



45th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR)

Summary Report on the NGO Forum held from 9-11 May 2009 at the Kairaba Beach Hotel, Republic of The Gambia

The Forum on NGO Participation in the Work of the 45th Ordinary Session on the African Commission on Human and People's Rights (ACHPR) and the 19th African Human Rights Book Fair, organised and facilitated by the African Centre for Democracy and Human Rights Studies (ACDHRS) with support from Plan International was held at the Kairaba Beach Hotel, in Banjul, The Gambia from 9-11 May 2009.

The Forum brought together 103 **participants** and facilitators (53 women, 48 men and 2 transgender). This comprises 87 representatives coming from 20 **countries in Africa**; 16 participants from 5 countries **in Europe**, namely Denmark, France, Sweden, Switzerland, The United Kingdom; **and 3 from The United States of America and Canada** respectively. The participants and facilitators were generally from Non-Governmental Organisations, representing coalitions and networks together with a good number from national, sub-regional and regional institutions. Some Commissioners of the African Commission participated in the Forum and contributed to the discussions at one point or another during the plenary sessions and the Special Interest Working Groups. Those present included the Chairperson of the African Commission on Human and Peoples Rights Justice Sanji Monageng; the Special Rapporteur on Human Rights Defenders; and the Special Rapporteur on the Rights of Women in Africa. Their contributions were very much appreciated by the participants.

The three-day activity was declared open by the Hon. Marie Saine Fidaus, Attorney General and Minister of Justice of The Republic of The Gambia, represented by the Solicitor General and Legal Secretary, Mrs. Awa Bah, who delivered the keynote address. Various representatives including the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR), H.E. Commissioner Sanji Monageng; a Representative of the Governing Council of the African Centre for Democracy and Human Rights Studies (ACDHRS), Mr. Mohammed Mabassa Fall; and the Executive Director of ACDHRS, Mrs. Hannah Forster made statements at the opening ceremony. The occasion was chaired by Mrs. Forster in her capacity as the Chairperson of the NGO Forum Steering Committee.

As usual; the programme was guided by the provisional agenda for the draft 45th Ordinary Session of the African Commission circulated prior to this meeting and prepared in consultation with participants of the Forum and the Secretariat of the African Commission respectively, with the aim to review and formulate strategies and recommendations on the following themes:

- **New Developments in the human rights and democracy situation in Africa:**
As a way of updating the Forum; this session continued to highlight the state of human rights and democracy in Africa as well as the rights of specific groups. An overview as well as sub regional situations were dealt with by the main presenter, Mr. Mohamed Mabassa Fall, followed by discussants on the 5 regions in Africa as well as country situations in specific countries of concern. The Forum continued to acknowledge the progress made by some states in the observance of human rights, and identified issues for discussion - the continuing deterioration of a good number of others due to conflict and failure in constitutional obligations.

Updates on the overall situation in Africa, with discussants highlighting sub-regional state of affairs as well as on specific countries such as Angola, Central African Republic, Darfur, DRC, Kenya, Somalia, Swaziland and Zimbabwe were received. Yet again, reports were also received on early warning signs, which touched on situations in Chad, Nigeria, Guinea Bissau, Guinea Conakry and Uganda. Diverse situations including legislations to muzzle freedom of the press and media; the hazardous situation of human rights defenders particularly that of women defenders, among others were raised. The highlight of the Forum, this time round, was a panel on Lesbian, Gay, Bi-sexual, Transgender and Intersex (LGBTI) persons. Strategies to strengthen collaboration between the mandates of the United Nations with that of the African Commission were developed. Thematic special interest groups sessions relating to Refugees and Internally Displaced Persons; Minorities and Indigenous Peoples'; Women and Children; Human Rights Defenders; Impunity; the African Court; Migrant Workers; Freedom of the Medias; Lesbian, Gay, Bi-Sexual, Transgendered and Intersex Peoples'; Impunity for Violence Against Women and Girls; Prevention of Torture; Economic, Social and Cultural Rights provided the impetus for the discussion of these issues.

Impunity was reviewed in the light of the fact that we are gradually moving into a world where violators will have no place to hide, while the forum revisited the progress relating to the ratification of the Protocol to the African Court of Human Rights and Justice and urged states to ratify this treaty to enable it enter into force, and hasten its operationalization and the eventual implementation. The Forum calls on the African Commission to urge states ratify the Protocol.

