the world and particularly in Africa. The Forum proceeded to posit that a holistic human rights approach would contributed immensely to the realisation of more concrete results and called on CSOs to intensify their efforts to engage and support states in the combat against corruption at all level.

In Benin, exclusion of the opposition in the forthcoming elections has brought on much discord and is a recipe for civil unrest.

The systematic harassment and targeting human rights defenders in many of our countries was also reported. The closing of civic space remained on the agenda with the existence of restrictive legislation that pays little or no attention to neither the African Commission's standard nor their own Constitutions. Prosecution of several human rights defenders on trumped up charges, leading to judicial harassment into the work of independent human rights organizations continue.

It was asserted that a lot more needs to be done as many African countries continue to face challenges of insecurity; violence, terror attacks and the volatile situation particularly in Cameroon, Central Africa Republic, Chad, Democratic Republic of Congo, Gabon, Mali, Libya, Somalia, South Sudan, Sudan, Togo among others; disease; high unemployment; arbitrary detention and extrajudicial killings; restrictions on civil society space; posed serious threats to peace and security, leading to the escalating violence in some of these countries.

With emphasis on those countries whose State reports will be considered during this 64th session, namely Egypt, Lesotho and The Gambia were discussed. The Forum while congratulating these and other countries that have submitted all their reports took the opportunity to call on the African Commission to urge states to live up to their reporting obligations.

Madame Chairperson, Distinguished Ladies and Gentlemen

In the spirit of upholding the principle of ensuring All human rights for all, it was agreed that education and particularly education for human rights cannot be ignored as a necessary ingredient in the process of nurturing a culture of human rights, good governance, peace and security. Sensitization of the populace of Africa and giving priority to the dispensing of and access to justice cannot be over-emphasised. The Forum reiterated its call for Morocco to ratify the African Charter and all relevant African instruments.

From reports received at The Forum, **torture** persists in many countries. While it is important to raise awareness to its existence and to assist victims of torture to access justice, it is crucial that torture, in all its forms, is criminalized. The Forum calls on states to ratify, domesticate and implement all instruments relating to torture.

Distinguished Ladies and Gentlemen

The importance of fostering the involvement of **Youth** in the development and maintenance of democracy and nation building through inclusive participation was also a subject of discussion. We are all aware that the death toll of illegal migrants has reached dimensions beyond imagination, while the Mediterranean Sea has become an open grave preferable to African youths rather than to stay at home in Africa.

The Forum also noted, with concern, that despite the Common African Position on Migration and the Migration Framework, issues pertaining to **Asylum Seekers, Refugees, Migrants and IDPs** are not prioritised by AU institutions, State Parties and indeed by CSOs. This is in spite of the ongoing deaths of thousands of African refugees and migrants who are

forced to undertake perilous journey to seek safety from persecution, conflict and poverty.

Your Excellencies, Distinguished Ladies and Gentlemen

The hostile environment characterising the hazardous situation of **human rights defenders**, not to mention the rate at which reprisals are on the increase in many states; the precarious fate of persons whose identity and sexuality are non-conforming leading to their continued discrimination and persecution legitimised with the enactment of statutes; the kidnapping, maiming, destruction and killing that has been the hallmark of terrorists and armed gangs; and the increase of counter terrorism bills restricting association and the work of human rights defenders to curb the rise in peaceful assembly is also a cause for concern.

The Forum while congratulating the Special Rapporteur on Human Rights Defenders on the launch of the **Support Group on Freedom of Assembly and Association** during the last intersession, urges its members to intensify advocacy, training and other strategies to curb the rising tide of violations associated with this freedom.

The increasing use of legislation to curb space and restrict the work of journalists as well as use of cybercrime laws that restrict **Freedom of Expression and Access to Information** remains a cause for concern in many African countries. Moreover, the legal framework for access to information has not been developed in many of our countries. The Forum, continues to call on the African Commission to urge states to harmonize, adopt and implement laws that impact positively on freedom of expression and access to information.

Your Excellencies, Distinguished Ladies and Gentlemen

Aligning issues discussed mainly to existing mechanisms of the Commission and focusing on the theme of The Forum, also reviewed over eleven **thematic special interest groups**, namely: the situation relating to the Death Penalty; Economic, Social and Cultural Rights; Freedom of Association and Assembly; Freedom of Expression, the Press and Access to

Information; Human Rights Defenders, especially Women Human Rights Defenders; Prevention of Torture in Africa; Prison Conditions and Places of Detention, and Policing; Refugees and Internally Displaced Persons; Persons with Disability; Sexual Orientation and Gender Identity; Threats to Human Rights, Peace and Security in Africa; Women; among others as they relate to the main theme of the Forum.

