



**RECOMMENDATIONS ADOPTED DURING THE ZOOM WEBINAR OF THE FORUM
OF NGOS IN THE 66TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS**

9-10 JULY, 2020

We, the participants of the Forum on the Participation of NGOs in the 66th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held virtually in the form of a Zoom Webinar from 9-10 July, 2020 due to the current global Coronavirus (COVID19) pandemic on the theme '*the impact of COVID19 on human rights and governance in Africa*' adopted the following recommendations to the African Commission on Human and Peoples' Rights for consideration during its 66th Ordinary Session to be held virtually from 13 July-7 August, 2020.

NO:	THEMATIC ISSUE	RECOMMENDATIONS
TREC001	Enforcement of COVID19 measures (impact of COVID19 on prisons, excessive use of force, torture, prisons, conditions of detention, policing in Africa, death penalty)	The NGOs Forum calls on the African Commission on Human and Peoples' Rights to urge Member States to: 1. be guided by the vulnerability of the individual detained, with priority granted to the elderly, to pregnant women and children, to those with underlying health conditions, as well as to administrative detainees, to individuals detained for minor or non-violent offences, and to detainees awaiting trial. Furthermore, prisoners of

		<p>conscience, prisoners detained for expressing their opinions, human rights defenders, whistle-blowers, and undocumented migrant detainees should be immediately and unconditionally released (Participants welcome the initiative by some Member States that have released some prisoners in an effort to reduce overcrowding of prisons and thus mitigate the spread of COVID-19).</p> <ol style="list-style-type: none">2. ensure that during the COVID-19 pandemic the human rights of all those who remain in detention are upheld. As such, measures adapting the conditions of detention, with regard to food, health, sanitation and quarantine measures, to prevent the spread of COVID-19 within the facilities, should be put in place, to guarantee decent living and health conditions for all detained persons.3. ensure that any restrictions imposed on detainees should be non-discriminatory, necessary, proportionate, time-limited and transparent. Measures should not, under any circumstances, justify absolute or solitary confinement.4. ensure measure for confidential and through distance, meetings of
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		<p>inmates with their families, close companions and lawyers in a confidential manner, while respecting the WHO recommended physical distancing and hand washing protocols.</p> <ol style="list-style-type: none"> 5. ensure all detainees should have access to time outside of the confines of their cells and be able to utilise recreational spaces available. 6. ensure measures to prevent riot restore order and security within prisons and detention centres, measures to prevent riots and restore security conditions in prisons should not empower authorities to resort to the excessive use of force. 7. urge that all retentionist States (who continue to practice the death penalty) commit to extending the time limits within which people sentenced to death can file an appeal and to apply a moratorium on death sentences and executions in light of the COVID-19 pandemic and in conjunction with this year's theme on Silencing the Guns in Africa.
TREC002	Rights of Women in Africa (impact of COVID19)	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to:</p> <ol style="list-style-type: none"> 1. support the institution and

		<p>furtherance of accountability processes which undertake to investigate, prosecute and punish all crimes associated with violent conflict and in particular, sexual and gender-based violence.</p> <ol style="list-style-type: none">2. support the active participation of victims of sexual and gender-based violence in accountability and other transitional processes, emphasising consultative safeguards for their personal safety and security as well as physical, psychological and social rehabilitation measures3. support the adoption of a comprehensive reparation programme that is responsive to and acknowledges the intersectional realities of harm suffered by victims of sexual and gender-based violence4. develop a dissemination and implementation action plan for the ACHPR Guidelines on Combating Sexual Violence and its Consequences in Africa5. urge Member States to provide gender-responsive interventions in the face of declining incomes and increased burden of child care upon women.
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		<p>marriages and other harmful practices at all times and to especially heighten measures to prevent these violations during the COVID-19 pandemic and to ensure access to justice and accountability for perpetrators.</p> <p>9. urge Member States to uphold and implement the rights of women and girls in line with their obligations under the Maputo Protocol.</p>
<p>TREC003</p>	<p>Human Rights Defenders in Africa (impact of COVID19 on the work of HRDs)</p>	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to:</p> <ol style="list-style-type: none"> 1. urge Member States (especially East African States) to adopt national laws protecting human rights defenders, including the challenges related to online surveillance. 2. Urge Member States to stop the use of anti-terrorism laws against human rights defenders, including military tribunals. 3. urge Member States to release all Human Rights Defenders, political prisoners and journalists to prevent them from infection with COVID19

		<p>while in prison.</p> <ol style="list-style-type: none"> 4. call on the international, regional and other partners who are friends of Africa to strengthen sub-regional networks of defenders through technical, financial and material support to address the challenges of caring for defenders and their families during the Covid-19 period. 5. Call on Member States to strengthen the fight against impunity during the pandemic.
<p>TREC004</p>	<p>Freedom of Expression and Access to Information in Africa</p>	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to urge Member States to:</p> <ol style="list-style-type: none"> 1. call on Member States to provide timely and accurate information to the public about the pandemic and the measures they are implementing. 2. call on Member States to take proactive measures to facilitate the work of the media and refrain from actions that undermines their safety and security 3. urge Member States to operate in an accountable and open manner and should avoid corruption and corrupt practices with resources

		<p>earmarked to fight the Pandemic and make the necessary investments in the health sector to build resilience</p> <p>4. call on Member States to release journalists and political detainees as part of the measures to mitigate the spread of COVID19 and ensure prisons are decongested.</p>
<p>TREC005</p>	<p>Refugees, Asylum Seekers, Internally Displaced Persons, and Migrants in Africa</p>	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to:</p> <p>1. mount a robust campaign of ratification and operationalisation of relevant AU frameworks and instruments and in particular: The Migration Policy Framework for Africa and Plan of Action (2018-2030), Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment (PFMP), the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and the draft Protocol to the African Charter on Human and Peoples' Rights in the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in</p>

