



**THEMATIC RECOMMENDATIONS ADOPTED AT THE NGOs FORUM PRECEDING THE
71ST ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS
19TH -20TH APRIL, 2022 - ZOOM WEBINAR**

**TREC/001/04/22: RECOMMENDATION ON THE RESOUNDING CALL FOR INCREASED
FINANCING AND RECOGNITION OF COMMUNITY PARALEGALS IN AFRICA (SESSION 2)**

We, the participants of the Forum on the Participation of NGOs in the 71st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held virtually in the form of a Zoom Webinar from 19th -20th April, 2022 due to the current global Coronavirus (Covid19) pandemic;

Hereby recommend to the African Commission on Human and Peoples' Rights to:

1. **Urge** States to include a target towards promoting people centred justices in the next 10 year plan of the AU Agenda 2063 and increase state-funded support of services to Gender-Based Violence (GBV) survivors, particularly through the establishment and maintenance of shelters and cash transfers to survivors; establish specialized GBV courts and police GBV desks in countries where these do not yet exist;
2. **Encourage** States to comply with Article 4 (2) of the Maputo Protocol to adopt administrative and economic measures to ensure prevention, punishment and eradication of all forms of violence against women; punish perpetrators of violence against women and to implement programmes for the rehabilitation of women survivors;
3. **Exhort** States to develop and implement legal aid laws that recognize and finance community paralegals where absent; implement State-sponsored training and facilitation of community paralegals;
4. **Urge** States increase their budgetary allocation for the improvement of access to justice, particularly through the work of community paralegals in pursuit of

Aspiration 3 of the AU Agenda 2063 on good governance, democracy, human rights, justice and the rule of law;

5. **Request** States to strive for increased collaboration and dialogue between the legal fraternity and community paralegals in order to ensure collaboration and an appreciation of the complementary roles that these actors play in the pursuit of access to justice to all. Such dialogues could be facilitated by the judiciary alongside civil society;
6. **Insist** on States to demonstrate political will for legal empowerment of poor and vulnerable citizens, especially women by committing resources that will fund sustainable legal empowerment models that recognize the central role of community based paralegals in delivering affordable and timely access to justice for all.

Done on Zoom - 20th April 2022

TREC/002/04/22: THEMATIC RECOMMENDATION ON RECOVERY AND REBUILDING IN POST-COVID19 AFRICA: CHALLENGES AND OPPORTUNITIES (SESSION 3)

We, the participants of the Forum on the Participation of NGOs in the 71st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held virtually in the form of a Zoom Webinar from 19th-20th April, 2022 due to the current global Coronavirus (Covid19) pandemic;

Hereby recommend to the African Commission on Human and Peoples' Rights to:

1. **Urge** States to strike the balance in emergencies healthcare by responding to public health emergencies, especially those of high risk to humans may require drastic control measures;
2. **Call on** States to apply a multi-sectoral approach when developing and implementing government policies and guidelines in response to pandemics and other health crises through a collective action strategy that ensures the preservation of sexual reproductive health services;
3. **Urge** States to monitor national governments collective action strategies on the preservation of sexual reproductive health rights services including providing periodical updates on governments compliance with the African Commission's Resolution ACHPR/Res. 449 (LXVI) 2020' as a central pillar of successful response to Covid19 and recovery from its socio-political impacts;
4. **Encourage** States to investment in telemedicine, enhancing the capacities of providers in telemedicine and establishing the necessary frameworks and eliminating structural barriers to expanding access to SRH services that are in line with universal health coverage (UHC) goals;
5. **Urge** States to strengthen and utilize community health outreach and interventions to enhance access to health information and services;
6. **Nudge** States to ensure sustainable and resilient supply chain management systems for sexual reproductive health commodities for public and private health facilities; Governments to support private facilities (with SRH supplies and commodities) since they serve a significant proportion of the population and are able to reach disadvantaged sub-populations;

7. **Urge** States to institutionalize inclusive, continuous, consistent, and client-friendly training and sensitization of health care providers in the delivery of SRH services, even during pandemics;
8. **Insist** on States to protect Health care providers from broad social and economic fears, as well as the psychological stress that comes from operating in such crisis contexts;
9. **Encourage** States to treat vulnerable populations, such as pregnant women and those facing sexual and gender-based violence, be treated as essential populations needing critical services; be provided with identification that allows them to access services when needed and facilitates their mobility to health facilities; health facilities should be equipped with toll-free phones for easier access to services;
10. **Call on** States to invest in community-based childcare centres where teenage mothers can send their children and pick them up after school as well as provide guidelines into the integration of teenage mothers in schools;
11. **Call on** State to adopt an emergency deinstitutionalization plan in line with Article 19 of the Convention on the Rights of People with Disability (CRPD) and General Comment No. 5: Right to independent living (2017) of the CRPD Committee; allocate adequate financial and human resources to support the transition from institutions to the community, in line with Article 19 of the CRPD;
12. **Call on** States to guarantee immediate, unfettered access to independent national human rights authorities, including National Human Rights Institutions;
13. **Encourage** States to guarantee the right to live in the community for People with disabilities post Covid19; full participation and meaningful involvement of disabled people and their representative organizations at every stage of the Covid19 response and recovery;
14. **Encourage** States to investigate and hold accountable police and other security services which abuse, injure, or kill disabled people;
15. **Insist on** States to take a more proactive approach to support Human Rights Defenders in Africa;

16. **Request** States to protect the rights of African women and girls seeking reproductive health services at community and national levels and to continue to implement the Maputo Protocol.

