

NGO STATEMENT
OPENING CEREMONY
OF THE
77th ORDINARY SESSION AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS
AT THE
ARUSHA INTERNATIONAL CONFERENCE CENTRE,
20th OCTOBER, 2023

Your Excellency Dr. Hussein Mwinyi, President of Zanzibar and Chairman of the Revolutionary Council,
Ambassador Pinda Chanda, Minister of Constitution and Legal Affairs of the United Republic of Tanzania
Your Excellency, Moussa Faki, Chairman of the African Union Commission;
Chairperson of the Pan African Parliament;
Honourable Members of the National Assembly;
Honourable Ministers of the African Union States;
Honourable Chairperson, Remy Ngoy Lumbu; Vice Chairperson, Commissioner Maya Sahli-Fadel and Members of the African Commission on Human and Peoples' Rights (ACHPR);
Dr. Robert Eno, Registrar AfCHPR representing the Hon. President of the African Court
My Lord, Judges of the African Court on Human and Peoples' Rights
Hon. Chairperson and Members of the African Committee of Experts on the Rights and Welfare of the Child ;
Regional Representative of the UNOHCHR, East Africa Regional Office, Mr. Marcel Akpovo, representing Members of the United Nations Family present - UNDP, UN OHCHR, UNOCI and UNOWAS;
Your Excellencies, Members of the Diplomatic and Consular Corps;
Ambassador Eamon Gilmore, European Special Representative for Human Rights represented by Ambassador Christine Grau;
The Chairperson and Executive Governing Council Members of the African Centre for Democracy and Human Rights Studies (GC/ACDHRS);
Distinguished State Representatives;
Venerable Religious and Traditional Leaders;
Mr. Joseph Whittal, Hon. Chairperson and Representatives of the Network of African National Human Rights Institutions;
Representatives of National and International NGOs;
Representatives of the Press;
Distinguished Ladies and Gentlemen;
All protocols respectfully observed

It is a great sense of humility that I stand before this august body of the African human rights family, honoured to deliver a statement, on this auspicious occasion, a statement on behalf of all my colleagues of the **Forum of NGOs in the Work of the 77th Ordinary Session of the African Commission on Human and Peoples' Rights**, as its Spokesperson.

Allow me, at the onset, to extend our warmest congratulations to the Hon. Chairperson, the Vice Chairperson and all Distinguished Members of Africa's premier human rights institution and all its stakeholders and partners as they continue to **celebrate 20 years of the Maputo Protocol**. This year is surely a year of celebrations as the Universal Declaration of Human Rights marks 75 years and 25 years of the UN Declaration on Human Rights Defenders is being commemorated. It is indeed a time to review past challenges, successes and to contemplate on the future direction for the promotion and protection of human rights in Africa.

On behalf of the Governing Council of the African Centre for Democracy and Human Rights Studies (ACDHRS); The NGO Forum Steering Committee; all the participants of the NGO Forum, and indeed on my own behalf, I wish to **thank the Chairperson and Members of the African Commission** for the singular honour afforded us to accompany the ACHPR at this 77th session. As we thank Commissioner Maya Sahli-Fadel for all her contributions to the ACHPR and wish her well in her future endeavours, we congratulate the newly elected Commissioner Selma Sassi-Safer and other re-elected Commissioners and look forward to future collaboration with them.

Your Excellencies, Distinguished Ladies and Gentlemen The Forum wishes to also express its **gratitude to the Government and people of The United Republic Tanzania**, land of the 'big five' and home to Kilimanjaro, for hosting the 77th Ordinary Session and to reiterate the appreciation of the participants of the Forum of NGOs for the continued support extended to the African Commission and its stakeholders, especially the warm hospitality enjoyed by all since their arrival in this land of Mount Meru.

Your Excellencies, Distinguished Ladies and Gentlemen, The Forum on the Participation of NGOs in the 77th Ordinary Session of the African Commission on Human and Peoples' Rights, was held from the 16th - 18th October, 2023, preceding this Session of the African Commission.

