

**REPORT OF THE FORUM ON THE PARTICIPATION OF NGOS IN THE 44th
ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND
PEOPLES' RIGHTS (ACHPR) AND THE 18TH AFRICAN HUMAN RIGHTS BOOK
FAIR.
7 – 9 NOVEMBER, 2008. ABUJA NIGERIA**

**Day 1
Introduction**

The African Centre for Democracy and Human Rights Studies (ACDHRS) based in the Gambia with support from the Centre for Democracy and Development (CDD) Abuja Nigeria, the West African Civil Society Forum (WACSO) Abuja Nigeria, and the Legal Resources Consortium (LRC) Lagos Nigeria, from the 7th-9th of November 2008, at Rockview Hotel, Abuja, Nigeria, organized an NGO forum preceding the 44th ordinary session of the African Commission on Human and People's Rights.

The forum which holds every six months brought together participants from civil society organizations across Africa, International Human Rights Organizations, and United Nations Institutions. Also present were Government Institutions and Representatives as well as the Media and the general public.

The purpose of the forum was to facilitate civil society engagement with the ongoing session of the African Commission on human and people's rights. The Abuja forum is the second this year following the previous meeting which held in Swaziland in May 2008. Civil society sought to deliberate the current human rights situation within the continent and also discuss any issues emerging from the Swaziland meeting.

The three day event witnessed presentations, debates and varying perspectives from participants on issues such as: freedom of association, expression, sexual and reproductive rights, women's human rights and economic/social rights.

After three days of dialogue, the forum came up with several resolutions that were eventually presented to the 44th ordinary session of the African Commission on Human and Peoples' Rights (ACHPR) as the position of civil society.

Opening Ceremony

The forum opened with remarks by the chairman of the morning session **Mr. Mambassa Fall** of the *ACDHRS Governing council*. He thereafter called on members of the panel of the morning session to give their remarks.

The welcome address was presented by **MS. Hannah Forster** the Executive Director of the African Centre for Democracy and Human Rights Studies (ACDHRS) and also a member of the NGO forum steering committee. She thanked the government and the people of Nigeria for hosting the forum, and commended Civil Society Organizations (CSOs) for their commitment to the NGO forum which showed a desire to promote the issues of human right in Africa. Mrs. Foster acknowledged that while Africa has made progress, it is important to take in to cognizance that there are still challenges as witnessed in the recent past such as the breakdown of democratic processes in certain countries, the impact of America's war on terror, the growth of economic refugees, the increasing level of poverty, the HIV/Aids scourge, and issues of xenophobia that have crept in to some societies in Africa. Participants were urged to use the forum, especially the special interest groups to focus on these issues so as to suggest the way forward.

She finally thanked the Centre for Democracy and Development (CDD) Abuja, Legal Resources Consortium (LRC) Lagos, and the West African Civil Society Forum (WACSO) Abuja, for their contributions towards the forum.

Mr. Andrew Chigovera, *member ACDHRS governing council*, in his remarks attested to the fact that while progress had generally been made towards the democratization in Africa, events in the recent past like the socio-economic and political crisis in most African countries, like in Zimbabwe, Kenya, Mauritania, and South Africa, all posed challenges to achieving Human Rights on the continent . He also reiterated the fact that the forum helps in promoting networking among Non Governmental Organizations (NGOs) as well as fosters collaboration with government institutions. This he pointed out was important if human rights issues were to be properly addressed. On a final note he stressed that the role of NGOs in democracy building in Africa cannot be overemphasized

Dr. Jibrin Ibrahim, *Director Centre for Democracy and Development*, started by with an insight into the activities of the Centre for Democracy and Development. The Centre was formed ten years ago by some West African activists in the diaspora and over the years has contributed immensely towards democracy building in West Africa.

It was important as Africans to reflect on some of the issues challenging the development of democracy and human Rights. At the level of institutions and mechanisms Africa had progressed, but at the level of democratic practice we lag behind he pointed out. The ascendance of president elect Barrack Obama in the United States symbolizes a global rejection of unilateral and dictatorial tendencies at the level of government leadership pointing out that this message applies equally to our leaders here in Africa.