Adopted on Zoom - 20th April 2022

TREC/003/04/22: THEMATIC RECOMMENDATION ON FOTRESS CONVERSATION AND ITS IMPACT ON INDIGENOUS PEOPLES AND COMMUNITIES IN AFRICA (FROM THE MINORITY RIGHTS GROUP REPORT 'TO PURGE THE FOREST BY FORCE')

We, the participants of the Forum on the Participation of NGOs in the 71st Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held virtually in the form of a Zoom Webinar from 19th -20th April, 2022 due to the current global Coronavirus (Covid19) pandemic,

Hereby recommend to the African Commission on Human and Peoples Rights to call on the Government of the Democratic Republic of Congo (DRC) to:

1. **Uphold** human rights commitments to recognize, respect and protect the rights of indigenous peoples, and ensure that international human rights standards, including United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), are fully integrated into conservation policies and management plans in the PNKB and across all other protected areas in the DRC;
2. **Adopt** all necessary policy, legal and administrative measures for the full recognition of the rights of indigenous peoples over their lands, territories and resources as enshrined in international human rights law, including taking all necessary actions to enact and implement the Proposition de Loi Portant Protection et Promotion des Droits des Peuples Autochtones Pygmées;
3. **Provide** effective mechanisms of redress and adequate, effective and fair remedies in connection with all historical and contemporary injustices perpetrated against indigenous peoples in the DRC, including through restitution of ancestral lands;
4. **Undertake** all necessary measures to effectively implement UNDRIP, including by incorporating UNDRIP's protections into the DRC's domestic legal regime and harmonizing existing national laws with UNDRIP's protections;
5. **Legally** recognize, respect and protect the Batwa's collective right to self-determination, FPIC rights and customary ownership of their ancestral lands, territories and resources contained within the *Parc National de Kahuzi-Biega* (PNKB), and prioritize Batwa ownership, management and participation as central to conservation policy in the PNKB;

6. **Protect** and support the Batwa's right to determine, develop and implement their own conservation initiatives in the PNKB, including through assistance programs as contemplated in Article 29 of UNDRIP;
7. **Commission** an independent study into the environmental effectiveness of the current policies and strategies employed in the PNKB, ensuring meaningful consultation and effective participation of a representative cross-section of the Batwa community, and documenting the extent of and responsibility for unsustainable, extractive activities inside the park;
8. **Refrain** from entering into any 'public private partnership' arrangement that would confer management or co-management authority in the PNKB to any entity, foreign or domestic, including any international conservation NGO, which has not demonstrated a proven track record of respecting the rights of indigenous peoples and other marginalized, local communities in conservation, and instead, commit to support Batwa governance of the PNKB, including through financial and technical assistance, in consultation with a representative cross-section of the Batwa community;
9. **In conjunction** and consultation with a representative cross-section of the Batwa community, commission an independent, impartial, thorough and transparent investigation into the human rights abuses committed by PNKB guards in and around the park, including, but not limited to those abuses documented in To Purge the Forest by Force;
10. **Publicly** disclose and communicate the results of all investigations (internal or external) of conservation-related human rights abuses in and around the PNKB to all relevant stakeholders, including the PNKB's partners, donors, local civil society, the South Kivu provincial government and the Batwa community;
11. **In conjunction** and consultation with a representative cross-section of the Batwa community, take all necessary measures to provide adequate, effective and fair remedies to affected Batwa for their displacement from the Kahuzi-Biega forest and the ongoing violations of their human rights, including:
 - a) Full restitution of their ancestral lands with co-designed mechanisms including resources made available to restore, rehabilitate and repair any environmental damage caused;

- b) Elimination of all restrictions on the Batwa's usage rights with respect to their territories and resources;
 - c) Financial compensation based on, but not limited to, lost opportunity costs, revenues derived from the PNKB since its creation, and any physical, mental, moral or material damages incurred by the community;
 - d) Medical, psychological and social care for victims;
 - e) A public apology, acknowledging responsibility for the unlawful evictions and ongoing human rights violations;
12. **Promote** and facilitate increased access to justice for Batwa community members to seek remedies and redress for past or current human rights violations related to the PNKB, including through supporting and collaborating with local civil society;
13. **Establish** and support an independent, on-site and culturally appropriate grievance mechanism in the PNKB to promote transparency and provide access to justice for affected members of the Batwa community and other marginalized, local communities;
14. **Take all** necessary steps to facilitate the reporting of abuses by park guards, including through awareness raising, community outreach and collaborating closely and productively with local civil society;

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