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**THEMATIC RESOLUTIONS ADOPTED AT THE FORUM ON THE PARTICIPATION OF NGOS
IN THE 56TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS AND THE 30TH AFRICAN HUMAN RIGHTS BOOK FAIR**

**17-19 APRIL, 2015
KAIRABA BEACH HOTEL
BANJUL, THE GAMBIA**

TRES/001/4/2015: RESOLUTION ON PEACE AND SECURITY

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Deeply concerned by the on-going conflict situations in South Sudan, Sudan, Somalia, Libya, Equatorial Guinea, Nigeria, Central African Republic, Cameroon, Kenya, and the Democratic Republic of Congo;

Deeply concerned by reports of serious crimes under international law, and widespread violations of humanitarian and human rights law, including the African Charter on Human and People's Rights, being committed by all parties to the conflicts in these countries;

Considering that despite the existing regional normative and institutional frameworks for addressing conflicts, and threats of conflicts, in Africa, there seems to be serious limitations in coordinated responses to conflict threats, and human rights violations related to conflicts in Africa;

Noting that the Commission's performance and capacity to champion a human rights approach to conflict prevention, management and resolution is yet to be fully realised;

Call upon the African Commission to:

1. Develop a comprehensive and decisive strategy for addressing conflict-related human rights violations in Africa;
2. In relation to the on-going armed conflicts in Africa and the serious human rights violations associated with these conflicts, utilise its powers under Article 58 of the African Charter on Human & Peoples' Rights to 'draw the attention of the Assembly of Heads of State and Government to these special cases';
3. work with the special interest group on Peace and Security, which is hereby established as focal point for NGOs, to coordinate further discussions and reflections amongst NGOs and the Commission during the inter-session period, by designating a Special Mechanism or Commissioner, with the aim of developing recommendations and strategies for enhancing the role of the African Commission in responding to conflicts in Africa;
4. Further work towards bringing a wider group of NGOs and other stakeholders into this discussion during the inter-session period, and specifically commit to convening a consultative workshop on the margins of the upcoming Assembly of the AU Heads of States;
5. Consider using civil society expertise in developing an action plan for enhancing the Commission's role in responding to on-going and emerging conflicts in Africa, including in strengthening its coordination mechanisms with the African Union, the Peace and Security Council of the African Union, and other relevant sub-regional bodies in Africa;
6. Convene an open panel and interactive session on conflicts and human rights in Africa in its agenda for the 57th Ordinary Session of the Commission, in order to open space for wider discussion and the adoption of more effective strategies to respond to conflicts in Africa;

Done at Banjul, The Gambia - 19 April 2015

**TRES/002/4/2015: RESOLUTION ON HUMAN RIGHTS DEFENDERS AND TERRORISM LAWS
IN AFRICA**

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Adopting the definition of Human Rights Defenders contained in the United Nations Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect universally recognized in Human Rights and Fundamental Freedoms;

Recalling that Human Rights Defenders are men and women working for the promotion and protection of nationally, regionally and internationally recognized human rights, including those working on civil and political rights as well as economic, social and cultural rights through peaceful means;

Noting the African Commission Resolution No. ACHPR/69/(xxxx04) ACHPR/Res119(xxxxii)07 and ACHPR/Res196(1) on the Protection of Human Rights Defenders in Africa;

Recognising the resolution of the African Union calling on member States to adopt anti-terrorism laws to fight against terrorism;

Noting the need for the African Commission to keep information on number of people lost due to terrorism

Further recognising that there is no exceptional situation that justifies the prevention of work of Human Rights Defenders;

Taking into consideration the significant role that Human Rights Defenders, including Women Human Rights Defenders, play in the promotion and consolidation of peace, human rights, good governance, democracy and rule of law;

Deeply concerned about the personal risks and dangers Human Rights Defenders face, including harassment, cruel and degrading punishment, abductions, enforced disappearance, torture, intimidation, death threats, imprisonment, arbitrary arrests, malicious prosecutions, extrajudicial killings and detention in unauthorized detention centres;