		<p>Africa.</p> <ol style="list-style-type: none">2. call on Member States to increase accountability for migration policies, projects and initiatives (entailing the inclusion of migration as a key feature of periodic reporting by Member States before relevant platforms such as the ACHPR, African Peer Review Mechanism as well as the African Committee on the Rights and Welfare of the Child (ACERWC))3. urge Member States to take into account refugees, migrants and stateless persons in the framework of the measures taken to mitigate the social and economic consequences of the COVID19 pandemic, without any discrimination whatsoever, because COVID19 when it is introduced in an environment makes no difference as to the belonging of people.4. call on Member States to rigorously respect the fundamental principles of non-discrimination and equality in the implementation of the response plan to COVID19 and integrate all vulnerable groups without taking into account their membership of
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		<p>any kind whatsoever.</p> <p>5. urge Member States to ensure that refugees, migrants and stateless persons can benefit from equal and guaranteed access to health services and are effectively included in national responses to the COVID19 pandemic, which includes prevention, screening and treatment. This inclusion will not only help protect the rights of refugees and migrants, but will also protect public health and stem the global spread of the virus.</p>
<p>TREC006</p>	<p>Freedom of Association and Assembly in Africa</p>	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to urge Member States to:</p> <ol style="list-style-type: none"> 1. continue to work with States, National Human Rights Institutions (NHRIs) and civil society to implement the <i>Guidelines on Freedom of Association and Assembly in Africa</i>, and to include updates on compliance in their State Party and Shadow reports and in their reports presented during the ACHPR sessions; 2. call on Member States to respect the Banjul Charter and the <i>Guidelines on Freedom of Association and Assembly in</i>

		<p><i>Africa</i> when introducing and implementing measures to address the COVID19 pandemic that have an impact on freedoms of association and assembly and ensure that there are effective independent oversight mechanisms at national levels.</p> <ol style="list-style-type: none"> 3. call on Member States to prioritize the protection and promotion of digital rights, including access to internet and access to diverse information (particularly for marginalized and at-risk groups), which are necessary for citizens to effectively exercise their freedoms of association and assembly, in physical spaces and online. 4. renew the mandate of the Support Group on the implementation of the Guidelines and strengthen collaboration with States, NHRIs and civil society organizations in carrying out its functions.
TREC007	Elections in Africa	<p>The NGOs Forum calls on the African Commission on Human and Peoples' Rights to urge Member States to:</p> <ol style="list-style-type: none"> 1. Collaborate with Member States with upcoming elections to ensure an environment conducive to credible, peaceful, and safe elections at all times, including during the COVID19

		<p style="text-align: center;">pandemic by:</p> <ul style="list-style-type: none"> • Ensuring that measures restricting individual rights and liberties under exceptional circumstances meet certain conditions such as necessity, proportionality, time limitation and non-discrimination; ensuring the protection of the health of all elections' stakeholders, by taking appropriate measures before, during and after the elections; refraining from making politically expedient but extra-legal decisions related to electoral process; adopting an inclusive and consultative approach to elections, by fostering dialogue and including civil society in any decision-making related to elections; providing information and communicating on election-related decisions, through the media and civil society. <p style="margin-left: 40px;">2. call on Member States to stay abreast of the electoral situations and decisions in the context of COVID19, and closely monitor situations at risk;</p> <ul style="list-style-type: none"> • respect their national, regional and international obligations with regard to human rights and electoral processes;
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		<ul style="list-style-type: none"> • Advance a holistic election monitoring approach through bodies such as the African Union Peace and Security Council, the African Peer Review Mechanism and the African Commission on Human and Peoples’ Rights, to foster constructive dialogues among all stakeholders with regard to electoral preparations and invest in local-led observations; • Apply the principles of the African Union Constitutive Act in relation to unconstitutional changes in government as well those enshrined in the African Charter on Democracy, Elections and Governance, by imposing appropriate sanctions (including the suspension of membership) on States that undertake elections which fail the test of being credible.
TREC008	Economic and Social Rights	<p>The NGOs Forum calls on the African Commission on Human and Peoples’ Rights to:</p> <ol style="list-style-type: none"> 1. urge Member States to devise policies that require businesses and companies to abide by human rights due diligence practices that prevent potential harms on workers and communities, including throughout company

		<p>operations and supply and value chains.</p> <ol style="list-style-type: none">2. encourage Member States, as part of responding to COVID19, to adopt economic recovery strategies that require increased corporate accountability, measures aimed at tackling climate change and investment toward production grounded on sustainable energy.3. urge Member States to invest progressively on the health budget to 15% of their national budgets in line with the Abuja Declaration and establishing a special vote for young people sexual reproductive health needs.4. urge Member States to undertake legislative and policy reforms to enhance access to and information on quality, young people friendly sexual reproductive health services in line with the Maputo Protocol.5. urge Member States to enhance effective and meaningful youth participation in government programmes with attention to decisions concerning sexual reproductive health and rights during the
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		<p>current COVID19 pandemic.</p> <p>6. undertake deliberate measures aimed at building the capacity of government Ministries, Departments and Agencies for them to appreciate the sexual reproductive health and rights issues affecting young people, in particular.</p>
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Done on Zoom – 10th July, 2020