He concluded by saying that while “African people are committed to deepening democracy; the leaders are committed to subverting the democratic aspirations of the people”.

Mr. Olawale Fapohunda, *Legal Partner of the Legal Resources Consortium*, in his remarks said there was a need for the forum to revisit how to strengthen the ability of the Commission to respond to the human rights concerns on the continent. It is a fact that there is a general apathy towards the ability of the commission to deliver its mandate, as a result there is need for an improvement in civil society engagement with the Commission.

Mr. Fapohunda, stated that It is important for NGOs to work together to deal with the challenges that are facing the continent, such as the lack of democratic consolidation, poverty, the flight of capital out of Africa through acts of corruption, and the need to address gender inequality.

He also noted that while human rights issues face several obstacles in Africa, it is important to note that presently two Human Rights Commissions (South Africa and Ghana) are among the top ten institutions in the world, which is a step in the right direction. It is important to continue deliberations on a constant and constructive basis so as to achieve set objectives in the area of human rights.

On the issue of gender equality on the continent, he noted that women have not achieved equality with men in most countries. The UN statistics show that 70% of all African women over 25 years are illiterates, African women represents 82% of the worlds 12 million women with HIV AIDS yet African women produce 60 to 80 percent of the regions food but account for only 10% of the income and 1% of the assets.

Her Excellency Sonji Monageng, *Chairperson, African Commission on Human and People’s Right (ACHPR)* in her opening remarks said the level of participation at the forum shows how serious the issue of human rights is taken around the continent. The forum, she charged, needs to move

beyond mere debates to proffering practical suggestions to the way forward. Some of the issues that need concrete action in Africa include; the human rights violations in conflict areas, the need to look at rights of the aged, issues of xenophobia, poverty, unlawful detentions and extra judicial killings etc. On women's human rights, she pointed out that though in the last five years, some progress has been made in terms of ratifying international instruments, domesticating them is a problem that retards the progress towards this direction in Africa. The forum provides a platform for constantly placing these issues on the table in order to ensure that some form of action is taken.

In conclusion, she recalled the need for stronger ties amongst CSOs so as to have a unity of purpose and expressed her gratitude for the on going collaboration between NGO's and the ACHPR.

Mr. Michael Aondoakaa Senior Advocate of Nigeria, SAN, the Honorable Attorney General and Minister of Justice, the Federal Republic of Nigeria, in his keynote address stressed the fact that the aspirations of the forum are in consonance with the workings of the present administration saying the government was ready to discuss any issue relating to human rights with civil society.

He also mentioned some initiatives introduced by the Yar'adua administration which promote the efficiency of human rights issues in Nigeria. He acknowledged the growth of CSOs and said that the Nigerian government is willing to dialogue with them and urged the forum to continue to pursue and address issues of human rights.

The Honorable Minister thereafter, declared open the 18th African Human Rights book fair.

SESSION 1: Development in Human Rights and Democracy in Africa

Chair: Dr Jibrin Ibrahim, Director, CDD.

The session opened with an introduction and adoption of the agenda. The first presentation was an **overview of the Human Rights situation in Africa** by **Fatimata Mbaye, President Mauritanian Human Rights Association** who began her presentation by first acknowledging the fact that the universal declaration on Human Rights forms the basis upon which the forum is being held. It is with this in mind that that the next three days would be spent deliberating on issues of Human Rights on the continent.

Crisscrossing the continent and making references to events in countries like Mauritania, Zimbabwe, Congo DR, Sudan, Kenya, Somalia, Gambia, and South Africa etc she was able to bring to the fore several issues of human rights violations from attacks on humanitarian staff, violation of peoples rights to freedom of expression, movement, association as well as cases of xenophobia, impunity, extra judicial killings etc.

Her presentation also included recommendations that the forum should take to the African Commission. Among these were:

- That the ACHPR call on parties in the Congolese conflict to adhere to the accord signed earlier.
- The Sudanese government stops all human rights abuses of people in Darfur.
- The forum should appoint a special rapporteur for the Democratic Republic of Congo.
- The need to stop the attacks on human rights defenders in countries like Somalia, Sudan, and Congo DR by rebels and government forces.
- The reinstatement of the democratically elected government of Mauritania.
- The ACHPR make pronouncements on the situation in both Ivory Coast and Kenya.
- That the International Criminal Court be supported by African countries.

