

STATEMENT ON BEHALF OF PARTICIPANTS OF THE FORUM OF NGOs
AT THE OFFICIAL OPENING OF THE
46TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS, 11th NOVEMBER 2009
SHERATON HOTEL, BANJUL, THE GAMBIA

Your Excellency, The Acting Chairperson of The African Commission on Human and Peoples' Rights (ACHPR), Mr. Tom Bahame Nyanduga

Madam Therese Sarr Toupan, representing the Honourable Attorney General and Secretary of State for Justice and National Assembly Affairs of the Republic of The Gambia, Mrs Marie Saine Firdaus;

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

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

I am privileged, once again, to stand before this august gathering of the African human rights community with the responsibility to present a statement on behalf of my colleagues of the NGO Forum preceding the 46th 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 Acting Chairperson of the African Commission** for affording us this opportunity.

I would wish to crave the indulgence of this assembly to observe a moment's silence to remember **all victims of human rights violations** in Africa, particularly those innocent victims who have been killed and continue to be killed on this great continent, in particular those of the September 28th massacre in Guinea Conakry.

Your Excellencies, Distinguished Ladies and Gentlemen

Please allow me to also express our **gratitude** to the Government and people of The Gambia for their hospitality, in facilitating the activities of the 46th Ordinary Session and to reiterate the appreciation of the Forum of NGOs for the continued warmth afforded them since their arrival on Gambian soil.

We would equally like to take this opportunity to **congratulate the newly elected Commissioners**, namely from Egypt, Rwanda and Tunisia, on their appointment and wish them well in their new assignment. To the outgoing Commissioners, we wish to extend our appreciation for your various contributions made and urge you to remain engaged in the remarkable work you have started at the Commission - of promoting and protecting human rights in Africa.

Your Excellencies, Distinguished Ladies and Gentlemen,

It would please you to note that the **NGO Forum** was held three days prior to the commencement of this Session of the Commission, in keeping with tradition. This session was particularly significant because it was held amidst rumours of a possible boycott of the Gambia as a venue by some NGOs. Let me reassure all present that despite this initial hiccup, the turnout was remarkable, the debate was objective and professional leading to commendable outcomes, as is usual. Over 110 representatives from all over Africa participated including 7 participants from Europe and The USA.

The Forum noted that while some **real and positive developments** have been registered in a number of African countries, challenges in the human rights and democracy situation on the Continent continue to be characterised by conflict, insecurity and violence, which undoubtedly ushers in untold hardships to the majority of citizens of the affected countries.

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 46th Session.

Distinguished Ladies and Gentlemen

Please bear with me as I present you with 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 Gambia, Guinea Conakry, Niger, Sudan and Zimbabwe.

In **Guinea Conakry**, reports have confirmed the loss of over 150 lives in the terrible incidents of September 28th, 2009. Moreover, the violence and the torture perpetrated against the hundreds of women during the carnage by the junta is worthy of condemnation.

In **The Gambia**, allegations of misunderstanding between the Gambian authorities and human rights defenders was report, which had almost affected the holding of the 46th session of the ACHPR as well as other activities on its margins.

In **Darfur, Sudan**, attacks on United Nations personnel have also been reported leading to the withdrawal of some humanitarian aid agencies whose main aim is to prevent and alleviate the suffering of innocent victims. Furthermore, the banning of many non governmental organisations coupled with the harassment against defenders had signalled the going into exile of a good number of human rights defenders.

In **Niger**, the unconstitutional reforms which extended the term of office of the President is a fine example of the growth of constitutional coups in Africa and is very worrisome since it sets an unwelcome precedence.

Despite the hope brought on by the setting up of a government of national unity, participants have expressed concern over the situation in **Zimbabwe**. The Forum also deplored the expulsion of The UN Special Rapporteur on Torture and urges the African Commission in collaboration with The African Union to closely monitor the situation and to urge the government to, among other things, implement the reform process as per the agreement.

Furthermore, in **Burundi, Rwanda and Uganda**, there are reports of increased intimidation, harassment and homophobic attacks directed at people of different sexual orientation.

Consequently, we would wish to request 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** has increased 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 The Gambia, Sierra Leone, Somalia, Sudan, Swaziland and Zimbabwe.

