

**STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOs AT THE
OFFICIAL OPENING OF THE VIRTUAL 68TH ORDINARY SESSION OF THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS,
14TH APRIL, 2021**

Your Excellency, Ambassador Bankole Adeoye, Commissioner for Political Affairs, Peace and Security representing the Chairperson, African Union Commission;
Honourable Dr. Mamadou Tangara, Minister of Foreign Affairs and Gambians Abroad of the Republic of The Gambia;
Honourable Dr. Solomon Ayele Dersso, Chairperson of The African Commission on Human and Peoples' Rights (ACHPR);
Hon. Vice Chairperson, Professor Remy Ngoy Lumbu and Members of the African Commission;
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 Chairperson 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;
Special Mandate Holders of the United Nations;
Mr. Eamon Gilmore, European Union Special Representative for Human Rights;
Your Excellencies, The Dean and Members of the Diplomatic and Consular Corps;
Distinguished Chairperson and Members of Network of African National Human Rights Institutions (NANHRI); and Executive Secretary of 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 68th 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 yet another opportunity to make the statement.

Your Excellencies, Distinguished Ladies and Gentlemen,

In the continuing predicament brought on by the pandemic, COVID19, the Forum on the Participation of NGOs in the 68th 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, on 12th and 13th April, 2021. It is worthy to note that the turnout at the Forum was healthy and participation reflected the stakeholder's mutual and professional interest in the work of the ACHPR, which has led to the adoption of commendable outcomes. About 140 Representatives from over 35 African countries and beyond, including participants from Europe and North America, connected and participated during the two days. Questions, submissions and enquiries were sent online to the Secretariat for clarifications and contributions.

The deliberations were conducted with simultaneous interpretations in Arabic, English, French and Portuguese.

After introductory and welcome remarks by the Executive Director of the ACDHRS, The Forum was officially opened by Mr. Guy Cyrille Tapoko, Acting Head of Governance and Conflict Prevention, on behalf of H. E. Ambassador Bankole Adeoye, Commissioner of Political Affairs, Peace and Security of the African Union Commission. He expressed delight in the alignment of the Forum's agenda to that of the African Union which puts spotlight on the importance of arts, culture and heritage and called on all departments, AU organs and Member States to ensure that the theme is highlighted in their respective works, for all time, and not just for this year.

The opening ceremony of the NGOs Forum was also addressed by Hon. Commissioner Solomon Ayele Dersso, Chairperson of the African Commission on Human and Peoples' Rights as well as Mr. Bakari Chafi, Human Rights Officer at the Office of the United

Nations High Commissioner who represented Mr. Marcel Akpovo, Director of the same office. The Forum was declared closed by Mr. Malamine Tamba, Human Rights Officer at the United Nations Office for West Africa and the Sahel (UNOWAS).

Distinguished ladies and gentlemen,

As usual, the development of the programme was a collective undertaking which was guided by the provisional agenda of the 68th 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 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, proposed interventions post Covid19 taking into consideration the African Union theme for the year, under the following three sub-themes, namely

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, guided by the draft agenda of the African Commission, and in a bid to contribute to the discussion and subsequent implementation of the AU Theme for 2021 '**Arts, Culture and Heritage: Levers for Building the Africa We Want**', the NGO Forum was organised under the theme '**The Africa we want: the role of Arts, Culture and Heritage in the realization of Human Rights in a post-Covid19 Environment**'. With the pandemic still a nightmare, Covid19 and its impact on vulnerable groups was kept on the agenda with a view to developing post Covid19 strategies for a more meaningful engagement and participation of civil society and other stakeholders.

The full report of the Forum together with the adopted resolutions and recommendations namely, 1 country resolution on Benin and 1 thematic resolution on the death penalty as well as 5 thematic recommendations, will be forwarded, for the kind consideration of your distinguished body, as our contribution to your deliberations at this 68th 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 4 plenary panels focussing on the linkage between Arts, Culture and Heritage and Human Rights; update on the situation of human rights, democracy and the rule of law, update on the impact of Covid19 on elections on Africa, and the update on the implementation on the ACHPR's communication 276/03 on the Endorois community in Kenya. The 5 breakaway special interest groups, which were deliberated on by participants during the two days filled with enthusiastic sharing, exchanging and networking at the high level of knowledge and expertise indicative of the competence achieved by civil society and its partners in a number of specialised themes relevant to the promotion and protection of human rights, governance, the rule of law and fundamental freedoms.