The major challenge in achieving all of this was that of unity and consistency in the actions of civil society, she therefore emphasized the need for unity among civil society.

Comments

Among the comments that followed her presentation from participants was that:

- She had spoken mostly about political and civic rights without any mention of economic and social rights.
- That she had failed to mention several other conflict areas like Niger, Mali etc
- That she did not speak on the issue of corruption on the continent and how it impacts on the issues of Human Rights.
- The role of external actors in conflicts within the continent.

Her response to these comments was that her presentation was generally an overview and also due to time constraints could not go into full detail, that most of the issues raised will be treated in the special interests groups.

SESSION 2: Update on regional Human Rights Situation

Chair: Mr. Andrew Chigovera, Member Governing Council ACDHRS

This session followed the general overview of the human rights situation in Africa. The focus here turned to the regions and the presenters went through an in depth narrative and analysis of the human rights situation on the continent by region.

Southern Africa. An update of the region was presented by **Mr. Shumba and Corlett Letlojane, Director Human rights Institute of South Africa (HURISA)**

They both pointed to events in Zimbabwe where the rights of the people have been continuously violated by the Robert Mugabe administration, the absence of a multiparty system in Swaziland, the ongoing crisis in the ANC and the recent xenophobic attacks and how it threatens the once hailed democracy in South Africa. Other issues highlighted were; electoral fraud and violence in countries such as Zambia and Angola were also mentioned during this presentation.

While several countries have called on President Robert Mugabe to end the atrocities in his country he still persist. It was based on this that they recommended that the South African government take a tougher stand on the events in Zimbabwe.

North Africa

An update of the region was given by **Nasera Dutour** Spokes woman "*Collectif des familles de disparus en Algerie*"

She began her presentation by stating that since the last forum, the overall situation in North Africa has gotten worse. With specific reference to the different nations of North Africa she gave an insight to the situation of human rights in North Africa.

The activities of the Tunisian government were well elaborated upon in the presentation, the clamp down on journalists, the lack of freedom of association and assembly are ways through which the government has trampled on the peoples rights. In Libya and Algeria, the actions of the government towards foreigners and migrants especially those extradited from Europe leaves much to be desired in respect of their rights as stated in the UN declaration on human rights and the ratification of the UN charter on refugees by these countries. The secret detention of those who

oppose government still prevails, people who have disappeared since the 1990s in Algeria have not been found since then and issues of torture are still common.

The governments of Tunisia, Algeria, Egypt, all hiding under the cloak of preventing terrorism have violated the rights of their citizens consistently and human rights defenders in these countries have been hunted down persistently by the government.

It is worthy of note that while these countries have ratified several instruments in the area of Human Rights; they have not only failed to domesticate them but have engaged in the wanton violation of the rights of their citizens.

She concluded by saying that the forum should concretely look into these issues as they affect the human rights situation in the area and make recommendations to the commission that will lead to change in the attitude of the governments of the region with respect to human rights.

Central Africa

An update of the central Africa region by Mr. **Baudouin Kipaka**, *Coordinator Central Africa Human Rights Defenders Network*

Bad governance in his analysis was the bane of the region; this he said had over the years laid down the basis for conflicts that have engulfed the region and the human rights violations that follow these conflicts.

Human rights defenders in the region have persistently been the target of governments, rebel groups in the region; in areas like Central Africa Republic, Congo DR and Congo Brazzaville these attacks are most glaring. The clamping down on journalists and human rights activists by the government of President Paul Biya in Cameroun, especially in the English speaking areas of the south is worthy of note. In Congo DR, the actions of the government and rebel leader Laurent Nkunda have gone a long way in undermining the rights of people in the country. In Burundi, there is an increasing level of insecurity as talks between the government and opposition (PALIPEHUTU-FNL) have stalled as Hutu human rights defenders have being condemned to exile, high levels of arbitrary detentions continue to be recorded in the country as well.

