

Draft NGO STATEMENT
OPENING CEREMONY
OF THE
83RD ORDINARY SESSION,
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)
2nd MAY, 2024

Honourable Attorney General and Minister of Justice, Mr. Dawda A. Jallow represented by Dr. Ismaila Ceesay, Minister of Information;

Your Excellency, Mahamoud Ali Youssouf, Chairperson of the African Union Commission;

Honourable Chairperson, ACHPR, Commissioner Remy Ngoy Lumbu; Vice Chairperson, Commissioner Janet Ramatoulie Sallah-Njie and Hon. Members of the African Commission on Human and Peoples' Rights (ACHPR);

Excellences, Ministers of State Parties to the African Charter on Human and Peoples' Rights

Hon. Jean Marie N'birantije, Chairperson, Committee on Justice and Human Rights;

Hon. Justice Modibo Sacko, Vice President of the African Court on Human and Peoples' Rights

Hon Chief Fortune Charumbira, President, Pan Africa Parliament

My Lord, President of the African Court, Honourable Wilson De Almeida Adao;

Vice Chairperson and Members of the African Committee of Experts on the Rights and Welfare of the Child ;

Your Excellency, EU Ambassador to the Gambia, HE Immaculada Roca I Cortes representing the European Union Special Representative for Human Rights

Mr. Marcel Akpovo, Representative of the UNOHCHR East Africa Regional Office representing His Excellency Volker Turk, United Nations High Commissioner for Human Rights, and Members of the United Nations Family present – UNDP, and WARO, UNOCI and

Mr. Malamine Tamba, Senior Human Rights Adviser, UNOWAS;

Your Excellencies, Members of the Diplomatic and Consular Corps;

Dr. Joseph Whittal, Hon. Chairperson and Representatives of the Network of African National Human Rights Institutions;

The Chairperson Hon. Justice Bossa and Executive Governing Council Members of the African Centre for Democracy and Human Rights Studies (GC/ACDHRS);

Venerable Religious and Traditional Leaders;

Representatives of National and International NGOs;

Representatives of the Press and Media;

Distinguished Ladies and Gentlemen;

All protocols respectfully observed

On behalf of all the participants of the **Forum of NGOs in the Work of the 83rd Ordinary Session of the African Commission on Human and Peoples' Rights**, it is an honour and a privilege to deliver a statement, to this august body.

Allow me to extend the warm greetings 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, to **express our appreciation to the Chairperson and Members of the African Commission as well as its Secretariat** for affording us with the opportunity to accompany yet another ACHPR session.

Your Excellencies, Distinguished Ladies and Gentlemen

The Forum wishes to thank **the Government and People of The Republic of The Gambia**, for hosting the 83rd Ordinary Session and to extend the appreciation of the participants of the Forum of NGOs for the continued support and hospitality accorded to the African Commission and its stakeholders, since their arrival, which has enabled the organisation of pre session and other activities.

Your Excellencies, Distinguished Ladies and Gentlemen,

The proceedings of the NGO Forum, preceding the 83rd Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR), held at the Sir Dawda Kairaba Jawara International Conference Centre from 28th to 30th April 2025, focused on the theme AU's theme of the Year: **"Justice for Africans and People of African Descent through Reparations."** The event convened a diverse array of stakeholders, including civil society leaders, human rights defenders, and government representatives, to reflect on the meaning of justice and the imperative of reparations for historical and ongoing injustices. Featuring a total of **12 panel discussions** and 8 Special Interest Groups discussing critical aspects of reparations and its intersection with human rights, justice and development across Africa. Furthermore, valuable insights were provided on the most persistent and urgent human rights and governance issues facing the continent.

With a Keynote Address delivered by the Solicitor General and Legal Secretary, Mr. Hussein Thomasi, on behalf of the Attorney General and Minister of Justice of The Republic of the Gambia, the Chairperson of the ACHPR, Mr. Remy Ngoy Lumbu made the Opening Statement and declared the Forum open.