- *Strategies for the ratification and implementation of the Protocol to the African Charter on the Rights of Women in Africa were exchanged as a basis for future collaboration. A seminar on the protection of girls and women from harmful traditional practices reviewed the situation and also forward strategies to the Forum. In the same vein, the situation of women in Africa as well as the role of the Special Rapporteur in making positive contributions to lives of women was also discussed. The importance of networking for women's rights was underscored by a presentation on the African Spanish Women's Network for a Better World, a network of women which provides a platform for the exchange of information as well as the sharing of experiences and expertise between African and Spanish women*
- *In all these discussions, there was the underlying objective to ensure that more work is done by civil society organisations together as well as with the African Commission during intersession in order to render our activities more effective and credible. It is believed that strategically, this will enhance our input to the work of the African Commission.*
- *To carry out our work effectively, the Forum believed that the sensitization and popularisation of all the human rights documents and procedures was key in the work of all stakeholders – African Commission, States, National Human Rights Commission, the Private Sector and Civil Society and urged the Forum to find a way of providing capacity building to participants in future.*
- *The Forum congratulated all stakeholders who collaborated in the organisation of the J'burg +10 Human Rights Defenders last month, as well as the Durban +5 Review World Conference Against Racism*
- *In line with the objectives of the **Networking for Human Rights in Africa** session, which was geared towards the provision of more information and interaction between the four main partners i.e. The African Commission on Human and Peoples' Rights; The African Union Commission; States; and Civil Society, in the development and maintenance of an effective human rights community, the Forum continued to review and receive updates on the developments taking place at the Human Rights Council as a result of the reforms at the UN Human Rights Council. Information was made available on forthcoming events and the need for civil society involvement in the processes. The presentation updated participants on the work of the Human Rights Council highlighting the developments made so far on the UPR, its challenges; the elections; and its future plans and how to ensure civil society engagement and participation. Opportunities for networking with the African Commission and NGOs were examined to consolidate on the strategies for effective collaboration between these groups with a common goal of promoting and protecting human rights in Africa. The work done by Civil Society in these processes continue to be commendable and strategies for collaboration with the network were reviewed.*

- *Updates were also received on the process of implementing the recommendations contained in the NGO Forum Evaluation adopted last year in Brazzaville, Republic of Congo. This included the election and establishment of the NGO Forum Steering Committee Members representing the five sub-regions – North, Southern, East, West and Central as well as the Diaspora. The Forum also provided the opportunity for participants to meet in their regions and draw up an action plan for cooperation during the Forum and inter-sessions all aimed at enhancing networking as well as their contributions to the work of the African Commission and other human rights bodies. The draft guidelines for participation at the Forum were circulated for comments.*

As usual, the sessions were well attended and were characterised by active participation and constructive exchanges of information and experiences coupled with a high sense of responsibility and professionalism. Participants approached their work with much determination and objectivity.

The positive contributions made by all the Special Rapporteurs as well as the Working Groups set up by the African Commission to address various human rights issues of common concern to the human rights community was applauded. The Forum, however, raised concerns that feedback is still outstanding as regards recommendations and resolutions forwarded to the Commission from previous Forums.

The Forum on the Participation of NGOs in the 45th Ordinary Session of the African Commission on Human and Peoples' Rights was declared closed by Mrs. Janice James, Economic Adviser, UNDP-The Gambia. Other speakers at the closing included, Mr. Abdul Gadiry Diallo on behalf of the NGO Forum Steering Committee; H.E. Commissioner Sanji Monageng, Chairperson of the African Commission on Human and Peoples' Rights. A vote of thanks was made on behalf of participants by Mr. Laurent Okiobitembo from DRC. Mrs. Hannah Forster chaired the occasion.

On behalf of the Forum, Resolutions and Recommendations have been formulated and are hereby forwarded, to the African Commission for their kind consideration and as the contribution of civil society in Africa, and particularly of those NGOs with observer status with your august body. The Forum took the liberty of reviewing some of these resolutions and recommendations from the previous Forum.

It is worthy to note that all the recommendations and resolutions below were adopted unanimously by consensus:

Country Specific Resolutions: (NGO/CRES/000-05-09)

1. Resolution on the situation in Central Africa Republic
2. Resolution on the situation in Guinea Bissau
3. Resolution on the situation in Guinea Conakry
4. Resolution on the situation in Kenya (updated)

Thematic Resolutions: (NGO/TRES/000-05-09)

1. Resolution on African countries in crisis and Elections (updated)
2. Resolution on Economic, Social and Cultural Rights and Access to social Services
3. Resolution on Enforced Disappearances (updated)
4. Resolution on Hissene Habre (updated)
5. Resolution on Justice
6. Resolution on Lesbian, Gay, Bisexual, Transgendered and Intersex People (updated)
7. Resolution on Protection of Human Rights Defenders (updated)

8. Resolution on the Use of Independent Experts

Thematic Recommendations - NGO/TREC/000-05-09

1. Recommendation on the situation of Children In Africa
2. Recommendation on the situation of Natural Resources in Africa (updated)
3. Recommendation the Prevention and Prohibition of Torture in Africa, including Prisons in Africa (updated)
4. Recommendation on the Protocol to the African Court of Human Rights and Justice (updated)
5. Recommendation on Refugees and Internally Displaced Persons (updated)
6. Recommendation on Somalia (updated)
7. Recommendation on a Study on Freedom of Association
8. Recommendation on Women and Girls in Africa (updated)

Copies of these 12 resolutions and 8 recommendations in the original language the document was prepared (English or French) are hereby forwarded to the Secretariat of The African Commission for onward transmission to the Commissioners while attempts will be made to read them under the relevant agenda item by representatives of the various Special Interest Group. Furthermore, it will be circulated to interested parties and partners as outcomes of the Forum. A full report will follow.

The Forum wishes to call the attention of the Commission to the other thematic and country recommendations and resolutions from other Forums and hopes that it will receive feedback as to their status. Such a list could be provided should the need arise.

Thank you.

*ACDHRS
On behalf of NGO Forum Steering Committee
Banjul, The Gambia*