Groups like the OCDH, ADUC, and AFCC have all suffered attacks on their rights as people, as well as organizations and paid tributes to international organizations that have helped human rights defenders in the region and urged for their continuous assistance.

In his submission Mr. Baoudin Kipaka made the following recommendations to the forum:

- A bill for the protection of human rights defenders.
- The promotion and strengthening of human rights mechanisms and promotion of citizens rights in the African Union
- The need for the African Commission to promote good governance, democracy and an enabling environment for CSOs to thrive on.
- The need for CSOs to create a synergy and network together in order to confront the obstacles that faces them.

East Africa

An update by **Mr. Hassan Shire Sheikh, Executive Director East and Horn of Africa human Rights Defenders Project (EHAHRDP)**

The general human rights situation in the region presented a gloomy outlook as several issues of violations of human rights are ongoing in the region.

The situation in Sudan, the Darfur region in particular where the rights of women, children especially have been violated at an alarming rate is worrisome, the Kenyan elections and its aftermath has also led to several issues of human rights violations in the region he noted, the army is continuously violating the rights of civilians in west and northeast. The Ethiopian and Eritrean crises have also had a toll on people's rights; In Burundi the increasing rates of arbitrary arrests and detention is on the increase though the constitution prohibits this.

Other countries in the region like Uganda where there have been improvements on issues of human rights violations are still noted, human rights defenders are still targeted, harassment of sexual minority rights activists, all show that more needs to be done in Uganda in respect of people's rights.

Tanzania he mentioned has the most positive human rights record but issues like the death penalty, discrimination against minorities all hinder progress. Rwanda has also made some progress in recent months, with the enactment of the abolition of the death penalty, reduction in number of cases of torture. While this is the case it is significant to also note that cases of detention without trial still occur, fair trial standards continue to be violated, the executive arm of government still exerts significant control over the judiciary.

West Africa

An update **by Mr. Abdoul Gadiry Diallo, Coordinator West Africa Human Rights Defenders Network and Ayodele Ameen, Amnesty International**

Mr. Abdoul Gadiry Diallo, while looking at the situation in West Africa said that it is important to always take into cognizance the external dimensions to these problems to fully understand them.

Focusing on the countries within the region, he gave a narrative on how people's rights have been trampled upon by authorities in these countries. The freedom of the people to express themselves has been tramped upon in countries like Benin, Togo and Senegal among others. The coup in Mauritania is a set back for the democratic process and with it the resulting human rights violations that have followed.

The Niger Delta and Toxic waste dump in Nigeria and Ivory Coast respectively show a gross violation of the rights of indigenous people in those areas. Guinea and Guinea Bissau are caught in the problem of drug trafficking while across the region the trafficking in people is on the increase.

It is also important to remember that as groups continue to canvass for political and civic rights, emphasis must be made on the issue of people's economic and social rights in the region as well. The rights of children and women are something that the forum will need to look into during the three days as well.

The countries of the region most importantly should be made to own up to their responsibilities by domesticating the international instruments in respect of human rights which they ratified.

Mr. Ameen Ayodele's focus was on the Gambia where he went through a narrative of the issue human rights violations that have occurred over the years from violations of freedoms of expression, movement, press repression, unlawful detention to forced disappearance and torture.

The killing of 50 migrants in 2005 including 40 Ghanaians while passing through the Gambia was another issue he raised and called for international solidarity on the situation in the Gambia.

In the course of the discussions that followed the regional presentations, the following issues came to the fore:

- There is need to include in the next session of the forum working groups on drug trafficking, people with disability, Lesbians Gay Bisexual Transsexual Intersexual (LGBTI)

- A special Rapporteur should be appointed at the African Commission in the case of the violations of human rights in the Gambia.
- The need for the forum to call on President Omar El-Bashir of Sudan to stop all forms of human rights violations especially in Darfur.
- The forum should address the issues of violations that presently exist in Africa such as the incumbency factor, rights of the aged, slavery, and lack of proper legal framework on women's right, lack of access to justice, and forced detention of journalists.
- The African Commission should take in to serious consideration the implementation of human rights protocols that enforces decisions of the ECOWAS courts.
- The AC should also call on countries to not only ratify, but domesticate international instruments on human rights.
- There is a need for the AC to look in to the European Union – African Economic Partnership and its effects on the African continent.
- A proposal for the forum to narrow down the thematic areas at each forum so that issues can be better deliberated upon.

