

**STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOs**  
**AT THE OFFICIAL OPENING OF THE**  
**47<sup>TH</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON**  
**HUMAN AND PEOPLES' RIGHTS, 12th MAY 2010**  
**LAICO HOTEL, BANJUL, THE GAMBIA**

Honourable Attorney General and Secretary of State for Justice of the Republic of The Gambia;

Your Excellency, Commissioner Julia Joiner, Department of Political Affairs, African Union Commission (DPA/AUC)

Your Excellency, The Chairperson of The African Commission on Human and Peoples' Rights (ACHPR), Mrs. Reine Alapini Gansou

Your Excellencies, The Vice Chairperson and Members of the African Commission on Human and Peoples' Rights (ACHPR);

My Lord, Chief Justice of the Republic of The Gambia

Your Excellency, Mr Mahamane Cisse Gouro, Special Representative of the High Commissioner for Human Rights

Mr. Patrice Vahard, Senior Human Rights Advisor, United Nations Office in West Africa

Your Excellencies, Members of the Diplomatic and Consular Corps;

Distinguished Governing Council Members of The African Centre for Democracy and Human Rights Studies (ACDHRS);

Distinguished Members of the NGO Forum Steering Committee;

Honourable Members of the National Assembly;

Honourable Secretaries of State ;

Distinguished State Representatives;

Venerable Religious and Traditional Leaders;

Representatives of National Human Rights Institutions;

Representatives of National and International NGOs;

Representatives of the Press;

Distinguished Ladies and Gentlemen;  
All protocols respectfully observed

The African Human Rights Community are once again gathered for yet another session of the African Commission on Human and Peoples' Rights and I am privileged, as a representative of the NGO Forum Steering Committee, to stand before this august assembly with the responsibility to present a statement on behalf of my colleagues of the Forum on the participation of in the 47<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights.

I would, therefore, on behalf of all the participants of the NGO Forum, and indeed on my own behalf, like to **thank the Chairperson of the African Commission** for affording us this opportunity.

Your Excellencies, Distinguished Ladies and Gentlemen

Allow me, at the onset to also express our **gratitude** to the Government and people of The Gambia for their hospitality, in facilitating the activities of the 47th Ordinary Session and to reiterate the appreciation of the Forum of NGOs for the continued warmth afforded them since their arrival on Gambian soil.

Your Excellencies, Distinguished Ladies and Gentlemen,

In keeping with tradition, the **NGO Forum** was held for three days prior to the commencement of this Session of the Commission. As usual, the turnout was remarkable, the debate objective and professional leading to commendable outcomes. Over 164 representatives from 30 African countries participated including 21 participants from Europe, The USA and Latin America.

The Forum acknowledged that although challenges in the human rights and democracy situation on the continent persists leading to violence, insecurity and conflict, some **real and positive developments** have been registered in a good number of African countries. The spirit of goodwill and cooperation of the Government of Kenya in implementing the recommendations of the African Commission relating to the Endorois People; and the increasing trend of collaboration between state and non state actors for human rights in Africa, to name but a few.

The full report of the Forum together with the adopted resolutions and recommendations will be forwarded, for the kind consideration of your distinguished body, as our contribution to your deliberations at this 47th Session.

Distinguished Ladies and Gentlemen

Please bear with me as I present to you the highlights of the said deliberations.

The Forum would like to draw your attention to a number of incidents, which have occurred in recent months and have raised the concern of participants, particularly in Burundi, Cameroon, DRC, Ethiopia, Guinea Conakry, Niger, Rwanda, Somalia, Sudan, Uganda and Zimbabwe. Full details are provided in the resolutions and recommendations emanating from the Forum.

The intention of naming is not to shame but a call to action in order to address potentially deteriorating observance of human rights.

In **Burundi, Malawi, Rwanda and Uganda**, there are reports of increased intimidation, harassment and homophobic attacks directed at people of different sexual orientation. Access to justice is minimal or non-existent, while LGBTI Women HRDs face the brunt of the violence.

Consequently, we would wish to reiterate our request to the **African Commission to consider conducting fact finding missions to these countries** to ascertain the veracity of these reports and to adopt a resolution publicly condemning all violations of international human rights and humanitarian law committed by all parties in all conflicts in Africa and to work with the African Union in their resolution.

Distinguished Ladies and Gentlemen

There is no doubt, that the violations characterizing the above mentioned countries already show warning signs of deterioration in the system. While urging the states to respect their international, regional and national commitments, we further **urge the African Commission to investigate all the situations** with a view to propose and implement concrete steps to ensure the resolution of these aforementioned conflicts.

Furthermore, it was observed that suppression of the **freedom of expression, opinion, assembly and the press** was becoming the norm rather than the exception and therefore continue to be a cause for concern on our continent with formulation of draconian laws, harassment, intimidation, killings and arbitrary detention. In this regard, the Forum requests the African Commission to pay particular attention to the situation in Angola, Burundi, Central African Republic, The Democratic Republic of Congo(DRC), Ethiopia, The Gambia, Eritrea, Nigeria, Senegal, Somalia, Sudan, Swaziland, Tunisia and Zimbabwe. We thereby request the African Commission to express solidarity with all journalists living under extreme persecution and to urge states to abolish repressive laws and to ensure a conducive environment for the protection of journalists in Africa.