Deeply concerned that Human Rights Defenders are, at times, subjected to public statements that dehumanise and demoralise them, including political persecution, vilification and constant surveillance;

Call upon the African Commission to:

- 1) Urge member States to guarantee that existing anti-terrorism legislation is not misused for the monitoring and restriction of the work of Human Rights Defenders;
- 2) Guarantee that the anti terrorism laws should addresses the issue of human rights violations in framework of the fight against terrorism in their states;
- 3) Put an end to arbitrary practices of labeling of individuals or groups as terrorists without offering them the possibility to challenge such assertions before a court of law;
- 4) Allow Human Rights Defenders to investigate systematically in their country without hindrance, all allegations of involvement of members of law enforcement agencies in extrajudicial killings, acts of torture or enforced disappearances.

Done in Banjul, The Gambia – 19th April, 2015

TRES/003/4/2015: RESOLUTION ON THE RIGHT TO FREEDOM OF ASSOCIATION OF AFRICAN WORKERS

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Considering that African workers in many countries are denied the right to form or join independent trade unions in law or in practice;

Considering that trade union leaders and activists have suffered acts of violence by state security forces and private employers, including death, torture, arbitrary arrest and detention and threats for carrying out legitimate trade union activity, and that perpetrators of these crimes are rarely arrested or prosecuted;

Considering that workers are routinely dismissed for their trade union activity and are denied effective recourse for this illegal retaliation;

Considering that collective measures, such as pickets and strikes, are severely limited or banned in many countries;

Considering that many workers in the informal economy are not covered at all by the labour codes of most countries in Africa;

Considering that the absence of workers' rights creates a highly unequal relationship between workers and employers, with the latter trapped in low-wage, dangerous work;

Recognising that trade union rights are human rights;

Recognising that the large majority of African countries have ratified International Labour Organization Convention 87;

Recognising that Article 10 of the African Charter protects the right to freedom of association for workers and their organizations;

Call upon the African Commission to:

- a) Reaffirm that Article 10 of the African Charter, particularly in light of Articles 60 and 61 of same, is to be interpreted consistent with Convention 87 of the International Labour Organization (on the right to freedom of association and to organize)

- b) Call on Member States to bring their laws and regulations into compliance with the right to freedom of association as soon as possible and to respect those laws in practice, as obligated by the international instruments which they have ratified or by virtue of their membership in the International Labour Organization;
- c) Regularly collaborate with the International Labour Organization to follow-up on the recommendations of the supervisory system relating to African member states as they relate to freedom of association;
- d) Work with trade unions to promote and protect the rights to freedom of association within the mandates of the African Commission;
- e) Ensure that the Study Group on Freedom of Association in Africa includes trade union representatives and that the scope of the study is expanded to include freedom of association in the trade union context;
- f) Organise a thematic hearing on the right to freedom of association in the trade union context during the October sitting of the African Commission in 2015;

Done in Banjul, The Gambia – 19th April, 2015

TRES/004/4/2015 –RESOLUTIONS ON THE RIGHTS OF WOMEN IN AFRICA

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Recalling the African Union's theme for the year 2015 of Women Empowerment and Development in the Realisation of Agenda 2063;

Acknowledging that the Maputo Protocol makes provision for the various rights of women in Africa and that States are required to report to the ACHPR on their obligations under the Protocol;

Concerned that women are subjected to tokenistic participation in key political and decision making spaces;

We the NGO participants,

Call Upon the African Commission to:

1. Call upon member states to protect and safeguard women and girl's sexual and reproductive health rights, including but not exclusive to providing safe abortion services to women;
2. To review and repeal punitive laws relating to abortion; preventing forced sterilization and providing adolescent friendly sexual reproductive health education and services;
3. Call upon member States to adopt the African Union Land Policy and Initiative to promote women's access to land and development;
4. Encourage member States to report on measures taken to enhance women's representation and participation in political and decision making spaces;
5. Call upon States to put in place policies and laws to ensure that young adolescent girls are able to continue with their education in a safe and protective environment during and after pregnancy;
6. Encourage member States to ensure that women are actively involved at the inception, development and implementation of peace and mediation processes in Africa.