These conversations took place with the forthcoming observation of **2019** as the **Year for Refugees, Returnees, Asylum Seekers and Internally Displaced Persons: Towards Durable Solutions to Forced Displacement in Africa** in mind.

It was revealed that Africa has seen a significant increase in the number of forced displaced persons due to civil and political strife marked by conflicts and war; religious or political persecution; economic hardships and financial crisis; military crimes; unemployment, terrorism, corruption, and various other human rights violations as well as extreme environmental conditions such as famine and other natural disasters. The African continent is home to over 26% of the world's refugees and the numbers are growing as more countries are caught up in conflict and as a result there are more displaced persons than any other point in history. As at 2018, 30 million Africans are either refugees, asylum seekers, stateless, returnees or internally displaced. It was disturbing to note that Somalia has the highest with IDPs forming 18% of its population. While the East and Horn of Africa form 39%, the Central and Great Lakes Region have the highest numbers of population displacements with 47%. Other countries include Cameroon, Central Africa Republic, Chad, DRC, Nigeria, South Sudan. Top hosting countries include Ethiopia, Kenya and Uganda

The reports and outcomes emerging from the main Panels and these Special Interest Groups meetings form the core of the developed resolutions and recommendations as a result of in-depth review and proposal of strategies for civil society engagement in collaboration with their partners, the African Commission in particular aimed at addressing the rising violations in their various areas of intervention.

Madam Chairperson, Distinguished Ladies and Gentlemen

In line with the objectives of the **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.

Networking and collaboration continue to be at the core of the Forum's agenda, as discussed in the last two panels: Protecting Defenders working on the rights of People on the Move; and The Launch of the Training Manual for CSOs on the Kampala Convention and its Model Law. Challenges, opportunities, lessons learnt and the role of stakeholders were shared. The impact of collaboration as well as relationships among civil society and between civil society and other partners especially the African Commission, OHCHR and other partners were examined thereby consolidating strategies for effective collaboration between these groups with a common goal of promoting and protecting human rights in Africa.

The **civic space** panel especially provided space for further exchange of information and experience on advocacy strategies around the national and regional levels including the ACHPR and formed a basis to share best practices and lessons learnt from previous interaction and experiences.

Your Excellencies, Distinguished Ladies and Gentlemen

The Forum, continues to appeal to States, which have not ratified pertinent treaties, to speedily do so in order to enable their implementation. The ratification of many regional and international instruments by many States was commended, however, the usual challenge of **harmonisation and implementation of these treaties at the national level, remains**. In the same vein, the Forum call on the African Commission to urge States to take note and integrate the 'the Guidelines' developed for the preparation of State reports. Additionally, those that have not signed the Declaration on Article 34 (6) should consider doing so at the earliest convenience.

Your Excellencies, Distinguished Ladies and Gentlemen

Allow me, to **thank the African Commission and its Secretariat** for the usual collaboration and support in the organisation and facilitation of the NGOs Forum, characterised by the existing interest enjoyed by the NGOs community. We continue to urge as many of our participants and their constituencies to apply for observer status to enable them play their role and benefit from the access provided.

Distinguished Ladies and Gentlemen;

Participants **commend** the African Commission for all the **gains made** in fulfilment of its mandate as we continue to **pledge** our **support** for the work of Africa's premier human rights institution. The Forum hereby calls on all stakeholders to recommit themselves and their efforts towards sustaining and strengthening this institution as well as safeguarding its independence.

The Forum had taken note that the tenure of four Commissioners would end this year and would subsequently wish to pay tribute to their outstanding contributions made to the sustenance of the African Commission on Human and Peoples' Rights by each of these sons and daughters of Africa, namely Honourable Commissioners Soyata Maiga, the current Chairperson (2007-2019); Lucy Asuagbor (2010-2019); Yeung Kam John Yeung Sik Yeun (2007-2019) and Lawrence Mute (2013-2019) respectively.

Finally, it would be remiss of me not to extend our most sincere appreciation to all our partners and supporters, especially United Nations Office of the High Commissioner for Human Rights; United Nations Office for West Africa and the Sahel; IPAS Africa; PANAf; Conseil National des Droits de l'Homme of Morocco and the Arab Organisation for Human Rights for providing much needed financial and moral support for the organisation of this Forum. We look forward to future closer collaboration and assistance.

Your Excellencies, Madam Chairperson, Hon. Members of ACHPR,
Distinguished Guests,

On behalf of the participants of the Forum on the Participation of NGOs in the work of the 64th Ordinary Session of the African Commission, I **extend to you, Honourable Chairperson, and all the other Commissioners, our best wishes for a fruitful session.**

I thank you for your kind attention.

*HJF / ACDHRS
Sharm El Sheikh, Arab Republic of Egypt
April, 2019*