Your Excellencies, Distinguished Ladies and Gentlemen,

Although the situation of **Human Rights Defenders** on the continent continues to be precarious, we are heartened by steps taken the African Commission to address this challenge. The Forum however, urges the African Commission to consider preparing

resolutions on Cameroon, DRC and Rwanda for the prevailing circumstances relating to HRDs and to urge states to implement the UN Resolution on HRDs.

The Forum wishes to express its satisfaction so far in working with the mechanisms of the African Commission and urge the African Union **to provide sufficient resources for the maintenance of all its mechanisms** to ensure greater impact.

Distinguished Ladies and Gentlemen

Similarly, we would wish to reiterate the fact that increasing numbers of African **migrants, refugees and internally displaced persons** are forced to leave their homes, leading to total disruption of their livelihoods as a result of insecurity and conflict. While we applaud the adoption of the African Union Convention on the protection of refugees and displaced persons held in Entebbe, Uganda from 22-23 October, 2009, The Forum sincerely hopes that states would speedily ratify and implement this convention, which will hopefully help to mitigate the suffering of millions of refugees and IDPs in Africa.

The need to offer **special protection to the elderly, the disabled and particularly to women and girl children** who often find themselves open to abuse as a result of break down in security, in all circumstances, cannot be overemphasised. It was proposed, however, that the working group established for the elderly and the disabled should be separated as these were fundamentally different conceptually and normatively. While restating that disability does not mean inability, it was believed that this course of action will allow for more focused intervention on these two issues by the African Commission.

The deplorable situation of **indigenous populations**, also received the attention of the Forum. The increased exploitation of land owned by these populations as well as their vulnerability, it was agreed, needed more attention. Consequently, The Forum would like to request the African Commission carry out systematic regional consultations through its

Working Group on Indigenous Populations and to consider establishing a mechanism by appointing a Special Rapporteur on Indigenous Populations.

The Forum congratulates the African Commission for changing the name of the Working Group on the Robben Island Guidelines to ‘**The Committee on the Prevention of Torture in Africa**’, in line with similar regional and international mandates. While noting that challenges exist in the maintenance of prisons and places of detention and the use of **torture** in some states, we request the African Commission to urge states to ratify and implement the Convention Against Torture and its Optional Protocol to prohibit torture and to accelerate the establishment of the National Preventive Mechanisms and therefore contribute to the systematic monitoring of prisons and places of detention as well as the use of torture.

The need for states to condemn the death penalty and to commit themselves to its abolition was also reiterated.

Your Excellencies, Distinguished Ladies and Gentlemen

The continuing depletion of Africa’s **natural resources** as well as the deterioration of the **environment** as a result of the lack of transparency in investments and corporate policy was also a subject of review. While the African Commission was commended for setting up a working group on this theme, it was necessary to consider the formulation of mechanisms to protect Africa from exploitation in its various forms.

The human rights dimensions of **climate change** were given prominence during this session. It was disheartening to realise that the communities and groups that are least responsible for the phenomenon continue to be the most affected. We congratulate the African Commission for setting up a working group on this issue but urge them to press for the recognition of the linkage between human rights and climate change. Considering that a multi-faceted approach is imperative, the obligation of states that have resources to

meet their obligation of contributing towards the mitigation of climate change cannot be overemphasised.

**Forced evictions** is a violation of human rights which denies victims access to their basic rights. Participants drew attention the desperate situation of evictees from Nigeria and reiterated the importance of reinforcing socio-economic and cultural rights as well as ensuring that victims are provided with adequate security and compensation.

In a bid to support the **strengthening of international justice**, The Forum fully endorses the principles of the state's Responsibility to Protect and continue to request the African Commission to urge member states to fully collaborate with the International Criminal Court in order to prevent and atrocities in Africa.

Distinguished Ladies and Gentlemen

The Forum also reemphasised the necessity of popularising the various documents emanating particularly from the African Union and the African Commission to ensure that the messages contained therein reach the African populace. The importance of **human rights education** was also underscored and representatives of the Forum re committed themselves to work towards the achievement of this goal.

The Forum would like to encourage more collaboration and joint actions between the Institutions of the African Union especially the African Commission on Human and Peoples' Rights and the **Committee of Experts on the Rights and Welfare of the Child**. While urging the African Commission to make a clear statement that violence against children is a violation of human right, the need to increase investment in education and to prioritise the right to education was flagged as being very crucial to the development of children.

The Forum would wish to draw the attention of the African Commission to the issue of **citizenship and nationality** has indeed been raised relating to the fact that many groups

in Africa are increasingly being classed as stateless. This phenomenon affects migrants, refugees, asylum seekers and internally displaced persons not to mention the large groups of women and children that are trafficked within our porous borders. The African Commission is hereby requested to carry out a fact finding mission on this subject in a bid to develop a mitigation strategy.