Over 179 participants (101 males/77females) **from over 36 African countries**, including 6 participants from Europe and 1 from North America participated. Except for a few speakers and facilitators joining virtually, the rest participated physically.

The outcome documents from the Forum comprise 11 country resolutions (Algeria, Cameroon, Cote D'Ivoire, Democratic Republic of Congo, Egypt, Ethiopia, Gambia, Guinea, Sudan, South Sudan and Tunisia); 6 thematic resolutions (Ensuring electoral Integrity in Africa; Human Rights Defenders; Legal Reform of Colonial Era Laws to address reparations; Reparations; and

Transnational Organised Crime in Africa); and 1 thematic recommendations (Persons with Disabilities focusing on women and girls).

Distinguished Ladies and Gentlemen, please permit me to share a very brief overview of the key takeaways and recommendations from these panels. The impact of the Forum is not measured by attendance of participants but by the quality of ideas generated together with passion and

Your Excellences, Distinguished Guests,

In reiterating the importance of The Forum's theme, discussions challenged the participants to consider the true meaning of justice, as it may be fluid depending on victims and survivors perspectives.

Participants were cautioned against reducing reparations to mere financial compensation but were urged to develop effective strategies for achieving justice that go beyond monetary redress. Despite the outcomes and declarations of the World Conference against Racism and other follow up resolutions, colonialism's legacy persists in modern forms of exploitation and injustice, making the Forum's work both timely and necessary.

Reparations are not only about compensation. It is about acknowledging past wrongs and committing to systemic change and transformative actions to address persistent inequalities and ensure meaningful redress. While the Forum underscored the complexity of reparations, it was noted that the needs of survivors of violence must be addressed, including victims of gender-based violence. Indeed, true justice requires more than financial compensation.

The Forum emphasized the need to focus on meaningful strategies to advance justice and reparations for victims and survivors across Africa. It was stressed that **NHRIs and CSOs have pivotal role** in promoting justice systems that promote and protect the realization of all human rights for all in the consideration of reparations.

Ladies and Gentlemen

The Forum highlighted the deteriorating global context of rising right-wing ideologies which adversely impacts on the human rights situation in Africa, marked by shrinking civic space, instability and increasing repression of activists and journalists. The distressing plight of migrants, especially in North Africa, who face xenophobia and systemic discrimination was condemned. Furthermore, while the Forum denounced the increasing misuse of anti-terrorism laws to stifle civil society, the participants expressed solidarity with organizations facing operational restrictions. He concluded by calling for recognition of past violations and the need for reparations as a path to healing and reconciliation.

Ongoing conflicts in Sudan, the DRC, and Mozambique were highlighted among others, and the risk of further coups and instability is higher. Despite these challenges, the Forum saw opportunities for consolidating gains in justice and reaffirming the rule of law and praised the African Union's designation of 2025 as the "Year of Justice for Africans and People of African Descent through Reparations" and called for action to implement a unified African reparations agenda.

The Forum posited that advocating for reparations is rooted in international law, including financial compensation, institutional reforms, and cultural restoration. Reparations are neither a privilege nor charity !

In highlighting The Gambia's Victims Reparations Act as a national effort toward justice, it was stressed that reparations must address historical injustices without apportioning blame to current generations. While recognizing that reparations are neither a privilege nor charity, participants framed the call for reparations as a moral imperative to promote healing, dignity, and equality for Africans and people of African descent.

In reviewing the **human rights situation**, it was highlighted that impunity remains entrenched in many countries with Eswatini, Ethiopia, Senegal among others either selectively delaying the implementation of decisions or actions to ensure accountability. Despite the existence of measures to protect justice, rule of law and accountability for crimes, processes remain at a standstill. The Forum, however, applauded the prosecution and conviction of 8 persons in Guinea connected with the September Stadium Massacre.

