

**STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOs AT
THE OFFICIAL OPENING OF THE VIRTUAL 67TH ORDINARY SESSION OF
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS,
13TH NOVEMBER, 2020**

Your Excellency, Professor Sarah Anyang Agbor, Commissioner for Human Resources, Science and Technology, representing the Chairperson, African Union Commission;

Honourable Dr. Solomon Ayele Dersso, Chairperson of The African Commission on Human and Peoples' Rights (ACHPR),

Honourable Remy Ngoy Lumbu, Vice Chairperson and Members of the African Commission;

Honourable Dawda Jallow, Attorney General and Minister of Justice of the Republic of The Gambia

My Lord, Honourable Justice Sylvain Ore, President, African Court on Human and Peoples' Rights; and Hon. Members of the African Court on Human and Peoples' Rights (AfCHPR);

Honourable Maria Mapansi-Kawimbe and Members of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);

Honourable Members of the African Union Organs here present;

Distinguished Representatives of African Union Member States;

Mrs. Michelle Bachelet, High Commissioner, United Nations Office of The High Commissioner for Human Rights; and members of the United Nations family ;

Mr. William Lifongo, Representative of the United Nations Office for West Africa;

Special Mandate Holders of the United Nations;

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

Distinguished Vice Chairperson of Network of African National Human Rights Institutions (NANHRI), Mr. Elasto Mugwadi; Executive Secretary NANHRI, Mr. Gilbert Sebihogo;

Distinguished Representatives of National Human Rights Institutions;

Mr. Andrew Chigovera, Chairman and 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;

Representatives of National and International NGOs and Community-based Organisations;

Representatives of the Press;

Distinguished Ladies and Gentlemen;

All protocols duly and respectfully observed

On behalf of my colleagues of the Forum on the Participation of NGOs in the 67th Ordinary Session of the African Commission on Human and Peoples' Rights, it is indeed an honour and a privilege, as the Spokesperson, to deliver this statement on

this auspicious occasion. Allow me, at the onset, to acknowledge and **thank the Honourable Chairperson, Dr. Solomon Ayele Dersso and Members of the African Commission** for affording us this opportunity.

Your Excellencies, Distinguished Ladies and Gentlemen,

In the continuing predicament brought on by the pandemic, COVID 19, the Forum on the Participation of NGOs in the 67th Ordinary Session on the African Commission on Human and Peoples' Rights (ACHPR) (yet again without the African Human Rights Book Fair) held virtually, once more, was organised and facilitated by the African Centre for Democracy and Human Rights Studies (ACDHRS), Secretariat of the Forum of NGOs in collaboration with the African Commission on Human and Peoples' Rights, from 9th to 11th November, 2020. It is worthy to note that the turnout at the Forum was healthy and participation was reflective of the mutual and professional interest in the work of the ACHPR, which has led to the adoption of commendable outcomes. Over 400 representatives registered, while over 140 representatives from 39 African countries, including participants from Europe and North America, were able to connect and participate during the three days. Questions, submissions and enquiries were sent online to the Secretariat for clarifications.

Distinguished ladies and gentlemen,

As usual, the development of the programme was a collective undertaking which was guided by the provisional agenda of the 67th Ordinary Session of the African Commission, which was circulated prior to the said Forum and prepared in consultation with all stakeholders, namely: the NGOs Steering Committee, all registered and interested participants, the Secretariat of the African Commission and the ACDHRS Governing Council respectively, bearing in mind the main objective to review development and to share strategies and formulate recommendations on the human rights dimensions of COVID19 and proposed interventions post COVID19 under the following three sub-themes –

1. The Situation of Human Rights and Democracy in Africa;
2. The Review of Specific Human Rights Relevant to the Work of the African Commission by Special Interest Groups; and
3. Networking for Human and Peoples' Rights in Africa.

Once more, The Forum's agenda was further guided by the draft agenda of the African Commission, on the theme '**Post Covid19: Rebuilding a Just and Peaceful Society in Africa based on Human Rights and Governance**'. The African Union 2020 theme '**Silencing the Guns in Africa by 2020**' remained a focus for discussion, with a view to developing post Covid19 strategies for a more meaningful engagement and participation of civil society.

