

# **SPEECH OF THE NGO REPRESENTATIVE**

## **NGO STATEMENT AT OFFICIAL OPENING OF THE 41<sup>ST</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS ACCRA, GHANA 16 MAY 2007**

Honourable Joe Ghartey, Attorney General and Minister of Justice of the Republic of Ghana; representing His Excellency John A. Kufuor, President of the Republic of Ghana;

Honourable Osei Prempeh, Deputy Attorney General and Minister of Justice;

My Lord Chief Justice and Justices of the Republic of Ghana;

Honourable Members of the National Assembly;

Honourable Ministers and State Representatives of Ghana;

Your Excellency, Madam Julia Joiner, Commissioner for Political Affairs, African Union Commission (AUC);

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

Your Excellencies, Members of the Diplomatic and Consular Corps;

Venerable Religious and Traditional Leaders;

Distinguished State Delegates;

Representatives of International Organisations;

Representatives of National Human Rights Institutions;

Representatives of National and International Non Governmental Organisations;

Representatives of the Press;

Distinguished Ladies and Gentlemen;

All Protocols respectfully observed

I am privileged to stand before this distinguished gathering of the African human rights community, once again, with the responsibility to give a statement on behalf of my colleagues of the Forum on the Participation of NGOs in the 41<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' rights.

On behalf of all the participants of the NGO Forum, and indeed on my own behalf, I wish to thank H.E. the Chairperson and Members of the African Commission for affording us this opportunity.

**Your Excellencies, Distinguished Ladies and Gentlemen,**

Please allow me to also express our **gratitude** to the Government and people of Ghana for their hospitality, in facilitating the activities of the 41<sup>st</sup> Ordinary Session and to reiterate the appreciation of the participants of the Forum of NGOs for the warmth afforded them since their arrival. We would also wish to congratulate this great nation as it continues to celebrate its 50<sup>th</sup> anniversary of independence.

**Your Excellencies, Distinguished Ladies and Gentlemen,**

In keeping with tradition, the Forum on the Participation of NGOs in the 41<sup>st</sup> Session of the African Commission on Human and Peoples' Rights, commonly referred to as the **NGO Forum** was held here in Accra, Ghana from the 12-14 May 2007, a few days before the commencement of this Session of the Commission.

This year is yet another important one for human rights in Africa, considering that both the African Union Commission (AUC) and the African Commission on Human and Peoples' Rights (ACHPR) have continued to work diligently together in their quest to chart the way forward in consolidating the promotion and protection of human and peoples' rights in Africa. We would like to take this opportunity to congratulate them on the recent organization of the brainstorming in Maseru, Lesotho, one in a series organized by the

AUC and fervently hope that it will add value to the work of Africa's foremost human rights institution.

**Distinguished Ladies and Gentlemen,**

The Forum noted that while Africa has seen significant and positive developments in the human rights and democracy situation on the continent, it is worthy to observe an improvement in the respect for human rights, good governance and the rule of law. In its wake, the African Charter has seen the formulation, adoption, ratification and implementation of numerous instruments; decisions and mechanisms to match this growing tide, the latest of which is on Democracy and Good Governance. For greater effectiveness, we are anxious to see more efforts expended by States on their domestication and implementation.

We have witnessed the African Union continue to "take up multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world", further strengthening the continental framework to promote and protect human and peoples' rights in Africa. Likewise, we have witnessed the pursuit of human rights become an integral responsibility of the African Union. The increased involvement of civil society organizations in these processes are laudable and have gone a long way to enhance partnership and promote ownership of that process by the African people.

While applauding these developments, the Forum asserted that Africa continues to face serious human rights challenges characterised by violence, insecurity and conflict. Poverty, disease, internal political strife, resulting in the taking up of arms by rebel groups, arbitrary detention and extrajudicial killings continue to manifest the untold hardships to the majority of citizens of the affected countries, especially to women and children. The Rwanda genocide remains a constant reminder of the extent to which unrestrained lawlessness and lack of commitment to early warning can lead to unwarranted loss of life, property and above all dignity. However, many a time we wonder how short our memories are.

