

**(Draft)STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOS  
AT THE OFFICIAL OPENING OF THE VIRTUAL 71<sup>ST</sup> ORDINARY SESSION OF THE  
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS,  
21<sup>th</sup> APRIL, 2022**

Honourable Dr. Mamadou Tangara, Minister of Foreign Affairs and Gambians Abroad of the Republic of The Gambia;

Your Excellency, Ambassador Bankole Adeoye, Commissioner for Political Affairs, Peace and Security representing the Chairperson, African Union Commission,;

Your Excellency, Ambassador Mohamed Lamine Thiaw, Permanent Representative of the Republic of Senegal to the African Union and Chairperson of the Permanent Representative Committee ;

Honourable Professor Remy Ngoy Lumbu, Chairperson of The African Commission on Human and Peoples' Rights (ACHPR);

Honourable Ndayisenga Joseph, Chairperson; and Members of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC);

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

Honourable Members of the African Union Organs here present;

Distinguished Representatives of African Union Member States;

Mr. Eamon Gilmore, European Union Special Representative for Human Rights;

Mr. Marcel Akpovo representing 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;

Hon. Vice Chairperson, Maya Sahil Fadel and Members of the African Commission;

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

Distinguished Chairperson, Dr. Elasto Mugwadi and Members of Network of African National Human Rights Institutions (NANHRI);

Executive Secretary of NANHRI, Mr. Gilbert Sebihogo and Distinguished Representatives of National Human Rights Institutions;

Mr. Andrew Chigovera, Chairperson 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 71<sup>st</sup> 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 at this opening ceremony. Allow me, at the onset, to acknowledge and **thank the Honourable Chairperson, Professor Remy Ngoy Lumbu and Members of the African Commission** for yet another opportunity to make this statement.

Your Excellencies, Distinguished Ladies and Gentlemen,

The virtual Forum on the Participation of NGOs in the 71<sup>st</sup> Ordinary Session on the African Commission on Human and Peoples' Rights (ACHPR) (yet again without the African Human Rights Book Fair) 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 19<sup>th</sup> and 20<sup>th</sup> April, 2022, due to Covid19. As usual the turnout was healthy, reflecting the stakeholder's mutual and professional interest in the work of the ACHPR, leading to the adoption of laudable outcomes. Over 145 Representatives from over 39 African countries and beyond, including participants from Europe and North America, connected and participated actively during the two days.

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

After introductory and welcome remarks by the Executive Director of the ACDHRS at the opening as well as a statement at the closing ceremony, The Forum was officially opened and closed by Hon. Remy Ngoy Lumbu, Chairperson of ACHPR. Chairperson Lumbu commended the organisers of the Forum and expressed his pleasure in the alignment of the Forum's agenda to that of the ACHPR and its continuity despite the pandemic. While reiterating the important role of NGOs in the work of the ACHPR, he complimented their resilience, even in these times, and urged them to keep up their engagement.

The opening ceremony of the NGOs Forum was also addressed by Hon. Commissioner Maria Theresa Manuela.

Distinguished ladies and gentlemen,

The development of the programme, as is usual, was a collective undertaking guided by the provisional agenda of the 71<sup>st</sup> Ordinary Session of the African Commission, 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 Situation of Human Rights and Democracy in Africa; Review of Specific Human Rights Relevant to the Work of the African Commission; and Networking for Human and Peoples' Rights in Africa.

Distinguished Ladies and Gentlemen,

The Forum, through its regional focal points shared information on the state of democracy and human rights on the continent; explored the need for recognition and increased financing for community paralegals; reviewed the state of the Covid19 especially in the field of Sexual Health and Rights Services and shared opportunities and strategies to address the pandemic going forward. Furthermore, the situation of indigenous peoples and communities, was revealed in the finding of the MRG study “To purge the Forest by Force’.

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 in the work of the African Commission.

The full report of the Forum together with the adopted resolutions and recommendations namely, 3 country resolutions on Chad, Democratic Republic of Congo (DRC) and Mali, and 5 thematic recommendations on the general state of democracy and human rights in Africa (focused on sub-regions); on the recognition and increased financing of community paralegals in Africa; on Covid19 recovery and rebuilding focusing on Sexual Health and Rights Services for women as well as Special Services for Persons with Disability; and on the situation of Indigenous Peoples and Communities in the DRC and Kenya, will be forwarded, for the kind consideration of your distinguished organ, as our contribution to your deliberations at this 71st Ordinary Session.

