

2010 NGO FORUM (I): Inside Perspectives



Banjul, May 8-10th, 2010. The Forum on the Participation of NGOs to the Session of the African Commission on Human and Peoples' Rights (NGO Forum or Forum) has provided for more than ten years a bedrock for the African scene of human rights. With the objective to offer a platform for debate to NGOs coming from all over Africa, the Forum creates a bridge between NGOs and the African Commission on Human and Peoples' Rights (Commission or ACHPR). The former presents recommendations to improve the situation of human rights on the basis of known facts in their country; the latter holds a mandate of protection and promotion of human rights that are recognised in the *African Charter on Human and Peoples' Rights*. A mutual strengthening of their work is dependant on their meeting. The present document proposes an overview of the Forum that was held in May 2010 in Banjul before the 47th Ordinary Session of the African Commission on Human and Peoples' Rights (May 12-26th, 2010). The objective is to present the organization, thematics and outcomes of the Forum through the impressions of some of the participants.

An NGO Forum to support the Commission in its mission to promote and protect human rights

“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”. Hannah Forster is the Director of the African Centre for Democracy and Human Rights Studies (ACDHRS), which is also the secretariat of the Forum. For Hannah, as for the rest of the NGO Forum Steering Committee, the attendance to the Forum by more than 164 representatives from 30 African countries including 21 participants from Europe, the USA, and Latin America is the evidence of the interest brought to the Forum and of its role in the advocacy activities of African NGOs.



Hannah Forster, Director
ACDHRS
The Gambia

Twenty-three resolutions were adopted by the Forum in plenary session. These resolutions were submitted to the African Commission, which was free to draw inspiration from them for the adoption of its own resolutions. This year the Commission adopted four resolutions on the basis of those proposed by the Forum. These resolutions concern respectively freedom of expression and access to information in Africa; the creation of a committee for the protection of the persons living with HIV / AIDS and persons at risk; the 2010 elections in Africa; and women and children trafficking and sexual exploitation during the 2010 World Football Cup.

Resolutions submitted to the Commission are the most visible outcome of the Forum. Drafted within working groups, in which the members of the African Commission take most often part, resolutions are the fruit of the experiences and expectations shared among NGOs coming from all over Africa. If the majority of the resolutions consist of thematic resolutions, eight are country resolutions. Through these resolutions, “the intention of naming is not to shame, underlines Hannah Forster, but a call to action in order to address potentially deteriorating observance of human rights.”



Clément Voule (ISHR), Chafi Bakari (ACHPR) and
Commissioner Béchir Khalfallah (ACHPR)

The Forum is a privileged place where NGOs and Commissioners can meet. To maximise this time of exchange, a workshop was organised by the International Service for Human Rights (ISHR) with the Special Rapporteur on human rights defenders, Mr Khalfallah, appointed to this function by the Commission last November. The meeting was very well received. For NGOs, it was the opportunity to meet the new representative in charge of the protection and promotion of their rights and to get to know his action plan and his objectives.

For the Special Rapporteur, it was the opportunity to hear the expectations of NGOs. "My mandate is *your* mandate; we will work and make progress together. I would also like to reassure you and to say to you that the study on freedom of association, which will be initiated this year by the African Commission, will be made *with you*, NGOs, with the aim of supporting your work. On the basis of this study, a protocol to the African Charter on human rights defenders could be elaborated."

The Forum, as well as the session of the African Commission, provided the opportunity to advance and to make visible some of the major human rights issues concerning the African continent. The parallel events organised this year revealed a wide spectrum of new subjects, such as the right to citizenship; the collaboration of NGOs with the International Criminal Court in the fight against impunity; and the situation of human rights defenders in electoral periods.

"The NGO Forum has been the site of many successes for organisations advocating for LGBTI human rights" (Monica Mbaru)



Monica Mbaru
Program Coordinator
International Gay and Lesbian
Human Rights Commission
South Africa

Over the years, the Forum has provided NGOs with a unique space to express and to share concerns and recommendations. The feeling of belonging to the Forum is striking among NGOs. Where the participants can be very critical about the Forum, they also bear in mind their responsibility and contribution to its organisation. "Newcomers to the Forum are not well prepared and their interventions are too focused on the narrative of violations and not enough on strategy proposals, says Monica Mbaru. At my level, I have to ensure that organisations working in the same field of activities, namely LGBTI (lesbian, gay, bisexual, trans- and intersex) issues, are well prepared to contribute better to the Forum and take better advantage of their participation in the Forum." The current acceptance of, and shared concerns about, LGBTI rights are the results of many years of sensitisation at the Forum and at the African Commission. The recognition by the Commissioners of these issues and the integration of these issues by NGOs such as Amnesty International and ISHR, and networks such as the East and Horn of Africa Human Rights Defenders Network, all have been great successes.