The full report of the Forum together with the adopted resolutions and recommendations will be forwarded, for the kind consideration of your august body, as our contribution to your deliberations at the 41<sup>st</sup> Session.

I, however, crave your indulgence to highlight and share with you some of the concerns and evolving issues raised during the Forum.

### **Distinguished Ladies and Gentlemen,**

While we celebrate the gradual return of peace and security to Liberia; the progress so far in the electoral process, **Cote D'Ivoire** continues to be a cause for concern despite the recent signing of peace agreements.

Instances of serious violations of human rights and international humanitarian law in varying degrees were cited in **Ethiopia, DRC, Djibouti, Cameroun, Darfur, Chad, Somalia and Zimbabwe.**

While human rights defenders in Ethiopia have been subjected to massive arrests and detention to the extent that some HRDs have gone into exile. The Forum continued to receive reports of arbitrary arrests and illegal detention in **Ethiopia, Djibouti, Somalia and Zimbabwe** and hereby call on the relevant authorities to respect their constitutional provisions, not to mention their international obligations.

We welcome the adoption of the **African Democracy Charter** and hope it will be a useful tool in the promotion and protection of democracy on the continent. Hopefully, more attention will be paid to violence during electoral processes, especially human rights violations against HRDs.

Furthermore, there are reports of arrests and detention of opposition politicians and activists leading to unrest in **Ethiopia.** The Forum wishes to urge Ethiopia to release all prisoners of conscience.

Consequently, we would request the African Commission to adopt a resolution publicly condemning all violations of international human rights and humanitarian law committed by all persons,

particularly in all conflicts in Africa and to work with the African Union in their resolution.

Similarly, while calling on the relevant authorities to ensure the organization of free and fair elections, the international community is urged to support civil society participation in elections on the continent. It was observed that while electoral laws provided redress for candidates; there is still little or none for the electorates who have been disenfranchised by the process. We wish to urge States to consider the review and amendment of this provision in their laws.

### **Distinguished Ladies and Gentlemen,**

The violations in some of these countries either bear the hallmarks or already indicate warning signs of deterioration in the system. We further urge the Commission to propose concrete steps to ensure the resolution of these aforementioned conflicts.

Likewise, reports of the deteriorating human rights situation in countries like **Sudan (Darfur) and Zimbabwe** have not ceased to perturb the participants at the Forum. The Forum hereby renews its plea to the African Commission to request the African Union to encourage the Government of Zimbabwe to implement the recommendations contained in the African Commission's fact-finding report to Zimbabwe, the recommendations of the United Nations Special Envoy on Human Settlement Issues pertaining to the provision of aid and protection to the victims of the forced evictions and demolitions among others to avoid the collapse of the State.

The situation in Darfur remains catastrophic. We cannot continue to be mere spectators of the process otherwise history would judge us harshly. We urge the government of Sudan to accept the deployment of the AU/UN hybrid keeping force in Darfur in order to protect the defenceless civilians in the region. We also call on the government of Sudan to fully co-operate with the International Criminal Court (ICC) and arrest and hand over all individuals against whom the ICC issued arrest warrants for their role in the commissioning of war crimes and crimes against humanity in Darfur.

At this juncture, Distinguished Ladies and Gentlemen, allow me to extend our plea to His Excellency, John Kufuor, President of The Republic of Ghana and Chairperson of the African Union to use his good offices to find a peaceful and lasting solution, particularly in Darfur and Zimbabwe.

It was also reported that journalists continue to work under fear from loss of life, death and harassment in countries like Eritrea, The Gambia, Nigeria, Sierra Leone, Somalia, Sudan and Zimbabwe as the suppression of **freedom of the press** continues to be the order of the day on our continent with the formulation of draconian laws, intimidation, killings and arbitrary detention. The Forum calls on States to support the work of the Special Rapporteur on Freedom of Expression by respecting the Declaration of Freedom of Expression. Furthermore, the African Union Commission is encouraged to promote the work of journalists.

**Your Excellencies, Distinguished Ladies and Gentlemen,**

As the situation of **Human Rights Defenders** on the continent continues to be very perilous some States like Angola and Zimbabwe are reported to have enacted new legislation hindering operations of HRDs. We salute the work done so far by the Special Rapporteur for Human Rights Defenders in Africa and while calling on States to support this mechanism, urge the African Union, States and all partners of the African Commission to commit themselves to providing sufficient resources for the maintenance of this and all other mechanisms in order to ensure greater impact.