Your Excellencies, Distinguished Ladies and Gentlemen,

Although the situation of **Human Rights Defenders** on the continent continues to be precarious, we are heartened by the developments made so far by the special mechanism of the Special Rapporteur for Human Rights Defenders in Africa.

The Forum wishes to express its satisfaction so far in working with the mechanisms of the African Commission and urge this **institution 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 persons are forced to leave their homes, which movement have totally disrupted their livelihoods as a result of insecurity and conflict. We refer 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. 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 to alleviate 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.

Not the least, the NGOs believe that the deplorable situation of **indigenous persons** should not cease to occupy us and consequently request the African Commission to reinforce the capacity of the Working Group on Indigenous Peoples.

Moreover, it has been revealed that the use of **torture** and the application of the **death penalty** continue to be practiced in some states. We would wish to request the African Commission to urge states to prohibit torture, to condemn death penalty and to commit themselves to its abolition.

Your Excellencies, Distinguished Ladies and Gentlemen

The Forum noted 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.

The need to review the human rights dimensions of **climate change** is eminent and will be given prominence in the future and urges the African Commission to carry out a study to that effect in order to set its agenda on this relevant but often neglected area of economic, social and cultural rights.

Considering the rise of **forced evictions** in Africa, it was noted that it was a violation of human rights denying victims access to these basic rights. The latter is equally true in the field of mining of natural resources. Participants reiterated the importance of reinforcing socio-

economic and cultural rights as well as ensuring that victims are provided with adequate security and compensation.

While emphasising the need to **strengthen international justice**, The Forum welcome the report of the UN Secretary General on implementing the Responsibility to Protect, particularly the General Assembly debate and reference to the transition from non-interference to non-indifference. Consequently, we would wish request that 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.

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 Acting Chairperson for the tremendous missions and achievements registered during the last inter session, particularly the harmonisation of the rules of procedure 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, Mr Chairperson, to **express our profound gratitude to the African Commission** for their 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, to the Secretary and the Legal Officers, in particular, for the interest and support enjoyed by the NGO community, particularly those with observer status.

Your Excellencies, Distinguished Ladies and Gentlemen,

Participants to the Forum of NGOs note with satisfaction the ratification and entry into force of many African and International instruments. However, **there is need to harmonise and implement these treaties at the national level** in order to maximise their impact. This brings to mind The African Charter on Democracy, Elections and Governance' The Protocol to the Establishment of an African Court; among others. 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.

In the same vein, we wish **to urge states to ratify and expedite action on the domestication and effective implementation of the Rome Statutes**. The Forum while welcoming the Mbeki report, urges the AU to effectively disseminate the report and to encourage the involvement of NGOs in the process.

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 the light at the end of the tunnel for the promotion and protection of the rights of women in Africa and is indeed 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 27 countries that have ratified the Protocol and fervently hope that universal ratifications by other states would follow shortly, to provide that much needed momentum to put into action gender equality in our various countries. As we celebrate 30 years of CEDAW, NGOs are keen to see a lot of progress made in this area and have proceeded to appreciate the forthcoming organisation of the **Beijing +15 review** which would review developments made so far in the implementation and would wish to congratulate UNECA and UNIFEM for their support of this initiative. The Forum wishes to acknowledge the important role of the Special Rapporteur in all these activities.

While lauding the **gender parity** policy adopted by the African Union, the Forum renews its call for States to replicate similar policies at the national level in conformity with the **Solemn Declaration on Gender Equality in Africa**.

The Forum **congratulates the Office of the High Commission for Human Rights (OHCHR) particularly the East Africa Office for leading the discussion on the development of a human rights strategy for Africa**. While thanking OHCHR for involving NGOs in the process, the Forum pledges its support and is **committed to the collaboration** already spelt out in the strategy.

Participants at the Forum in recognising the efforts of the OHCHR in reviving the **implementation of the World Conference against Racism (WCAR) Declaration and Programme of Action** equally commit themselves to collaborate with OHCHR in the implementation of the Programme of Action, while looking forward to more in depth discussion on the subject.

Mr. Chairman, Distinguished Commissioners, Honoured Guests, Ladies and Gentlemen,
Let me conclude by **reiterating the readiness of your partners, particularly NGOs with Observer Status** to work in collaboration with the Commission for the furtherance of human rights, good governance and the rule of law in Africa.

Mr. Chairman

On behalf of the participants of the Forum on the Participation of NGOs in the work of the 46th 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 - November 2009