Distinguished Ladies and Gentlemen

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

The state of democracy and human rights in the continent continues to raise concerns as was reported by the sub-regional focal points from the 5 sub-regions as well as the Lusophone human rights network. The continued ravage by Covid19 has further aggravated human rights violations as some State agents were reported to violate human right in the process of enforcing Covid19 measures.

In reviewing the situation of human rights and democracy on the continent, the Forum took note of reports of some successes as well as the ongoing challenges to the enjoyment of human rights in a number of countries on the continent, overshadowed by the presence of Covid19.

The ongoing civil unrest in Tigray in Ethiopia and Casamance in Senegal, among others raised considerable concerns. The Forum urges the African Commission to remind States of their promise to never allow man’s inhumanity to man to happen again as did in Rwanda.

Distinguished Ladies and Gentlemen

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.

Though the degrees and levels of progress vary from country to country, one could generally allude to the fact that the region continues to witness a downward trend with increased reports of violations of the rights to freedoms of opinion and expression, association, and peaceful assembly, adopt repressive laws, increase in gender based violence, harassment of human rights defenders, with impunity, amongst others.

Harassment of **Human rights defenders** in many of our countries persist and or have intensified during the Covid19 pandemic. However, despite associated risks and threats, most of them continue to stay engaged. 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. Although the trend of restrictions on the movement of civil society organisations continues, the Forum believe that it is the duty of the State to protect and create a conducive environment for civil society to play its role effective despite the lockdown.

There were recommendations to all member States to adopt specific legislative measures to recognize and protect the status of human rights defenders, and provide a working environment conducive for civil society, as per Res. 376 (LX) 2017 adopted by the Commission during its 60th Ordinary Session Niamey, Niger;

The panel on increased financing and recognition of community paralegals in Africa highlighted the challenge and impact of access to justice during the Covid19 pandemic in the continent. The participants listened to presentations on the finding of a study on the role of legal empowerment groups in addressing gender-based violence in sub-Sahara Africa during the pandemic. The study was conducted in Kenya, Nigeria, Sierra Leone, South Africa, Tanzania, Uganda and Zimbabwe. The

panel ended with recommendations key among them the need to State-sponsored training and facilitation of **community paralegals** to enhance access to justice. Additionally, States were recommended to increase their budgetary allocation for the improvement of access to justice, particularly through the work of community paralegals to give life to Aspiration 3 of the AU Agenda 2063 on good governance, democracy, human rights, justice and the rule of law.

Distinguished Ladies and Gentlemen

Although a **post Covid19** era is not yet on the horizon it was observed that efforts are being made to manage the pandemic. Lockdowns have eased in many countries, with most commercial flights recommenced. However, the tedious challenges associated with tracing and limiting the spread of the coronavirus remains. Hopefully, this will be the trend in coming months.

The Panel on the Covid19 recovery and rebuilding updated participants generally on the of Covid19 on sexual and reproductive health services in selected countries in the continent state of Covid19, barriers to accessing and utilizing sexual rights and health services in addition to a perspectives of persons with disability. The Panel ended with a call on the African Commission on Human and Peoples' Rights to work with stakeholders to ensure the implementation of its Resolution 449 on human and peoples' rights as central pillar of successful response to Covid19 and recovery, as well as including the implementation of the Maputo Protocol to enjoy sexual health and rights.

Furthermore, issues and opportunities for people with disability post Covid19 was discussed highlighting the breakdown of community support during the lockdown and the brutality handed down adversely also affected this group of vulnerable. The slowdown of services and failure to protect their health and safety especially those in institutions was raised. Other issues relating to deinstitutionalization around mental disability and rights was a subject of concern. Consequently, recommendations were made and shared.