Similarly, we would wish to draw attention to the silent and almost forgotten statistics of African refugees and internally displaced persons who depend more or less on the hospitality and limited resources of host countries due to insecurities and conflict in their home countries. While the initiatives of settling refugees returning to **Angola and Liberia** continue to bring some hope, we remain gravely concerned by some involuntary movements of **refugees and internally displaced persons** especially in countries where there have been long periods of displacement.

The Forum applauded the formulation of the ECOWAS Protocol on Refugees and IDPs which is geared towards the preparation of periodic reports and data on these groups.

The need to offer special protection to women and girl children who often find themselves open to abuse as a result of breakdown in security cannot be overemphasised. The Forum therefore, wishes to acknowledge the work done so far by the Special Rapporteur on Refugees and Internally Displaced Persons in Africa.

The deplorable situation of **indigenous persons** also caused concern to civil society organizations at the Forum. Note was taken of the difficulty of including minorities in the mandate of the Working Group on Indigenous Communities and recommends the setting up of a separate group to address their concerns. The attention of the Forum was called to the need for the African Group to negotiate the text on the rights of indigenous people adopted by the United Nations Human Rights Council and applaud the AU for placing it on the July 2007 Summit agenda.

### **Distinguished Ladies and Gentlemen**

It was also revealed that the use of **torture** and the application of the **death penalty** continue to be practiced in some States. While the promotion of the Robben Island Guidelines is highly recommended to African States, the Forum hereby urges them to prohibit torture, to condemn the death penalty and to commit themselves to its abolition.

Distinguished Ladies and Gentlemen,

Lack of access to land is at the core of most conflicts in Africa, not the least, the continuing depletion of Africa's **resources** and the deterioration of the **environment**. Privatisation of national natural resources attributes to loss of livelihood. The need for the African Commission, in unison with partners, to undertake research on exploitation, privatization of national natural resources vital in collaboration with the Pan African Parliament is key to the effective implementation of Article 21 of the African Charter on Human and Peoples' Rights.

The Forum also reiterated the importance of human rights education and underscored the necessity of popularizing and promoting the use of the various documents emanating from the African Union and its organs, and particularly the African Commission to ensure that the messages contained therein reach the African populace. Their incorporation in national school curricular cannot be overemphasized.

**Your Excellencies, Distinguished Ladies and Gentlemen,**

On behalf of the participants, please allow me to reiterate the readiness and commitment of the human rights NGO community to work with the African Commission, and indeed the African Union, for the realization of their mandates for the benefit of the African people. As partners in the process, we further commit ourselves to putting all our expertise and resources at the disposal of the African Commission in the realization of the various objectives.

**Your Excellencies, Distinguished Ladies and Gentlemen,**

Participants to the Forum of NGOs noted with satisfaction the development towards the operationalisation of the **African Court on Human and Peoples' Rights**, which provides some hope, since it is viewed as the first step towards the tackling of impunity on our continent and the consolidation of the Commission's decisions. While we appeal to States, which have not ratified the Protocol, to speedily do so, we equally urge them to give life to Article 34(6) of the Declaration granting NGOs direct access to the Court. To date only Burkina Faso has signed and deposited its instruments assenting to this Declaration.

In the same vein, we wish to urge all African States to ratify and to expedite action on the domestication and effective implementation of the **Rome Statute**.

The Forum also urges the African Commission to consolidate terms of cooperation with the Committee on the Rights of the Child in accordance with Article 32 of the African Charter on Human and Peoples' Rights.

## **Distinguished Ladies and Gentlemen,**

The entry into force of the **Protocol to the African Charter relating to the Rights of Women in Africa** indeed marked a major step in the promotion and protection of the rights of women in Africa and a tangible demonstration of successful collaborative work between the AU, the African Commission and human rights NGOs in Africa. We, therefore, wish to congratulate all the 20 countries that have ratified the Protocol but fervently hope that other States would ensue shortly, in order to provide the much needed momentum to put into action gender equality in our various countries. However, the Forum noted that despite the fact that much progress is being registered, the need to collaborate and synchronise at all levels is vital to its universal ratification, domestication and implementation as well as disengaging Africa from all gender biased discriminatory laws. The Forum while acknowledging the important role of the Special Rapporteur on the Rights of Women in Africa in all these activities are poised to collaborate and support work in this area.