DAY 2

The second day of the forum started at about 9:15am with a recap of day one. The first session was chaired by **Clement Voule** of the *International Service for Human Rights (ISHR)*.

SESSION 1 Situation of Human Right Defenders: 10th Anniversary of the Declaration on Human Rights Defenders.

The first presentation was given by **Isabelle Shera**, *Director of International Service for Human Rights (ISHR)* in Geneva, who talked about her organization, gave an overview and evaluation of the human rights situation at the international level.

The ISHR places emphasis on supporting the work of the special rapporteur on human rights, as a result of the capacity building challenges that human rights defenders face, the organization is engaged in capacity building, information sharing to help their work and help civil society organizations engage with the system.

The UN rapporteur on human rights has over the years built relationships between her office and countries around the world; this has helped in enabling the country visits and invitations that some countries have extended to the special rapporteur. About 15 visits she stated have been carried out and three were in Africa. In terms of methodology the special

rapportuer presents reports of human rights issues to the UN council and general assembly.

It is important to note that there are challenges especially in respect of implementation of the UN declaration, some these are:

- The legal aspect
- The need to end impunity
- The need to address human rights non-state actors
- Efforts on human rights defenders on social economic rights
- Freedom of information and access to information on human rights issues.
- The need to look at vulnerable groups such as women NGOs in terms of funding, and media to uphold the image of their work.
- The prevalence of lack of knowledge about the UN declaration

In her recommendations, she made a case on the need for continued peace building and security efforts especially for human rights defenders, continued cooperation between countries and the commission on the regional mechanisms that exist, the need for states to change their attitude towards the human right defenders.

The second presentation was given by **Mabassa Fall Member Governing Council ACDHRS**, his focus was on the situation of human rights on the continent. On the state of human rights he mentioned the fact that human rights defenders work in hostile situations and face constant risks. The freedom of association and expression in most African countries is restricted by the states like the Gambia, Mauritania to mention but few. He therefore urged CSOs to uphold their partnership with the media who should be looked at as friends to promote human rights issues across the continent.

He concluded by saying that the African commission should call for an end to these violations and the attacks on the human rights defenders. It is important to ensure the provision of adequate resources for both the Commission and the special Rapporteurs to enable them effectively carry out their duties.

The third presentation was given by **Reine Alapini-Gansou, the Special Rapporteur on human rights in Africa**. She based her presentation on two perspectives which are the promotional activities of human rights defenders, and the individual cases of human rights violations.

On the promotional activities, she stated that since 2005 the special rapporteur has engaged in working with state and non-state actors in the promotion of the basic issues of human rights in Africa. On the developed country visits she sighted some of the countries that the visits were undertaken as Togo, Ugandan visit to the prison, and Cameroun. In order to ensure a gender perspective to the work a female caucus organized joint visits to Libya and Tunisia. She also lamented on the fact that very few countries have accepted the visits among which are Congo DR and Mauritania. The African Commission has tried to create and promote a synergy with interested parties in order to achieve the dictates of the UN declaration on human rights, and a news letter was developed based on specific themes to achieve this goal.

In respect of the individual cases of human rights violations, she first of all pointed out that it was significant for the work of the special rapporteurs to supplement the work of human right defenders. She specifically referred to the instances of violations of human right such as police harassment and intimidation, restriction to movement, and unlawful detentions in countries such as Algeria, Burundi, Chad, Zimbabwe, Tunisia, Egypt, and Niger etc.

Some of the challenges faced by human rights defenders are that of Capacity building and the general lack of knowledge of the dictates of the UN declaration on human rights. To overcome this obstacle, the commission has over time organized workshops with human rights defenders and beyond to develop tools that will help in their work.