The fact that the Commission has not accredited any NGOs that promotes LGBTI rights remains a major inconsistency. Among the thematic resolutions adopted by the NGO Forum, the Resolution on the granting of observer status by NGOs working directly on LGBTI issues aimed to push towards equal access and collaboration for NGOs with the Commission.

"The mobilization of the attention of the international community on violations committed at the national level is one of the major objectives of the Forum" (Pepe Onziema)

"The attention of the international community on the situation in Uganda has placed a strong political pressure on the government which has stepped back from adopting the Bill criminalising homosexuality", explains Pepe Onziema. The call of the international community is the deed of NGOs and human rights defenders. It is echoed by the African Commission which lauded Rwanda for not having criminalised homosexuality during the examination of its report.



Julian Pepe Onziema
Program Coordinator
Sexual Minorities
Uganda

“The adoption of a human rights-based approach by organisations working in economic, social and cultural rights is still innovative” (Inna Guenda)

For WaterAid, an NGO working in the water, hygiene and sanitation sector, the motivation to attend the Forum was to advocate for the creation of a Special Rapporteur on the right to water and sanitation attached to the Commission. For Plan International, the interest of the Forum lies in the protection of organisations denouncing children’s rights violations. For these two organisations, as for all those working in economic, social and cultural rights (ESCR), the potential support of the African Commission for their activities is becoming more and more evident. The establishment of two working groups dedicated respectively to ESCR and extractive industries demonstrates the Commission’s commitment to these rights. Nevertheless, the position of these organisations working in ESCR is unclear with regard to the promotion and the protection of human rights.



Inna Guenda
Chargée de communication
WaterAid, Burkina Faso



Dédé Abavigan
(Odette)
Houedakor
Plan, Senegal

“For WaterAid, explains Inna Guenda, the question arose of the role played by human rights in its global strategy. We chose not to declare ourselves human rights defenders, because of the reluctance it generates at the level of the governments. The simple "recognition" of human rights was not however satisfactory either. For that reason, the organisation adopted the human rights-based approach settled as a development strategy within which the individual is completely involved. Our activities in this domain consist in making the population aware of its right to water and sanitation. People must make public authorities accountable for the spending of the public money allocated to this sector. A human rights-based approach is still an innovative approach which few organisations have, but which is supported by our donors and for which UNICEF gave its support ”.

In respect of Plan International, Odette Houedakor speaks of a "radical change of approach which occurred during recent years, when the approach based on needs was abandoned for the benefit of the approach based on the demand".

For that demand to exist, education and information on human rights have to become a priority. The prioritisation of education was underlined many times by the participants of the Forum.

“Resolution 1325 has significantly enhanced women’s participation in peace-building processes” (Gladys Brima)



Gladys Brima
Women’s Partnership for
Justice and Peace
Sierra Leone

The Forum contributes to the networking of NGOs and encourages participatory processes in the diverse mechanisms of the United Nations. For this reason, one afternoon of the Forum was dedicated to the participation of women in peace-building processes. The discussion focussed on the identification of good practices and gaps in the implementation of *Resolution 1325* of the United Nations Security Council. *Resolution 1325* is the first official and legal document of the Security Council which requires the parties to a conflict to respect the rights of women and to support their participation in the negotiations of peace and post-conflict rebuilding. "*Resolution 1325* played a major role in the activities which we, women, were undertaking in Sierra Leone during and after the war, in particular in refugee camps, says Gladys Brima. Robust networks were set up at the regional and local levels in order to operationalise the Resolution and to sensitise the various stakeholders to the need to adopt an action plan. I was the focal point for the south region of the Mano River Women’s Peace Network (MARWOPNET) which was supported by the West Africa Network for Peacebuilding (WANEP)."

“One cannot speak of respect for, or promotion of, human rights in a context of bad governance, in a context of electoral violence or of truncated elections covered with serious and massive human rights violations” (Commissioner Alapini-Gansou)

The participation of NGOs in electoral processes was also the object of particular attention. In this way, the parallel event organised by ISHR on human rights defenders and national legislations gave rise to a presentation of the observation activities during the 2010 elections in Togo. A parallel event was also organised by the Cairo Institute for Human Rights Studies, the African Centre for Justice and Peace Studies, the International Refugee Rights Initiative, and the Darfour Consortium on the elections and the implementation of the Comprehensive Peace Agreement (CPA) in Sudan.

The event was followed by a heated discussion between the panellists and the Sudanese delegates present in the audience.