The full report of the Forum together with the adopted resolutions and recommendations namely, 1 country resolution on DRC and 5 thematic recommendations, will be forwarded, for the kind consideration of your distinguished body, as our contribution to your deliberations at this 67th Ordinary Session.

Distinguished Ladies and Gentlemen

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

This Forum was restricted to 5 plenary panels and 5 breakaway special interest groups, which were deliberated on by participants during three days filled with sharing, exchanging and networking at an expert level indicative of the professionalism that civil society has achieved in a number of specialized themes of Enforcement of Covid19 measures, economic, social and cultural rights; peace and security in Africa (silencing the Guns), women, vulnerable and most at-risk groups, freedom of Association, expression and civic space in Africa (strengthening the protection post Covid19).

Distinguished Ladies and Gentlemen

With the advent of COVID19 on the shores of Africa, south of the Sahara - the places that got the world worried, have presented a more optimistic picture. Nonetheless, lockdown was put in place, with commercial flights halted to ease the tedious work of contact tracing and limit the spread of the disease; testing heightened among other measures.

The world is a different place in November 2020. Countries around the world have been impacted by Covid19 pandemic and others are experiencing their second wave of the pandemic. In addition to the direct loss of life and burden of sickness, most States are experiencing severe economic crisis due to lockdown at the country and other levels coupled with collapsing international trade.

Your Excellencies, Hon. Chairperson, Distinguished Ladies and Gentlemen

In the words of Mamadou Saliou Sow from the Secretariat for Human Rights and Good Governance within the Ministry of Justice of the Republic of Senegal '***the challenges posed by Covid19 has occupied most, if not all, countries around the world to the extent that Africa cannot afford to take a back seat under the circumstances***'. Measures aimed at reducing infection and death rates as well as mitigate the effects of the crisis, which has greatly affected lives and livelihoods, large sectors of the economy, exposed the deficiencies of the health care systems and further exposed the most vulnerable of the populace to the ills of hunger, poverty and deprivation in the communities. Rise of anti-human rights and democratic forces linger to take advantage of the crisis to further assert authority or tighten hold on traumatized citizenry

1. Resilience measures have contributed towards the alleviation of the attack, the need for a more effective and sustainable global strategy to help Africa resist such pandemics cannot be over-emphasized.
2. The Forum reiterated its commendation of the African Commission on Human and Peoples' Rights for being the first institution to raise the alarm on the pandemic and to underscore the role of adopting a human rights based approach to addressing this challenge will be suited as the continent addresses the coronavirus and proceeds to develop a post Covid19 strategy.

Your Excellencies, Distinguished Ladies and Gentlemen

Human rights situation in Africa and responding to Covid19

The African Union's Constitutive Act aspires to build a unified, peaceful and prosperous Africa. Its Agenda 2063 consolidates this and it is hoped that it will usher in the Africa we all want. However, with the continuing pandemic, which is ravaging the continent, all hands need to be on deck to squarely confront this monster that has most, if not all, the countries of the world on the highest alert ever. Moreover, the AU's call for Silencing the Guns by 2020 and the UN Ceasefire call, are yet to see the light of day in Africa.

The Forum highlighted that despite the ongoing struggle to address Covid19, Africa continues to experience human rights violations - the recent human rights issues of

- a. 'EndSARS' Movement in Nigeria against **police brutality**;
- b. the **recent massacres** in Ethiopia, with mootings of a Tigray civil war ;
- c. the **post electoral chaos** in Ivory Coast, Mali and Guinea Conakry;
- d. the ongoing **civil unrest** in Cameroon, among others – **violence, killings, kidnapping of innocent civilians and fighting** between government, Anglophone fighters and Boko Haram continues;
- e. **Lockdown and arrest of human rights defenders, especially journalists** in Algeria, Egypt and Tunisia persists;
- f. Malawi, Tanzania and Zimbabwe – **Independence of the judiciary** threatened, characterized by the use of the judiciary to prosecute political opponents, civil society activists including journalists; violations of Freedom of Expression, Freedom of Assembly; among others;
- g. **Corruption** persists in Africa and is a major issue especially in the days of the pandemic. Mismanagement and lack of accountability by public officials for funds made available for the pandemic have proven elusive in many African countries. It was stated that 40% of the funds during the Ebola outbreak were unaccounted for and urged the Commission to call on governments to review existing legislations to ensure accountability and appropriate punishment for perpetrators;
- h. **Law enforcement officials** implementing Covid19 regulations **using disproportionate force on citizens**, in many documented cases, including the

use of live ammunition leading to death of two young people as well as the forced arrest and detention of protestors in Angola;