Distinguished Ladies and Gentlemen

As eloquently posited by the Hon. Chairperson of the African Commission on Human and Peoples' Rights, a post Covid19 era is not yet on the horizon considering the increasing numbers of infections and the efforts being made to manage the pandemic. Lockdowns persists in many countries, with most commercial flights halted to alleviate the tedious challenges associated with tracing and limiting the spread of the coronavirus.

The world is a different place in April 2021. The impact made by the Covid19 pandemic in its second wave has been devastating, with direct loss of life and burden of sickness stretching the weak health systems to its limit, with severe economic crisis coupled with collapsing international trade. Moreover, the anti-human rights and democratic forces have continued to take advantage of the crisis to further asserting and situate their authoritarian regimes as leaders more capable of protecting public health and of course, its citizens.

The Forum joins the African Commission's to call on States and non-State Actors to make the Covid19 vaccine a global public good, in the absence of which, the vulnerable would bear the brunt of discrimination associated with lack of access.

The need for integrated social protection systems leading to secure and sustainable social protection systems over the long term was emphasized. The Forum called on the African Commission to urge States to consider providing adequate legal and social protection, which no doubt would lead to the reduction of economic and social vulnerability on the poor, marginalized and vulnerable groups. The Forum reiterated **the readiness of civil society to play their role as reliable and sustainable partners** in the implementation of the human rights instruments and covenants for a coordinated response to Covid19 and human rights violations.

Furthermore, The Forum **commends the adoption of Resolution 449 (ACHPR/RES. 449(LXVI) 2020)** on Human and Peoples' Rights as a central pillar for the successful response to Covid19 and recovery from its socio-political impacts, by the African Commission and urges States to support and implement their responses from a human rights approach.

On the theme of harnessing Arts, Culture and Heritage for the realization of human rights, Hon. Solomon Dersso emphasised that Culture and Heritage are synonymous with identity. Africa as a unique continent with a rich cultural heritage stands tall in this regard.

Hon. Chairperson, Distinguished Ladies and Gentlemen

The Forum wishes to congratulate the African Union for dedicating 2021 to Arts, Culture and Heritage. Arts, Culture and Heritage are the foundation for development and developed societies and are critical in the building and maintenance of democracy. The linkage and interdependence yet distinct relationship cannot be overemphasised considering that they are mutually reinforcing for the attainment of development, human rights and or peace.

Hon. Chairperson Dersso aptly affirmed that, *“when culture, art and heritage relating to any individual and community are put in danger, their human rights and freedoms as a person and or a community are infringed”*.

The Forum acknowledged the existence of various legal frameworks to protect these rights, as enshrined in the Cultural Charter for Africa, the Charter for African Cultural Renaissance, as well as Art. 27 of the Universal Declaration on Human Rights; Art. 17 of the Maputo Protocol; Art. 12 of the African Charter on the Rights and Welfare of the Child; among others.

The Universal Declaration on Cultural Diversity adopted by UNESCO General Conference in 2001 committed itself to the full implementation of the human rights and fundamental freedoms proclaimed in the UDHR and other universally recognized legal instruments. The Preamble to the Constitution of UNESCO affirms that *“the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern”*. Respect for diversity of cultures, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security.

Moreover, the Declaration asserts that the globalization process, facilitated by the rapid development of new information and communication technologies, though representing a challenge for cultural diversity, as creating the conditions for reviewed dialogue among cultures and civilizations.