Approximately 300 participants **from 34 African countries**, 1 from Europe and 2 from North America were **in attendance**, including Algeria, Angola, Benin, Botswana, Cameroon, Chad, Comoros, Congo Brazaville, DRC, Egypt, Eswatini, The Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Mali, Malawi, Mauritania, Morocco, Mozambique, Nigeria, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, South Sudan, Sudan, Togo, Tunisia, Uganda, Zambia and Zimbabwe)

Over the past few days, we had the privilege of hosting the **three-day NGO Forum**, which featured a total of **13 panel discussions** on various critical aspects of human rights, trade, and development across our continent. These discussions were diverse and covered various aspects of human rights, trade, discrimination and other important issues in Africa, which are instrumental in shedding light on some of the most pressing human and peoples' rights issues facing Africa today. They provided us with valuable insights, and it is now our shared responsibility to turn these insights into action. I would like to provide a brief overview of the key takeaways and recommendations from these panels.

Distinguished Ladies and Gentlemen,

The Forum adopted the AU Theme '**The Year of the AfCFTA: Accelerating the Implementation of the African Continental Free Trade Area**'. In reviewing this important subject of utmost importance, the essence of creating an enabling environment for businesses while the respect for human rights remains paramount was emphasised. However, with the current situations of conflicts, shrinking civic space, increasing cases of violence against women especially in environmentally unfriendly milieu where the digital divide is most evident is a very worrying phenomenon.

There is need for companies to be held accountable for their actions which negatively impact on communities, workers and especially the women and youth. Calling for collaboration among stakeholders and the recognition that the promotion of sustainable economic growth and protection of human and peoples' rights are interdependent. The involvement of all segments of society is crucial especially the vulnerable and marginalised.

The Forum reiterated that sustainable economic and social development in the extractive industries sector, should therefore, be an integral part of the guiding principles in ensuring that human rights standards remain at the heart of implementation of the AfCFTA. ACHPR Resolution 550 on Business and Human Rights in Africa provides such a framework. The Forum calls on the African Commission to urge states to use this resolution which is a guide for the respect of human rights in all activities and to do no harm by contributing to human rights violations.

It was recognised that women play a key role in trade and the need to empower them at all levels was emphasised.

After the inaugural panel on "Rights and Trade; Reflecting on UDHR's 75th Anniversary and its alignment with the Implementation of the AfCFTA and the "Africa We Want", there were 13 panels on the agenda to discuss including :

1. *Overview and Updates on the Situation of Human Rights and Democracy in Africa highlighting good governance and conflicts threats to Peace and security in Africa in the context of the AfCFTA;*

2. *Enhancing Civil Society Engagement with the AfCFTA*
 3. *Status of Indigenous Peoples' Rights in Africa and Prospects*
 4. *The Role of Networks in Enhancing the Protection of Women Human Rights Defenders (WHRDs) in Africa*
 5. *The inclusion of Women, Youth and vulnerable groups in driving the implementation of the AfCFTA ;*
 6. *Communities discriminated on Work and Descent in Africa: Confronting Racism, Xenophobia and Discrimination of Migrants in Africa*
 7. *Analysing the implications and impacts of Anti-Constitutional Changes in African Nations: Promoting Peace, Security towards effective implementation*
 8. *Exploring the Challenges and Responses to Shrinking Civic Space in African Societies*
 9. *Assessing Achievements and Hurdles of the Maputo Protocol*
 10. *Promoting rights-respecting Government Responses to Disinformation in Sub-Saharan Africa*
 11. *Artificial Intelligence and Emerging Technologies : Strategies, Data Protection and Human Rights in Africa*
 12. *Religious Freedom, Peace and Rights : The Sudanese Experience and Africa's Path to Silencing Guns*
 13. *Securing the Right to Education, Sexual and Reproductive Rights, and Freedom from Sexual Violence for Girls in Tanzania*
- Special Interest Groups were facilitated on the following subjects including : The AfCFTA; Freedom of Association and Assembly; Freedom of Expression and Access to Information; HRDs; Older Persons and Persons with Disabilities; Prison And Conditions of Detention and the Rights of Women.*

All the subjects of the above panels remain critical issues for discussion on our agenda. The presentations of the **situation of human rights and democracy on the continent** showed significant and positive developments, evident in the observance of improvements in the respect for human rights, good governance and the rule of law. The implementation of the legislation on parity in Senegal ; the abolition of the death penalty in Zambia ; the institutionalisation of a quota system to ensure women's representation and participation in Sierra Leone and the presentation of the TRRC recommendations in The Gambia are but a few.