Done in Banjul, The Gambia – 19th April, 2015

TRES/005/4/2015 : RESOLUTION ON WOMEN HUMAN RIGHTS DEFENDERS IN AFRICA

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Recalling its mandate to promote and protect human and peoples' rights in Africa in accordance with the African Charter on Human and Peoples' Rights (the African Charter);

Recalling further the *Grand Bay Declaration and Plan of Action* adopted by the first OAU Ministerial Conference on Human Rights in Africa held from 12 to 16 April 1999 in Grand Bay (Mauritius); and the *Kigali Declaration* adopted by the African Union Ministerial Conference on Human Rights in Africa held on 8 May 2003 in Kigali (Rwanda);

Reiterating the commitment made by Member States of the African Union in the Grand Bay Declaration to implement the provisions of the United Nations Declaration on Human Rights Defenders;

Noting Resolutions ACHPR/69(XXXV) 04 on the protection of human rights defenders in Africa, ACHPR/Res.119 (XXXXII) 07 and ACHPR/Res.196 (L) 11 on the situation of human rights defenders in Africa;

Further noting Resolution ACHPR/Res.230 on the need for a study on the situation of women human rights defenders in Africa;

Welcoming the study on the Status of Women Human Rights Defenders to be launched on 23 April 2015;

Concerned about the increasingly challenging environment in which human rights defenders work, notably women human rights defenders, characterized by persistent and systematic arbitrary arrest and detention, acts of harassment, including judicial harassment, threats and other forms of intimidation, summary and extrajudicial executions, and torture, as well as gender-based violence;

Further concerned by the numerous legislative restrictions and obstacles on the activities of human rights defenders, including the criminalization of their activities, in particular those who collaborate with regional and international human rights promotion and protection institutions;

Noting that in many countries existing laws and policies at the local and national level serve as barriers to the full and equal participation of women in political and public life;

Alarmed about the specific threats and attacks faced by African women human rights defenders in their daily activities against the backdrop of increasing religious fundamentalism as well as the national security context in the measures taken by States to combat terrorism;

Convinced that the study on the situation of women human rights defenders and the recommendations contained therein will contribute to improving the precarious situation of the rights of women human rights defenders in Africa;

Further convinced that the study provides a framework for developing appropriate strategies for protecting women human rights defenders on the continent;

Call upon the African Commission to:

1. Urge States Parties to implement the recommendations of the study by:
2. Taking immediate steps to identify and eliminate all legal and political obstacles and barriers to the right to equality of women and their full and effective participation in public and political life;
3. Adopting a specific law to promote and protect women human rights defenders and their work in a broader framework for protecting and promoting all human rights, consistent with the principles contained in the UN Declaration on human rights defenders 1998, the Declaration of Grand Bay and the Kigali Declaration respectively;
4. Establishing an effective, independent, impartial national mechanism to prevent and address violations and discrimination against women human rights defenders and their families
5. Report back to the African Commission on Human and Peoples' Rights on the progress of implementation during presentation of their periodic reports

Done in Banjul, The Gambia – 19th April, 2015

TRES/006/4/2015: RESOLUTION ON RIGHTS OF REFUGEES, ASYLUM SEEKERS AND IDPS

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Call upon the African Commission to:

1. Urge Member States to develop legislative frameworks that protect refugees, asylum seekers and other migrants against discriminatory practices;
2. Urge Member States to provide special protection for vulnerable groups refugees;
3. Urge State parties to come up with both short and long term supportive and protective measures including durable solutions for displaced persons in their countries;
4. Urge State parties to implement international and regional instruments protecting refugees and IDPs especially the Kampala Convention;
5. Actively popularise regional and international instruments that will assist, protect and support refugees, asylum seekers, IDPs and other migrants;
6. Investigate and address all emerging cases of persecution of refugees;
7. Adopt a resolution urging State parties to ensure full protection of human rights and refugees rights in the process of combating terrorism.