Allow me, at this juncture, to urge the Members of National Assembly of Ghana to ratify, domesticate and implement the Protocol to consolidate the foundation built for the protection of women and the girl child in Ghana. While we congratulate them on the adoption of the Domestic Violence Bill, we hope that Ghana will soon join those countries that are seriously engaged in the process of domestication and implementation of the African Women's Protocol.

## **Your Excellencies, Distinguished Ladies and Gentlemen,**

The Forum applauded the **gender parity** policy adopted by the African Union, but observed that many a State are yet to replicate similar policies at the national level in conformity with the **Solemn Declaration on Gender Equality in Africa**.

The Forum congratulates the African Union for remaining engaged in the process of promoting and protecting the human rights in Africa and notes, with satisfaction, the organization of the various consultations with various stakeholders of the African Commission. It is hoped that the coincidence could be avoided in future, to ensure maximum participation of all partners.

**Your Excellencies, Madam Chairperson and Members of  
the African Commission,  
Distinguished Ladies and Gentlemen,**

We cannot conclude this statement without making mention of the wave of **impunity** that remains very poignant on the continent. Systematic inaction and absence of legislation to protect victims of human rights has made the human rights situation very volatile. The Forum urges States to use national, regional and sub-regional mechanisms at their disposal and to uphold and endorse the Responsibility to Protect as contained in the UN Millennium Summit document of 2005.

Economic, Social and Cultural Rights are not justiciable if not incorporated in many Constitutions and or are not separately stated in a Declaration. Inadequate resources hinder the right of access to education, while evictions in the guise of beautifying the environment among others remain a cause for concern. Treatment for people living with HIV/AIDS does not meet the AU Declaration on Prevention and Medication. The formulation and implementation of national policies should definitely be considered at the national level.

Finally, the Forum drew attention to the adoption of a review of the **World Conference on Racism, Discrimination, Xenophobia and other Related Intolerance (WCAR)** in 2009. While urging States and the African Commission to be involved in these processes, we urge African Union to consider the re-establishment of the Group of Eminent Persons on Reparations and to provide support for its re-constitution.

**Mr. Chairman,  
Distinguished Commissioners,  
Honoured Guests,  
Ladies and Gentlemen,**

In the true spirit of the African Union's Constitutive Act in which the Heads of States of Africa professed a "common vision of a united and strong Africa, energized by partnership between governments and all segments of civil society", representatives at this Forum

reaffirmed their commitment to the reinforcement of this partnership with the African Union and all its organs, not the least, the African Commission. We hereby urge the African Union to support the work of the Forum and to collaborate with them in the realization of this laudable mandate. As civil society organizations, it is our profound wish to complement State efforts in this direction and we have resolved to do so with the highest sense of responsibility and professionalism.

In the same vein, participants reiterated their readiness, particularly NGOs with Observer Status, to work in **collaboration with the African Commission, as the foremost body charged with the promotion, protection and defense**, and of course, the **African Union**, in the furtherance of human rights, good governance and the rule of law in Africa. It is heartening to observe the seriousness and commitment of participants in the preparations leading to their participation at this Session. Our passion is to witness much more change in the landscape and we are confident that with the unflinching support of the African Union, all should be well.

The Forum, however, expressed concern over the constraints faced by the African Commission in the implementation of its mandate and would like to take this opportunity to re-launch an appeal to the international community to **support the strengthening of this institution**, the foremost human rights mechanism in Africa.

**Mr. Chairman**

**Your Excellencies, Chairman and Members of the African Commission on Human and Peoples' Rights  
Distinguished Ladies and Gentlemen,**

On behalf of the participants of the NGO Forum, allow me to wish Her Excellency, Madam Salamata Sawadogo, and all the Members of the Commission a fruitful deliberation and a successful session.

Thank You.

*May 2007*