The **situation of human rights in Sudan** caused by clashes between the two parties namely Sudan Armed Forces (SAF) and the Rapid Support Force (RSF) remains high on the agenda. Deep concern was raised about the human rights abuses in those countries in the face of a continuing exodus to neighbouring countries. The Forum welcomed the decision of the United Nations Human Rights Council, through the adoption of a Resolution at its recent 54th session, to urgently establish an independent International Fact-Finding Mission (FFM) for Sudan. The FFM will have a broad mandate to investigate and establish the facts, circumstances and root causes of violation, collect and consolidate evidence, identify those responsible and make recommendations on accountability, among others. While welcoming the participation of African Union

representatives in future inactive dialogues on Sudan in addition to consideration of ACHPR Resolution 563 adopted on August 4, 2023. The Forum urges that the FFM should give due regard to ensuring the complementarity of its efforts with those of other actors, drawing especially from the knowledge and expertise of ACHPR, in line with good practice aligned with Addis Ababa Road Map to ensure cross-fertilizing accountability efforts of the AU and UN human rights bodies.

Furthermore, the Forum stressed the need for the two factions to continue the ceasefire without conditions in order to safeguard and guarantee the lives and integrity of civilians, while ensuring the provision of humanitarian corridor for aid.

While appreciating these developments, the Forum asserted yet again that from the East to West and Central, North to South, **Africa continues to face serious human rights challenges** characterised by conflict, insecurity and violence highlighting among others the rise in cases of violence against women; poverty; against indigenous groups; disease, internal political strife; resulting in the taking up of arms by rebel and or military groups; arbitrary detention and extrajudicial killings continue to bring hardships to the majority of citizens of the affected countries, especially the women and children.

The Forum reiterates its deep concern about the condemnation of severe infringements on rights and freedom of citizens in Eritrea, including arbitrary arrests and protected detentions without trial of former cabinet members and government officials, members of Parliament, members of opposition parties, journalists and media. Furthermore the Forum is also concerned about reports of the use of extortion, fraud, threats and violence to collect taxes outside Eritrea from its nationals, as well as the practice of demanding that Eritrean in the diaspora to sign the so called “regret form to be entitled to consular services from Eritrean diplomatic missions.

Unconstitutional changes of government and its attendant challenges remains a cause for concern in a number of countries including Chad, Guinea, Mali and Sudan where serious and massive human rights violations are being perpetrated against the civilian population, serious challenges which call for a constant and increasing strengthening of the protective and promotional mandate of the Commission.

While the African Union Commission, the **ACHPR and women of Africa celebrate 20 years of the Maputo Protocol**, the Forum continued to commemorate this important milestone in the promotion and protection of the rights of women on the continent, taking stock of progress, challenges, successes and charting the way forward. It was noted that only 44 out of 54 states have ratified, some with reservations, while only 17 have reported according to the ACHPR guidelines. The Forum calls on The African Commission to urge the 11 states that have not ratified to do so; that those who have not reported on their status of implementation according to the adopted guidelines to

oblige and those states that have reservations to consider lifting them so that all women in Africa would enjoy all the rights enshrined in the Maputo Protocol.

As **HRDs** celebrate 25 years of the UN Declaration on HRDs, their situation remains precarious exacerbated by the increasing closure of civic space. The Forum eagerly awaits the setting up and conduct of the investigation into the brutal murder of one of its sons on its land and to ensure that perpetrators face justice.

Additionally, the situation of Women Human Rights Defenders (**WHRDs**) is hazardous and unstable putting many a live in danger. Challenges faced by women human rights defenders were shared and the importance of networks in safeguarding their rights discussed. The Forum recommended the need to provide targeted capacity building, diversifying advocacy to be proactive rather than reactive, addressing threats against women human rights defenders, and defending feminist rights.