In the course of the comments, questions, and contributions that followed the presentations, the following issues came to the fore;

- The forum should note that all issues of human right violations such as women and children's right, trafficking of people, etc are covered by instruments, but the onus remains on human rights defenders to bring to the limelight these issues for the special rapporteurs to act upon.
- The need for states to domesticate instruments to which they have ratified especially on women and children's right.
- The forum should adopt a recommendation to the commission on the protection of journalists.
- The special rapporteur on human rights should take the charge of making a strong recommendation to the commission in respect of states that fail to address human rights violations.
- The need for a proactive strategy to "name and shame" states that refuse to open their doors to the special rapporteur.

SECOND SESSION

Chair: Commissioner Soyota Maiga *Special Rapporteur on the Rights of Women ACHPR*

Seminar on 'Accountability to gender equality under the African Union Women's Protocol' - WACOL

The Executive Director of WACOL Joy Ezeilo opened the session by giving an insight in to the activities of WACOL and its participation in the commission and finally elaborated on the general impact of WACOL's activities with respect to Women and children's rights.

The first presentation was on the '*protocol and compatibility with women's rights under sharia law*' by *Ms Maryam Uwais Committee member, African Charter on the Rights and Welfare of the Child.*

She started by saying her presentation will seek to highlight the fact that human rights principles as enshrined in the UN declaration are not contradictory to the Islamic law . However overtime time the human element has led to the problem of interpretation and variations in perspectives by teachers of Islamic law.

Using various sections of the Quran and relating them to the articles of human rights in the UN declaration, she brought to the fore similarities in what they state with respect to the rights of women. It was sad she noted that harsh dogmatic interpretations of the Quran have provided cover for so many injustices against women such as biases in judgments on issues of adultery, fornication, inheritance, marriage, divorce etc.

Part of the solution is for the scholars to interpret the Quran objectively with regards to these issues and also for CSOs to make sure that these objective interpretations are popularised so as to protect the rights of women under the sharia law.

The second presentation was on '*Advocacy Strategies, implementation and ratification of the AU protocol on women*' by *Stella Amadi, Head of Programmes*, of the Centre for Democracy and Development (CDD). Her presentation she said would focus on the strategies for a way forward rather than the contents of the protocol. The protocol is significant in the following respects:

1. It makes the links between the Africa content and the international status.

2. It expands the scope of rights to include economic and social rights, rights of reproductive health, and rights to peace and development.
3. It is a home grown document articulated by Africans (men and women) for African women.

She urged the commission to take note of the ratification challenge at the National and Continental level as well as that of the effective implementation of the existing framework in Africa. The question she posed was how the union will ensure effective implementation of the protocol and possibly hold the states accountable if they are in breach.

She also dwelt on the challenges faced by the protocol in terms of awareness and the fact that majority of African countries do not have a domestic framework except for countries such as Mozambique and the Gambia. There was need therefore for members who have not ratified to do so and for members who have already ratified to implement. She highlighted article 29 which urges African states to allocate financial resources for realizing the goals of the protocol.

However, most African states have embraced, without caveat, the neoliberal economic paradigm. This paradigm is gender neutral and emphasises economic growth above human development. Another point she made had to do with the stringent conditions required for NGOs to access the AU-ECOSOC mechanism. For instance groups must show that they generate 80% of their financial resources locally. This makes it even most difficult for women groups in particular to engage the African Union.

At the end of the presentations, the following issues were brought to the fore;

- The need to look into the fact that Niger has rejected the protocol.
- The need for the forum to advocate for the universality of human rights issues in Africa.
- The forum called on the special rapporteur on women's rights to note the issue of polygamy as it is still on the commission's table.
- The reservations put in place by the states on the implementation of the protocol on issues of divorce, inheritance, and the criteria for marriage.
- There is need to address the issue of slavery in the continent specifically in the case of Mauritania.

SESSION THREE

The third session of the forum focused on discussions *'towards child survival and development: improved partnerships for the promotion and protection of the rights of the African child'* – Plan International and Partners. The panelists focused on the legal and practical aspects of protection, the roles and responsibilities of the various state and non state actors and finally the need for improved partnerships to ensure an efficient realization of the rights of children in Africa.