- i. During Covid19, responses from **CSOs** have further **demonstrated** their **determination, innovation and resilience** in operating in an unexpected and abnormal strange environment brought on by the pandemic. In addition to service delivery, CSOs have been **conducting research** to raise the profile and the extent to which groups are marginalized or have their rights violated. Examples are many and include the Civic Freedom Monitor by ICNL; the CIVICUS Monitor and the Conflict and the Resilience Monitor by ACCORD. Studies by civil society on **civic space** health have revealed, among other measures, that 46 African countries have introduced legal measures in the fight against the pandemic. It further revealed that presently 7 countries are still operating declarations of states of emergencies while another 7 countries have declared state of calamity. (ICNL report).
- j. **Anti-terrorism laws** have also been used to crackdown on protestors, the closure of courts have made access to justice difficult, with adverse effect on prisons. It was noted that a number of National Human Rights Institutions (NHRIs) including Uganda and The Gambia have called for the **decongestion of prisons** in these times and have enjoyed positive responses from their various governments;
- k. In Mozambique, external military threats in the form of **terrorism and annexation of the Northern Province by Islamic missionaries** has also been reported. The Forum would wish to urge Regional Economic Communities (RECs) to use their sub regional mechanisms to respond collectively against these threats to protect their citizens;
- l. **Digital inequality**, particularly in these days, pose a major challenge and need to be enhanced.

The Forum reiterates the call of the African Commission on Human and Peoples' Rights that a human rights based approach to addressing the pandemic would greatly mitigate the expected results positively. Highlights of various recommendations made include:

- a. African Commission to call on African states to **implement resolution 449** of the African Commission, to especially review state of emergency regulations, in line with the respect for human rights;
- b. The need to **address peace and security challenges**, which have been aggravated during the pandemic, restricting the movement of migrants, restricting of civic space, the increase in domestic and other cases of violence against women were a cause for concern. The Forum renews its call to the African Union and its partners to provide more support to States in their transitional justice programmes and to involve and increase the participation of women in post conflict reconstruction;

- c. Restrictions on and violations on **Freedom of Expression, Association, Movement and Assembly** take prominence during these times of Covid19, the Forum, therefore, urges the African Commission to develop standardized tools to facilitate reporting of violations to enable them to appropriately design and respond to them. Furthermore, the Forum urges the African Commission to consider renewing the mandate of the Support Group on FoAA and to expand its scope of reporting to include violations particularly during Covid19 and developing response strategies for post Covid19 interventions;
- d. The pandemic has further widened the gap between the have and have-nots and revealed **inequalities and injustices** in many communities. The Forum calls on ACHPR to urge States to put in place measures that ensure effective social service delivery, monitor private sector involvement in education and to adopt measures that favor vulnerable persons including refugees, IDPs, women, youth and other marginalized groups; and
- e. **Addressing corruption and ensuring accountability is a must** and will, among others, improve and strengthen the state's ability to provide quality health infrastructure as well provide capacity training and acceptable working conditions for health personnel.

Hon. Chairperson, Distinguished Ladies and Gentlemen

Focusing on Cameroon and Zimbabwe, The Forum discussed the **impact of adopted ACHPR resolutions on States**. It was revealed that whereas some States have taken the Commission seriously, there have been little or no progress made by others e.g. From 2018 to date a number of resolutions (3) were made on Cameroon by the Commission urging the State to call a dialogue of national unity, to establish an independent commission to conduct of investigations on allegations and also requested for a fact-finding mission to the Republic of Cameroon. The Forum congratulates Cameroon, yet again for submitting its **State report for consideration** and call on the African Commission to encourage the other countries that have outstanding reports to meet their reporting obligations.