Side event on the elections and the implementation of the Comprehensive Peace Agreement (CPA) in Sudan

"The conformity of national laws with international human rights law is the first step towards the protection of human rights defenders" (Clément Voule)

Sam Sarr
Journalist
for the
Newspaper
Foroyaa,
The
Gambia



"Human rights defenders and national legislations ", was the title of the event organised by ISHR and moderated by Clément Voule. The panel discussion was held between the NGO Forum and the session of the African Commission. At the core of the debate was the problem of the non-application of domestic law, such as in the case of the Democratic Republic of the Congo (DRC). There was also the problem of the law violating human rights, such as the bill against homosexuality currently under discussion in Uganda. Another issue was the problem of contradictive legislation, such as in Rwanda, where the law forbids ethnicity-based discrimination, but nevertheless refers to the "genocide of the Tutsis". Finally, at the core of the debate of this day was the question of the intervention of the legislator and of regulatory authorities to supervise activities for the promotion and protection of human rights. "What has happened since 2002 in the

regulation of the freedom of the media in the Gambia shows the need to push towards the implementation of the ECOWAS Protocol on good governance and democracy, which the Gambia signed in 2001, explains Sam Sarr. While the media called for a mode of self-regulation, an authority with no independence vis-à-vis the Government was created. This authority had exaggerated powers and penalties up to imprisonment for the violation of the press laws. Since the events of last year and the mobilisation of defenders, in particular during the holding of the NGO Forum and of the session of the Commission in Banjul, more is said in the press, where human rights violations are listed monthly. "

"Beyond the exchanges of practices, Conectas is planning to develop South-South cooperation for the UPR" (Camila Asano)

Roselyn
Hanzi
Project
Manager
Zimbabwe
Lawyers
for Human
Rights
Zimbabwe



"The reason of my coming to the NGO Forum is to strengthen South-South cooperation among NGOs in the same way as that existing at the level of States, says Camila Asano. South-South cooperation is necessary to end the split between developed and developing countries, so that the countries of the South are more present in the examination of the other countries of the South during the Universal Periodic Review (UPR)". Conectas has had activities in Africa for some years. Its activities concentrate essentially in Portuguese-speaking countries in Africa, but they also extend to other countries, such as Zimbabwe. Learning about country experiences and training have been one of the major outcomes of South-South cooperation.

"Latin American case law and the various models of transitional justice are good practices from which NGOs in Zimbabwe could benefit by adapting them to their country, explains Roselyn Hanzi. The fragmentation of civil society in Zimbabwe left with no voice the relatives of those who disappeared. "



Camila Asano
Conectas
Brazil

The reports of Rwanda and Cameroon were reviewed by the African Commission. Conversely, the Democratic Republic of the Congo (DRC) did not attend.



Valentin Makidi
Campagne pour les droits de l'homme en RDC
Democratic Republic of the Congo

"Three missed appointments in front of the Commission, it is one step too much for NGOs."
(Valentin Makidi)

"The indifference shown by our Government for the African human rights mechanisms is a mistake. To come to present its report in front of the Commission is a question of visibility on the international scene for the State, which has at the same time a right to reply to allegations made against it. Our Government seems to carry more interest in the international mechanisms, while it rejects at the same time their recommendations, on the basis of their colonial inspiration. "

Nine NGOs from the DRC took the initiative to submit to the Commission a statement inviting it to examine the report of the DRC, in presence or in absence of the State, at its next session.

"The representatives of Cameroon showed themselves to be committed to a constructive dialogue with the Commission, however this should not deflect the attentiveness of the Commission and of human rights defenders. The report of Cameroon was an artificial report; its information was awkwardly presented and confirmed certain criticisms such as the impunity of the police. Furthermore, Cameroon did not mention the follow-up to the recommendations made by the Commission. » (Alex G. Azebaze)



Alex Gustave Azebaze
Central Africa Human Rights Defenders Network
Cameroon



Diane Nduwimona
Unissons Nous pour la Promotion des
Batwa, Rwanda

"We, Batwa women, are satisfied that our recommendations were heard by the Commission. Regrettably, they were taken in mockery by the representatives of our country, Rwanda."
(Diane Nduwimona)



Commissioner Alapini Gansou

The Chairperson of the Commission, Commissioner Alapini Gansou, repeatedly thanked NGOs for their contributions during the session of the Commission. The Chairperson also highlighted in her inaugural speech of the session that "we should, in collaboration with our leaders, evaluate that which has been realised in our countries in the crucial area of human rights *with the commitment and participation of civil society.*"

"Without alternative reports or information presented by NGOs, a large number of questions would not be examined. So the statement made by the Batwa women was particularly instructive for the examination of Rwanda."

(Commissioner Maïga)



Commissioner Maïga

"The information that was provided by NGOs was critical for the examination of the reports presented by Rwanda and Cameroon." (Commissioner Bitaye)



Commissioners Fayek, Yuen, Khalfallah et Bitaye

"The contribution of NGOs to the preparation of the Protocol to the African Charter on the rights of older people was critical. Two organizations specialised in this field were consulted by the working group in charge of developing the first draft to be submitted to the Commission. The draft could be submitted to a greater consultation: this will be decided by the Commission. A factor of the limitation of the contribution of NGOs rests on the limited time and resources at the disposal of the Commission."

(Commissioner Yuen)