With this background the facilitator of the session **Professor Adedokun Adeyemi**, *Executive member International Scientific and Advisory Council of the United Nations Crime Prevention and Criminal Justice programme*, pointed out the fact that though several African countries have signed and ratified charters that seek to promote the rights of children, the obstacles of implementation persists. The primary consideration of the best interest provision of the child he said is based on the right to life, survival, and development as the rights of the African child are most affected by violence, HIV/Aids, death, sicknesses etc, thus, the child never enjoys the full protection and human rights advantages.

In her presentation *'survival and the development of the child'* **Dr. Abiola Tillely Gyado**, *SFA Representative Plan International*, laid emphasis on the need for a global approach on the rights of children and the importance of birth registration which must be seen as a priority. She was of the view that ensuring birth certification must be taken as a priority. Identity, name and nationality were the rights of the child. Using the charter as a base, she went through the articles contained in the charter pointing out what it states in respect of the rights of children and how most of this has not been imbibed by several countries in Africa. She urged the forum to note the definition of the child as any human being under the age of 18.

She also emphasized on the UNICEF official recording of the birth of the child and said should be coordinated by a responsible branch of the government to reduce trafficking, to help the distortions of the right to inherit property, and to improve the collection of proper programming and statistics using birth certificates in cases like opening of bank accounts, and obtaining driver's license. In the course of her work, the collaboration with UNICEF and other UN agencies shows the clear lack of awareness and political commitment on issues of children's rights.

Mr. Bamba Diaw focused on the issue of corporal punishment and how it violates the rights of children, physical and psychological effects it has on children.

On the issue of violence against children, a universally acceptable definition is difficult as different societies see it from different angles. Violence meted out on children often leads to biological and physical defects which affect their growth. Most cases of violence are committed by parents, guardians, and peers. Increasingly, the emergence on the need to end violence against children in all countries but conservatism is hampering the progress in this direction. He sighted the example of an incidence in Senegal, of a child who was burnt by his quranic teacher. It is difficult to address these issues as most cases remain unreported.

There is a charter and a committee in place that looks into the issue of children emphasizing on their right. The role of the committee is to protect, monitor and interpret the charter. It also considers the report of states and groups recognized by the AU on the progress and problems encountered in achieving the implementation of the rights of children. The first four of these reports were examined in Addis Ababa this year. There are guidelines for granting observer and investigation status, CSOs he advised should take this advantage so as to enhance their work in this area.

He concluded by making some recommendations that could help in finding solution to violations against children. The forum he said needs to come out with a national mechanism to prevent violence against children in our countries. It is also important for CSOs to liaise with the committee in order to find the way forward.

Mrs. Seynabou Diakhate in her presentation stated that the charter was adopted in 1990 at the 26th Head of States and governments meeting held in Addis Ababa in which only four countries adopted and these were; Algeria, Egypt, Morocco, and Senegal. The charter she said defines the duties, of the child in the continent, community, and the family. It was important for groups engaged in the area of child rights violations to strengthen their partnerships and commitment. The committee seeks to promote:

- o Rights enshrined in the charter
- o Consider reports of the different state parties.
- o Make sure that CSOs take ownership of all guide lines.

Sheila Keetharuth, *Chairperson Coalition for an Effective African Court* in her paper looked at how the committee can use the charter on the rights of the child to litigate violations of the charter on the welfare of the child.

The committee she said has in place a procedure through which it could receive communication from groups or countries. She outlined the conditions that must be met for this communication to be received which were as follows; it must be written, persons or groups sending reports should be anonymous, must not concern a non-state parties to the charter. She also gave the context of the communication which must be compatible with the charter, must not be based exclusively on the media or third party information, and must have gone through the national levels in their countries before bringing it to the committee. The commission looks at the complaints based on its admissibility, merits and if it conforms to the charter.

Commissioner Soyata maiga *Special Rapporteur on the Rights of Women at the African Commission*, while making the final presentation of the session acknowledged that while there are mechanisms that exist to protect women and children, implementation has not been effective.