As we stand in April 2022, the impact made by the Covid19 pandemic in its various waves have been devastating, with direct loss of life and burden of sickness stretching the weak health systems to its limit, with severe economic consequences. Evidently, the anti-human rights and democratic forces continue to take advantage of the situation to further assert and situate their authoritarian regimes as leaders more capable of protecting public health and of course, its citizens. This stance, as revealed by findings of studies shared during the Forum have gravely affected persons with disability as well as sexual health and rights service delivery for women.

The Forum reiterates the African Commission's to call on States and non state stakeholders 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 intensify the provision of 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.

Furthermore, The Forum **re-echoes its commendation 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 and urges States to support and adopt a human rights based approach to their responses. including the implementation of the Maputo Protocol to enhance the enjoyment of sexual health and rights by women and girls.

Hon. Chairperson, Distinguished Ladies and Gentlemen

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

The Forum congratulates Kenya, whose state report will be considered during the 71<sup>st</sup> session and calls on the African Commission to encourage those countries with outstanding reports to diligently meet their reporting obligations.

Furthermore, 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 since ratification.

Hon. Chairperson, Distinguished Ladies and Gentlemen

In the spirit of upholding the principle of ensuring All human rights for all, nurturing a culture of human rights, good governance, peace and security cannot be ignored. 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

Information from the investigative report 'To Purge the Forest by Force: Organized violence against Batwa in Kahuzi-Biega National Park' in the DRC described the gruesome accounts of human rights violations conducted by the Minorities Rights Group, meted out to the Batwa community in the DRC between July 2019 to December 2021. The study shared recommendations to State of DRC, to amongst others, uphold their human rights commitment to recognize, respect and protect the rights of indigenous peoples. Several recommendations were also addressed to non-State actors calling on them to respect indigenous peoples' rights. The Forum recommends 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 The Gambia and other states for holding peaceful Presidential and or Parliamentary elections in this time of Covid19, the continued current **trend of unconstitutional change of government as a result of post electoral violence in West Africa particularly in Burkina Faso, Guinea Conakry and Mali** have created serious security challenges in the region. The Forum also noted the foiled coup in **Guinea Bissau** and emphasised the importance of collaboration between various stakeholders including CSOs to enhance early warning mechanisms to potential conflict and to urge States to ensure that the democratic machinery remains a crucial factor in addressing this phenomenon through early response accordingly.

The legal framework for **Freedom of Expression and Access to Information** has also seen some development in a number of African countries by the adoption of an Access to Information Act. However, 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. 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

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 strengthen the consolidation of strategies for effective collaboration among civil society representatives and organisations and between them and partners with the 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** remain, 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 rechoes its call 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 with observer status, we continue to **pledge our support** for the work of Africa's premier human rights institution, and In so doing recognise the contribution of its Secretariat, under the able leadership of Acting Secretary Khumalo, in the process. 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. As we **congratulate the new ACHPR Bureau**, the newly elected Commissioners, The Forum reiterates its commitment, as stakeholders, towards sustaining and strengthening this institution as well as safeguarding its independence.

The Forum extends its **sincere appreciation to All our partners and supporters**, including The International Centre for Not-For-Profit Law (ICNL); 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); IPAS Africa Alliance Office; Minorities



Rights Group (MRG); East and Horn of African Human Rights Defenders Project (DefendDefenders), Legal Advice Centre, APHRC and Validity Foundation for organising panels and for providing much needed moral and financial support for the organisation of this Forum. We would wish to appreciate other partners especially Independent Commission of Human Rights (CIDH) for hosting the virtual Forum and the technical assistance of John Gbenagnon to ensure its operationalization.

In the same vein, I would like to join my colleagues in commending the United Republic of Tanzania for their timely assistance to the ACHPR by providing them with the first ever set of Kswahili language interpreters, in response to a request from ACHPR to implement the Decision of the 35<sup>th</sup> Assembly of Heads of State and Government of the African Union held in February to adopt Swahili as an official language.

Your Excellencies, Honourable Chairperson and Members of ACHPR, Distinguished Guests, In conclusion, on behalf of the participants of the Forum on the Participation of NGOs in the Work of the 71st Ordinary Session of the African Commission, we look forward to stronger collaboration and wish you **Honourable Chairperson, Hon. Vice Chairperson and all Honourable Commissioners, best wishes for a fruitful session.**

I thank you for your kind attention.

*HJF / ACDHRS  
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