Furthermore, the protection of cultural heritage in Africa has become topical considering the increase in threats and challenges including lack of awareness or resources by indigenous persons, discrimination, looting and illicit trafficking of cultural property and conflict. Cultural actors, partners and stakeholders are mobilized to strengthen regional cooperation and joining initiative for the protection of the cultural heritage. To inculcate the spirit of Pan Africanism, by tapping Africa's rich heritage and culture, Aspiration 5 of Agenda 2063 envisions an Africa with a strong cultural identity, common heritage, shared values and ethics. It is believed that this will ensure that the creative arts are major contributors to Africa's growth and transformation and aim to restore and preserve Africa's cultural heritage.

Distinguished Ladies and Gentlemen

In reviewing the situation of human rights and democracy on the continent, the Forum took note of reports of the ongoing challenges to the enjoyment of human rights in many countries on the continent, especially in this time of the Covid19 pandemic as well as its impact on the implementation of the AU 2021 theme 'Arts, Culture and Heritage'.

While commemorating the anniversary of the Rwanda genocide with the slogan 'Never Again' civil society representatives are lost for words at the continuing crimes against humanity occurring in Africa - the ongoing civil unrest in Tigray, among others. The Forum urges the African Commission to remind States of their promise to never allow such inhumanity to happen again.

From all the parts of the continent, human rights violations have remained a major cause of concern in most countries especially - the **freedom of assembly and association** in most of the countries reviewed (including Burundi, Cameroon, Djibouti, Egypt, Ethiopia, Republic of Guinea, Kenya, Lesotho, Mali, Mauritania, Nigeria, Somalia, South Africa, Sudan, Tanzania, Togo and Zimbabwe) formulate and or implement legislation 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.

The Forum asserted that a lot more needs to be done as many African countries continue to face challenges of insecurity including Cameroon and Mali;; violence, terror attacks and the volatile situation continues to be aggravated by the Covid19 restrictions; particularly; 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.

Distinguished Ladies and Gentlemen

Harassment of **Human rights defenders** in many of our countries persist and or have intensified during the Covid19 pandemic. Equally the closing of civic space continues to be a cause for concern and remain high on the agenda with the existence of restrictive legislation that pays little or no attention to the Constitution of States much less to say regional human rights standards. The prosecution of several human rights defenders on trumped up charges, leading to judicial harassment into the work of independent human rights organizations was also raised. A most worrying trend was the restrictions on the movement of civil society organisations due to the lockdown.

With emphasis on those countries whose **State reports** will be considered during this 68th session, namely Benin, Malawi and Niger, The Forum congratulates these three and other countries that have submitted all their reports. We therefore, call on the African Commission to encourage those countries with outstanding reports to diligently meet their reporting obligations.

The Forum calls on the African Commission to encourage the timely submission of State reports, and to request that States are equally urged to live up to their obligation under Art. 62 of the African Charter on Human and Peoples' Rights on State reporting, especially those States that have never submitted a single State report.

Hon. Chairperson, Distinguished Ladies and Gentlemen

In the spirit of upholding the principle of ensuring All human rights for all, it was stressed that 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. The Forum, would therefore, like to urge more States and indeed NGOs to use and popularise the ACHPR processes and decisions and indeed the judgements of the African Court to encourage States to comply with decisions as well as consider signing Article 34(6) of the Protocol to the African Charter on the Court.

Distinguished Ladies and Gentlemen

The session on the Status of implementation on the ACHPR decision 276/03 – A landmark decision of the African Commission concerning the indigenous peoples of Kenya, the Endorois was a subject of discussion at the Forum. It is to be noted that only one out of all the recommendations made by the African Commission was implemented. As a cultural group, whose land has been taken away, no replacement was made, no compensation, no royalties, no effective benefit sharing supportive of the Endorois was designed, among others. Although a Task Force was set up, not much was achieved before their term lapsed. Lack of political will was cited, which has further eroded their rights, decreased their livelihoods, negatively impacting on their participation in policy decisions making and led to the non-safeguard of the rights of these communities. The Forum recommended that the African Commission should urge the Government of Kenya to develop an inventory of Indigenous peoples and work towards protecting them. In addition, a benefit sharing legislation for communities should be passed to strengthen the protection mechanism for indigenous peoples and to ensure their inclusion in these processes.