All sub regional focal point reports documented the massive restrictions of Civic Space, protests as well as freedom of expression, assembly and association which threaten civil society operations, existence and independence.

The Forum therefore call on ACHPR to urge states to end all forms of harassment against defenders and activists and to create and maintain a safe and enduring environment to facilitate their operations.

The Forum took the form of an Inaugural Panel on the adopted AU Theme of the Year on Discussions based on The Historical Context, Legal Foundations, and Mental Health Impacts of Reparations.

Followed by 12 panels :

- Panel 1: Sub-Regional Focal Points' Reports: Insights on The Situations of Human Rights and Democracy in Africa
- Panel 2: The People They Left Criminalized: The Legacy of Colonial Laws on Vulnerable Populations in Africa.
- Panel 3: Religious and Traditional Leaders: Partners in Justice and Reparations
- Panel 4: Justice And Reparation
- Panel 5: Gender Justice in Reparations - Femicide in Africa: Justice, Reparations, and State Accountability (Virtual)
- Panel 6: Promotion of the Resolution Passed by the African Commission on Human and Peoples Rights on Communities Discriminated Against Based on Work and Descent: Call for collective actions to eradicate traditional and modern forms of slavery.
- Panel 7: Safeguarding Civic Space in Africa: ECOSOCC's Role in Strengthening CSO Engagement Amidst Growing Restrictions.
- Panel 8: Maputo Protocol, a tool for decolonizing Africa women from harmful laws and policies.
- Panel 9: Crackdown on Civic Space in East Africa: The Suppression of Human Rights Organizations and the Crisis in Cameroon.
- Panel 10: Reparations as a Path to Justice: The Role of Women Human Rights Defenders in Restoring Dignity and Reclaiming Agency

- Panel 11: Transnational Organized Crimes: A Human Rights Perspective

- Panel 12: The Role of Human Rights Defenders in Advancing Justice - Strategic discussion regarding civic space under threat for HRDs monitoring abuses, advocating for justice and campaigning against the criminalisation of activist status.

There were 8 Special Interest Groups on the following topics, namely:

1. Peace building and conflict Resolution: Armed conflicts, military coups and political tensions.
2. Rights of women and GBV in Africa
3. Migration, Internally displaced Persons and Refugees in Africa
4. Healthcare services for Women, Children and marginalized individuals
5. Freedom of assembly and association (human rights defenders)
6. Environmental issues and human rights violations in Africa
7. Xenophobia and discrimination of persons of colour and sexual minorities in Africa
8. Communities Discriminated on Work and Descent in Africa.

All the themes of the above panels and special interest groups remain critical issues for discussion on our agenda.

Your Excellences, Distinguished Guest, Ladies and Gentlemen

The Forum calls on the ACHPR to encourage States to promote evidence-based advocacy and policy reforms, especially for marginalised and vulnerable persons including Persons with Disability as well as develop tangible strategies to address barriers to services.

Distinguished Ladies and Gentlemen

The **Outcomes of the Forum** will be forwarded, for the kind consideration of your august body, as civil society contribution to your deliberations at this 83rd Ordinary Session.

The Forum noted with satisfaction that the **reports of Ethiopia and Zimbabwe would be considered** and have reviewed the situation of human rights in those countries. While congratulating the said 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

I would like to **restate that** The **situation of human rights in Sudan** and South Sudan continue to be a cause for concern. Concern was raised about the human rights abuses including unlawful arrests and extrajudicial killings in these and other countries including DRC, Ethiopia, Mali, Niger and Nigeria. The Forum, while applauding the decision of the African Commission to dispatch a mission to Sudan, urged this eminent body to collaborate with Independent International Fact-Finding Mission for Sudan set by the United Nations Human Rights Council **in order to maximize their collective efforts as provided for by the Addis Ababa Roadmap**

Unconstitutional changes of government and its attendant challenges of instability remains a

cause for concern in a number of countries including Chad, Guinea, Mali, Niger 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. Another case in view is Togo where a new law adopted by Parliament has disenfranchised its citizens.