Done in Banjul, The Gambia – 19th April, 2015

TRES/007/4/2015: Resolution sur le droit à la nationalité en Afrique

Nous, participants au forum de participation des ONG à la 56^{ème} session de la Commission Africaine des Droits de l'Homme et des Peuples (CADHP) tenu du 17 au 19 Avril 2015 à Kairaba Beach hôtel ;

Se félicitant:

- de l'adoption de l'étude sur le droit à la nationalité en Afrique par la Commission africaine des droits de l'homme et des peuples lors de sa 55^e session ordinaire, tenue à Luanda (Angola) du 28 Avril au 12 Mai 2014;
- du lancement par le Haut Commissariat des Nations Unies pour les Réfugiés de la Campagne Mondiale 2014-2024 pour l'éradication de l'Apatridie;
- la finalisation du draft de Protocole sur le droit à la nationalité en Afrique ;

Préoccupés par ;

- l'existence dans beaucoup pays africains de législations discriminatoires basées sur le genre et la race, entre autres ;

- La persistance:

- de l'inexistence dans la plupart des Etats africains de dispositions constitutionnelles relatives au droit à la nationalité
- du pouvoir discrétionnaire exorbitant des Etats pour l'octroi ou la déchéance de la nationalité
- de l'utilisation à des fins politiques des questions liées à la nationalité
- de l'insuffisance de données statistiques fiables,
- du faible taux d'enregistrement des faits relatifs à l'Etat Civil (naissances, décès, mariages....) dans la plupart des pays africains,
- des difficultés de réunir les preuves de la nationalité,
- des problèmes liés aux successions d'Etat ;
- des problèmes relatifs aux mariages mixtes ;

- l'existence dans beaucoup de pays africains de législations discriminatoires basées sur le genre et la race, entre autres ;

Déterminés à :

- sensibiliser les populations africaines notamment la société civile sur l'importance du droit à la nationalité,
- contribuer à l'éradication de l'apatridie en Afrique, à la défense du droit à la nationalité en tant que droit humain fondamental,
- promouvoir et supporter l'adoption par les Etats africains d'un protocole additionnel à la Charte africaine sur le droit à la nationalité,

Recommandons aux organisations de la société civile, partageant un intérêt sur les questions de l'apatridie,

1. de renforcer leur collaboration en vue de réussir le pari de l'éradication de l'apatridie
2. de renforcer la coopération avec les différents partenaires notamment la Commission Africaine des Droits de l'Homme et des Peuples, le Haut Commissariat des Nations Unies pour les Réfugiés, le Comité des Experts sur le droit et le bien-être de l'Enfant ;
3. de sensibiliser les Etats sur l'importance du droit à la nationalité et la nécessité de ratifier le Protocole une fois adopté ;
4. d'engager un plaidoyer fort auprès des Etats pour l'élaboration de plans d'action nationaux dans le cadre de la Campagne de 10 ans (2014-2024) d'éradication de l'apatridie lancée par le Haut Commissariat des Nations Unies pour les Réfugiés;
5. d'initier des contentieux stratégiques sur les discriminations relatives à la nationalité et à l'apatridie ;
6. de contribuer à la mise en place des « groupe-pays » multipartites pour lutter contre l'apatridie tel que recommandé dans le plan du HCR ;

Fait à Banjul, le 19 avril 2015

TRES/001/8/4/2015: Climate Change and Human Rights in Africa

We, the participants of the Forum on the Participation of NGOs in the 56th Ordinary Session of the African Commission on Human and Peoples' Rights and the 30th African Human Rights Book fair held in Banjul, The Gambia from 16th to 19th April 2015;