Your Excellencies, Distinguished Ladies and Gentlemen

While we congratulate Tanzania for holding peaceful elections in this time of Covid19, the continued current **state of unrest as a result of post electoral violence in Mali** leaves a lot to be desired. The Forum emphasised the importance of collaboration between various stakeholders including CSOs to set up early warning mechanisms to potential conflict and to enhance the democratic machinery is a crucial factor in addressing this phenomenon.

Although the legal framework for Freedom of Expression and Access to Information has seen some development in a number of African countries, the increasing use of legislation to curb space and restrict the work of journalists as well as use of cybercrime laws remains a cause for concern, even in these days of the pandemic. 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, the following **thematic special interest groups**, were able to convene and share information and experiences on the following: enforcement of Covid19 measures in Africa, shrinking civic space and impact on

human rights defenders, role of youths in the implementation of the African Union's Agenda 2063, Impact of Elections in Africa and Economic, Social and Cultural Rights (with a focus on the right to health).

In line with the objectives of the **Networking for Human Rights in Africa** session, which was geared towards the provision and sharing of experiences and response during the Covid19 pandemic was shared as well as strategies for the post Covid19 period in a bid to build, develop and maintain an effective human rights community with its partners, mainly the ACHPR, the UNOHCHR, UNOWAS, IPAS among others.

Consequently, **Networking and collaboration** continue to be at the core of the Forum's agenda, as discussed in the last panels. 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 Forum therefore, calls on the African Commission to urge States to decrease defence budget and invest more in health and education services for the achievement of sustainable development and to ensure that no one is left behind.

Your Excellencies, Distinguished Ladies and Gentlemen

The Forum, took this opportunity to call on the African Commission, yet again, to urge States that have not ratified pertinent treaties, to speedily do so in order to enable their implementation as the enjoyment of those rights by all African citizens. The ratification of many regional and international instruments by many States was commended. However, as the challenge of **harmonisation and implementation of these treaties at the national level**, persist, the need for more States to sign the Declaration to the Protocol to the Charter on the African Court which grants NGOs access to the Court cannot be overemphasised. Under the circumstance, The Forum calls on the African Commission to appeal to the States of Benin and Cote D'Ivoire to reconsider their decision to withdraw the declaration made under **Article 34(6)**.

Your Excellencies, Distinguished Ladies and Gentlemen,

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 reiterates its

commitment, as stakeholders, towards sustaining and strengthening this institution as well as safeguarding its independence.

It is gratifying to note that despite the challenging environment, a good number of **virtual side events** are being organised, before and post this Forum, **by NGOs** in partnership with other stakeholders focusing on matters of interest as we continue our quest to promote and protect human rights in Africa even as Covid19 rages on.

The Forum extends its **sincere appreciation to all our partners and supporters**, especially the United Nations Office for West Africa and the Sahel (UNOWAS); the United Nations Office of the High Commissioner for Human Rights-East Africa Regional Office (UNOHCHR-EARO) and IPAS Africa Alliance Office for providing much needed financial and moral support for the organization 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.

On behalf of the Forum, I would wish to express the sadness and shock of the NGO and CSO community on the passing of four personalities who have in their various ways contributed to the work of the African Commission over the years. They are the recently elected Commissioner Ndiame Gueye (Senegal); Professor Christof Heyns, (South Africa) formerly a member of the Working Group on Death Penalty of the African Commission as well as the UN Special Rapporteur on Arbitrary and Extrajudicial Executions; Mr. Aldiouma Cissokho of the Mauritanian Association of Refugees in Senegal and Mr. Innocent Chukuwuma, (Nigeria) Founder of CLEEN and Ford Foundation Regional Officer (West Africa). As we extend our sincere condolences to the African Commission through Hon. Chairperson Dersso to the families of the deceased, we pray for the peaceful repose of their gentle souls.

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 68th Ordinary Session of the African Commission, we look forward to closer collaboration and wish you **Honourable Chairperson, Hon. Vice Chairperson and all the other Commissioners of this august body, best wishes for a fruitful session.**

I thank you for your kind attention.