The **situation of HRDs**, remains precarious exacerbated by the increasing closure of civic space. Freedom of Association and Peaceful Assembly remains a daunting feat to achieve. Additionally, the Forum alarmed at the trend of abduction and killings of HRDs in Guinea, Zimbabwe and in Burkina Faso where two lawyers have been kidnapped and assassinated.

The situation of Women Human Rights Defenders (**WHRDs**) continues to be hazardous and unstable according to the challenges faced by women human rights defenders were shared yet again and the importance of networks in safeguarding their rights discussed. The Forum would like to commit itself to collaborate with ACHPR to **update the 2015 Situation of WHRDs Report** with a wider sample of stakeholders, and thereby offer the opportunity to effectively portrait the current situation and provide recommendations and a roadmap for future interventions.

Elections continue to be a trigger causing pre and post electoral violence leading to conflict in many African countries.

Distinguished Ladies and Gentlemen

Violence can and has devastated the lives of individuals, tear apart families and harm societies. Eradicating violence against women has never been more urgent because it will lead to safer and healthier relationships in families and societies. The Forum wishes to applaud the adoption of the **AU Convention of Ending Violence Against Women and Girls** last February. We are happy that ACHPR has been tasked with monitoring its implementation as this will no doubt strengthen legal and institutional mechanisms and promote a culture of respected for human rights, gender equality and the dignity of women and girls.

The Forum calls on the ACHPR to urge states to sign, ratify, domesticate and implement the Convention to ensure that women and girls can live free of violence and abuse.

While commemorating the 20th **anniversary of the Maputo Protocol**, The Forum believes the Convention will greatly enhance its implementation. The Forum and its partners therefore recommit themselves to accompany the process intensifying the ratification campaign for universal ratification of the Protocol as well as a parallel campaign to encourage states with reservation to consider lifting them to ensure that women of Africa enjoy all the provisions in the Protocol.

Furthermore, relating to the rights of women, The Forum noted that Art 10(3) of the Maputo Protocol is one of the least under utilised and unenforced article with little or no information on

status of implementation. It provides for Member States to reduce military expenditure and reallocate funds to social services, particularly those of benefit to women and girls. It was observed that no state have shared this information in their reporting to ACHPR. The Forum call on the ACHPR to urge states to include give status of implementation of this important article.

Your Excellencies, Distinguished Guests,

The Forum is concerned about the limited access to the African Court by civil society and hereby urge the ACHPR to call on states parties, especially Benin, Cote D'Ivoire, Rwanda and Tanzania to reintegrate Article 34(6) of the Court Protocol to provide access to the regional justice system.

Migration remains a worrisome issue in Africa as the number of boats unsuccessfully carrying migrants across the Mediterranean Sea continue unabated. The call to address unemployment in Africa has never become more urgent to curb the trend.

Distinguished Ladies and Gentlemen

We reiterate the willingness of the NGO community to work with the human rights system and its mechanisms in the realization of their mandates. As partners, we are committed to collaborate with the ACHPR in its processes.

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.

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 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.

It is evident that The Forum's **engagement and participation has a profound impact on the lives of millions of people** and the **importance of collaboration and building strong networks** is crucial for success. Of course, collaboration between stakeholders bring about the positive change we seek to make Africa a place where human rights are cherished, protected, and promoted for all its peoples. In so doing, we strengthen the building of the Africa we want.

The Forum continues to witness the **determined dedication of its participants, facilitators and partners** alike to the cause of human rights. As we proceed towards the 83rd AchPR Ordinary Session, it is therefore imperative that we march with determination, courage, and unity throughout inspiring our journey.

Your Excellences, Distinguished Ladies and Gentlemen

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

I Thank You for your kind attention.

HJF
ACDHRS
Forum of NGOs Secretariat
2nd May 2025