Your Excellencies, Distinguished Ladies and Gentlemen

On behalf of all the participants, I would wish to again **congratulate the Commission** and indeed His Excellency, the Chairperson for the many missions and achievements registered during the last inter session, and would wish to reiterate the readiness of the NGO community to work with the Commission and its mechanisms in the realization of their mandates.

Permit me, Madam Chairperson, to **express our profound gratitude to the African Commission** for your collaboration and support in the organisation and facilitation of the NGO Forum. We would equally like to extend our appreciation, through you, to the Secretariat of the African Commission, and particularly to the Secretary and the Legal Officers, for the interest and continued support enjoyed by the NGO community, particularly those with observer status. We will continue to urge as many of our participants in the wider community to apply for observer status and thereby play their role and to benefit from the access provided by this great institution.

The Forum **congratulates the Office of the High Commission for Human Rights (OHCHR) particularly the East Africa Office for having initially facilitated the development of a human rights strategy for Africa in the past NGO Forums.** Although the process is now under the leadership, of the DPA/AUC, the Forum pledges its support and is committed to the collaboration.

Furthermore, participants noted, with satisfaction, the initiative of the DPA/AUC and the OHCHR to operationalise the implementation of the 10 year capacity building project. The Forum appreciates the organisation of the recently concluded Conference on ‘Enhancing cooperation between regional and international human rights systems and mechanisms. In a spirit of true partnership, NGOs are pleased to have been involved in the process and hereby urge all partners to consolidate the efforts towards the building and sustaining of linkages for human rights in Africa.

Within this framework of collaboration, the Forum wishes to request the African Commission to urge states to cooperate in the operationalisation of their commitment to the UPR. The need to draw inspiration from the APRM process has proposed.

Your Excellencies, Distinguished Ladies and Gentlemen,

Participants to the Forum of NGOs note with satisfaction the elaboration of the African Governance Architecture and the insightful decision to dedicate the forthcoming January 2011 AU Summit to the theme of “Shared Values”. This process encompasses the formulation and eventual adoption of a human rights strategy for Africa as well as the ratification and entry into force of the African Charter on Democracy, Elections and Governance (ACDEG). Lack of independence of the electoral systems has made elections in Africa a growing source of conflict and spurred by the substance of the ACDEG, participants have committed themselves to actively support the call of the DPA/AUC to campaign for its speedy ratification and implementation.

While applauding the Department of Political Affairs of the African Union Commission in particular, for such an initiative, participants appreciate their involvement in the process and pledge their resolve to support the DPA/AUC, as it leads this process and assure them of our readiness to play our part, as is usual. The AUC is further urged to collaborate with other organs and institutions in the implementation of this mandate.

The Forum also noted that many African and International instruments have been ratified by states, which is commendable. However, the challenge remains that **there is need to harmonise and implement these treaties at the national level** in order to maximise their impact. Consequently, we would wish to appeal to states, which have not ratified these pertinent treaties, to speedily ratify them and therefore enable their inevitable implementation. We similarly, urge those who have ratified to ensure that harmonisation does take place to speed up their implementation and thereby give life to their provisions.

In the same vein, we wish **to urge states to ratify and expedite action on the domestication and effective implementation** of the **Rome Statutes**.

Distinguished Ladies and Gentlemen,

The entry into force of the Protocol to the **African Charter relating to the Rights of Women in Africa** continues to be a beacon of hope for the promotion and protection of human rights in Africa. We, therefore, wish to congratulate all the 27 countries that have ratified the Protocol and fervently hope that universal ratifications by other states would usher in that much needed momentum to put into action gender equality in our various countries. As we look forward to the launching of the African Women's Decade, we are keen to see much progress made in this important area of human rights. The Forum reviewed the linkages between HIV/AIDS and the Protocol and wishes to acknowledge that Violence Against Women is adequately covered in the Protocol and there was need to consider the establishing a mechanism on the Right to Health, which is very important to women in these trying times of violence and conflict, which has grave consequences for women. Furthermore, we request that the African Commission urge states to operationalize Resolution 1325..

Participants at the Forum recognised the lack of impetus in the **implementation of the World Conference against Racism (WCAR) Declaration and Programme of Action**

**urged** the OHCHR to renew and revitalise its strategy in accompanying the implementation process of the Programme of Action.

The importance of management of human rights information and documentation was also a subject of discussion, considering that quality of our work depends to a large extent to the efficient organisation of information. The Forum commits itself to building capacity in this area and calls on the African Commission to take the advantage of opportunity provided by the expertise within civil society.

Madam Chairperson, Distinguished Commissioners, Honoured Guests, Ladies and Gentlemen,

I would like to conclude by **reiterating the readiness of your partners, particularly NGOs with Observer Status** to work in collaboration with the African Commission to further complement your efforts in your work to promote and protect human rights, good governance and the rule of law in Africa.

Madam Chairperson

On behalf of the participants of the Forum on the Participation of NGOs in the work of the 47<sup>th</sup> session of the African Commission, allow me to wish you, Your Excellency, and all the Commissioners a **fruitful deliberation and a successful session**.

Thank You.

*HJF /  
ACDHRS  
May 2010*