Unfortunately, only the dialogue was held while the others are still pending. The Forum emphasized the need for strategic alliances between and with other human rights bodies and in this case collaboration between ACHPR and the UN HRC was very instrumental in getting some degree of implementation. Additionally, the implementation of the Endoris (Kenya) resolution by ACHPR was also encouraged and supported through collaboration with the UN Human rights body. The lack of political will of some States calls for renewed engagement and advocacy by civil society and other stakeholders.

Distinguished Ladies and Gentlemen

The Forum congratulates Cameroon, yet again for submitting its **state report for consideration**. We therefore, call on the African Commission to encourage the other countries that have outstanding reports to meet their reporting obligations.

Launching of the 1st African Human Rights Report 2017, 2018 and 2019

The Forum hosted the maiden launch of the 1st African Human Rights Report for 2017, 2018 and 2019. As a consolidated publication, The '*Situation of Human Rights, Rule of Law and Democracy in Africa*' primarily based on all the reports submitted and presented by the sub-regional focal points of the Forum, is a major milestone in the existing partnership between and among civil society and human rights NGOs on the continent. It further demonstrated that with determination and a common agenda, goals can be achieved, with time. An idea expressed since the adoption of the NGOs Forum evaluation report by the Forum in 2007, this project highlighted the reports on the Fora that preceded the 60th and 61st Ordinary Session of The Commission was realized through funding by the European Union and implemented by the PANAF Consortium comprised of the International Commission of Jurists (ICJ), European Institutions and Kenya Section; The Norwegian Refugee Council and The African Centre for Democracy and Human Rights Studies.

The Forum, through its Secretariat, appeal for support to strengthen their participation, capacity and contribution to the work of the African Commission and other human rights institutions of the African Union.

Hon. Chairperson, Distinguished Ladies and Gentlemen

To echo various speakers, the active **role of NGOs**, civil society and media **as viable and vital partners** in a democracy cannot be overemphasized. Most of these organizations have mandates which include monitoring and reporting state compliance as well as indicate gaps and lapses in implementation and propose possible solutions.

In addressing Covid19, it is important that States engage non-State actors especially civil society to enhance preparedness, mitigate and response measures at the community, national and regional levels. The importance of **building inclusive alliances and platforms** across state, civil society, private sector to strengthen solidarity and support mechanisms is a must if progress is to be achieved. The Forum took note of the fact that CSOs have insisted on the strengthening of social networking approach to building network of actors. The existing collaboration with National Human Rights Institutions is a case in point and should be enhanced accordingly.

The Forum took this opportunity to congratulate the **Network of African National Human Rights Institutions (NANHRI)** on the organization of its **inaugural Forum** and urge its Secretariat to work with the Secretariat of the Forum to develop strategies for engagement and collaboration. The vital role played by NHRIs established in consonance with the Paris Principles was recognized coupled with the provisions for their engagement with NGOs. The Forum further noted that the adoption of an inclusive approach for engagement is crucial for success and will, no doubt, lead to better promotion and protection of human rights in Africa.

Your Excellencies, Distinguished Ladies and Gentlemen,
Participants **noted and congratulated** the African Commission yet again, for all the **gains made** in fulfilment of its mandate by being the first AU organ to issue a series of press releases drawing attention to the existence of Covid19 and urging the need to adopt a human rights approach in response to the pandemic since February, 2020. As members of civil society, we continue to **pledge our support** for the work of Africa's premier human rights institution. 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. 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.

In conclusion, the Forum wish to extends its **sincere appreciation to All our partners and supporters**, especially the United Nations Office for West Africa and the Sahel (UNOWAS) and IPAS Africa Alliance Office for providing much needed financial and moral support for the organisation of this Forum. We would wish to appreciate other partners especially the East and Horn of African Human Rights Defenders Project (DefendDefenders) for hosting the virtual Forum. To all our partners and colleagues, The Forum would wish to state that while we do understand the constraints under which we all hang in there to make things work, we look forward to future closer collaboration and assistance.

Your Excellencies, Honourable Chairperson and Members of ACHPR, Distinguished Guests,

On behalf of the participants of the Forum on the Participation of NGOs in the Work of the 67th Ordinary Session of the African Commission, I **extend to you, Honourable Chairperson, Hon. Vice Chairperson and each Commissioner of this august body, our best wishes for a successful session.**

I thank you for your kind attention.

HJF / ACDHRS / NGO Forum
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