Bearing in mind the mandate of the African Commission on Human and Peoples' Rights ('the Commission') to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights ('the African Charter'),

Recalling the Commission's Resolution ACHPR/Res153(XLVI)09 on Climate Change and Human Rights and the Need to Study its Impacts in Africa, adopted at its 46th Ordinary Session on 25 November 2009 and the Commission's Resolution ACHPR/Res271(LV)14 on Climate Change and Human Rights and the Need to Study its Impacts in Africa, adopted at its 55th Ordinary Session on 11 May 2014;

Recalling Resolution TRES/005/11/09 on the Effects of Climate Change on the Full Enjoyment of Human and Peoples' Rights in Africa, adopted at the NGO Forum convened prior to the 46th Ordinary Session of the Commission on 9 November 2009;

Considering the provisions of Articles 22 and 24 of the African Charter relating to the right of peoples to economic, social and cultural development and the right of peoples to a satisfactory environment favourable to their development;

Considering the provisions of the United Nations Declarations on the Rights of Indigenous Peoples, which recognises the rights of indigenous peoples and communities to their ancestral lands, cultures, lifestyles and a safe satisfactory environment;

Considering that the UNFCCC obliges states Parties thereto to *"... protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities"*;

Noting that the Conference of the Parties to the UNFCCC, which include all African countries, are engaged in negotiations towards a new legally binding international agreement under the United Nations Framework Convention on Climate Change (UNFCCC) and that proposals have been made to include human rights in the text;

Noting that the human right language proposed for the climate agreement does not reflect adequately the African perspective on human and peoples' rights, especially the right to general satisfactory environment favourable to their development and the right to development;

Noting that African regional standards for the protection of the environment, management of natural resources and human and peoples' rights are consistent with provisions of the UNFCCC and its Kyoto Protocol, to which all African States are parties;

Concerned about the failure of developed country Parties to the UNFCCC to agree on ambitious targets for a second commitment period under the Kyoto Protocol or in the Agreement being negotiated for adoption by the Conference of the Parties of the UNFCCC meeting for the 21st session in Paris, France from 1 to 11 December 2015;

Concerned about the detrimental impacts of warming predicted on the basis of voluntary pledges submitted by Parties to the UNFCCC, which in Africa could lead to temperature rises of more than 5 degrees Celsius;

Concerned about the absence of full, effective and sustained implementation of the Convention through long-term cooperative action, including a lack of technology transfer and financial assistance for mitigation and adaptation, which are all necessary to safeguard human rights in Africa;

Reiterating the Commission's concern that the lack of human rights safeguards in various draft texts under negotiation could put at risk the life, physical integrity and livelihood of the most vulnerable members of society including isolated indigenous and local communities, women, and other vulnerable social groups;

Call Upon the African Commission to:

1. Implement Resolution ACHPR/Res153(XLVI)09 by urgently requesting to the Assembly of Heads of State and Government of the African Union to:
2. Encourage its Member States to ensure that human rights safeguards, such as the principle of free, prior and informed consent, be included in any international agreement or instruments on climate change;
3. Encourage its Member States to ensure that special measure of protection for vulnerable groups such as children, women, the elderly, indigenous communities and victims of natural disasters and conflicts are included in any international agreement or instruments on climate change;
4. Take all necessary measures to ensure that the African Commission on Human and Peoples' Rights is included in the African Union's delegation at the Conference of the Parties of the UNFCCC meeting for the 21st session in Paris, France from 1 to 11 December 2015; and,
5. To urge Member States to take into account in all climate change negotiations the 'study on the impact of climate change on human rights

in Africa' that the African Commission on Human and Peoples' Rights should present to its 57th Ordinary Session.

Done in Banjul, The Gambia - 19 April 2015