Furthermore, while applauding the adoption of the Study on the situation of Women Human Rights Defenders in 2015, the Forum opined that it needs to be updated to reflect the current times and incorporating the opinions of many more than was involved in the previous study. Consequently, the Forum, considering the landmark twin celebrations of 25 years of the HRDs and 20 years of the Maputo Protocol, call on the African Commission to **commission a study to update the 2015 WHRDs Study** with a wider sample of stakeholders. It is envisaged that the output would offer the opportunity to effectively portrait the current situation while providing recommendations and a roadmap for the future.

Elections continue to be a trigger causing pre and post electoral violence leading to conflict in many African countries. It is paradoxical that a process that aims to promote and strengthen democracy and good governance has become a key driver of conflict. While Zimbabwe is still reeling from its elections, Senegal is gearing up by silencing all dissenting voices and subjecting them to detention with trial. Ensuring free, fair, transparent and credible elections in a peaceful environment is desired and The Forum calls on ACHPR to call on states to live up to these expectations.

Ladies and Gentlemen

The importance of addressing **discrimination** in various African countries, including social discrimination, occupational discrimination, leading to limited access to education, among other services was highlighted. Recommendations include enacting anti-discriminatory laws, aligning existing laws with international standards, and protecting individuals and media practitioners from exploitation were made by the Forum.

Distinguished Ladies and Gentlemen,

The **Outcomes of the Forum** will be forwarded, for the kind consideration of your

august body, as our contribution to your deliberations at this 77th Ordinary Session.

The Forum noted with satisfaction that the **reports of Eritrea and Uganda would be considered** and have reviewed the situation of human rights in those countries. While congratulating these countries, The Commission is urged to encourage other States yet to submit their reports to consider doing so at the earliest opportunity.

Distinguished Ladies and Gentlemen On behalf of the participants, I would like to **reiterate the willingness and readiness of the NGO community to work with the human rights system and its mechanisms** in the realization of their mandates. As partners, we reiterate our commitment to collaborate with the ACHPR in the process.

In the true spirit of the **AU's Constitutive Act** in which the Heads of State of Africa professed a 'common vision of a united and strong Africa, energised by partnership between governments and all segments of civil society', representatives at this Forum reaffirm their commitment to the reinforcement of these partnerships with the African Union and all its organs, in the furtherance of human rights, good governance and the rule of law in Africa.

The Forum participants have **continued to demonstrate their dedication to the work of the African Commission**, especially in these hard and trying times, by their enthusiastic and passionate contributions to the preparations leading to their participation in this Session.

The Forum, while **pleased with the progress made by the African Commission notes that serious challenges with the potential to affect its effectiveness and independence persist**. We would like to take this opportunity to launch an appeal to states and indeed the international community to continue to support the strengthening of this institution, which will, no doubt, go a long way towards the effective implementation of its mandate while assuring the citizens of Africa that the promotion and protection of human rights and the rule of law remain at the top of its agenda

Distinguished Ladies and Gentlemen

As I conclude, I would like to **extend the appreciation of the Forum to partners** who have accompanied the Forum during this session's Forum, namely IPAS; Ford Foundation Office for West Africa; Open Society Foundations; UNOWAS and OHCHR both West and East Africa Regional Offices as well as those organisations that have sponsored CSOs participants to the Forum and Commission sessions.

The Forum recognises that its engagement and participation has a profound impact on the lives of millions of people and it is only when we work together, we can bring about the positive change we want to make Africa a place where human rights are cherished, protected, and promoted for all its peoples.

Thank you for your unwavering dedication to the cause of human rights, as we proceed with determination, courage, and unity throughout this 77th Ordinary Session. Our journey toward a better Africa is reignited here, in Arusha, today

Your Excellencies, Distinguished Ladies and Gentlemen

On behalf of ACDHRS and indeed the participants of the Forum of NGOs, we **wish** The Honourable Chairperson, the Vice Chairperson and all the **Members of the African Commission, fruitful session.**

Thank You for your kind attention.

HJF
ACDHRS,
Forum of NGOs Secretariat
20 October, 2023