Making reference to some of the articles contained in the protocol, she brought to the fore provisions that are in place to tackle some of these issues among which were:

- Article 5 that deals with issues of protection of children.
- Article 6 that seeks to redress the issue of forced marriage. It sets a minimum age of 18 years for girls to get married and also emphasizes on the need for their consent before marriage.
- Article 11 highlights the steps that states need to take to protect women and children during conflicts.
- Article 12 seeks to promote the right to education for children in Africa.

The protocol she observed if implemented will redress the situation of women and children in Africa. The need for proper sex education in schools and the rights to reproductive health were also referred to.

The commission has over the years tried to relate more with communities so as to develop a synergy that will enhance better implementation of the existing protocols thereby making it important for people to work together in the advocacy of these rights.

SESSION 4

Launching of Report; 'Defending Civil Society Principles: Protecting Human Rights Defenders from Restrictive Legal Measures'

The session was chaired by **Hannah Forster** *Executive Director ACDHRS*. The introduction and the narrative of the report were given by **Ryota Jonen**, the Project Manager of the World Movement for Democracy. The panelists all made emphasis on the importance of the report and why it needs to be adopted. Participants who reacted to the panelists were in full support of the adoption of the report as their experiences were in consonance with what the panelist had highlighted.

The Report was presented by Ryota Jonen, Project Manager of the World Democracy Movement. The report is divided into four sections: Legal Barriers to Civil Society Organizations, Government Justifications for Legal Barriers, International Principles Protecting Civil Society, and Building Solidarity and Promoting the Principles.

The first section discussed the legal barriers to civil society organizations, among these were:

- Barriers to entry
- Barriers to operational
- Barriers to speech and advocacy
- Barriers to resources

The second section of the report briefly surveyed governments' justification for establishing legal barriers. The examples stated in the report were not detailed but rather meant to illustrate the ways in which such justifications serve to deflect criticisms by obscuring governments' intentions.

The third section of the report focused on the international principles protecting civil society, it articulated the rights of civil society organizations that are being systematically violated.

The final section of the report articulates a short list of recommended actions that civil society organizations and others can take, including actions to enlist the help of the international community, actions that civil society organizations can implement cooperatively, and actions specifically aimed at democracy assistance organizations.

A full copy of the report he stated can be downloaded from the organization's website. www.wmd.org.

Ayo Obe of the *National Democratic Institute*, in her contribution observed that over the years, the governments of several countries have put restrictions on human rights defenders. This has made it difficult for human rights defenders to do their work effectively; the content of the report goes a long in bringing to the fore these issues and also proffers solutions for a way forward. It is important that the report be adopted by the forum as it seeks to redress the challenges faced by civil society in respect of human rights issues.

Mr. Hassan Shire Sheikh, *East and Horn of Africa Human Rights Defenders Network*, made the point that; the report was coming at a time when the situation of human rights defenders on the continent and beyond was getting worse. The importance of the report and what it proposes was of utmost significance to civil society organizations in their bid to address the problem of human rights in Africa.

Hannah Forster, *Executive Director ACDHRS*, while contributing to the session called on civil society to practice the ideals they preached if a way forward is to be achieved. The report, she mentioned was important, its adoption will be of immense benefits to CSOs.

Ms. Reine Alapini-Gansou, *Special Rapporteur on Human Rights Defenders ACPHR*,

While adopting the report stated that it seeks to achieve the following:

- It seeks to enhance civil societies work in the area of human rights.
- The report is complimentary with the work of the commission.
- It attempts to give a global response to issue relating to human rights, how it affects civil society and looks at how a way forward can be achieved.

The report was thereafter endorsed and adopted by her.

Day 3 **SESSION 1**

The third day of the forum started at about 9:15am with a recap of day two. The first session was chaired by **Corlett Letlojane**, Director Human rights Institute of South Africa (HURISA).

The opening presentation of the day was by **Dr. Uju Agomoh** Executive Director, Prisoners Rehabilitation and Welfare Action (PRAWA) who gave an overview of the Torture Documentation and Redress Scheme (TDRS). The scheme she said was introduced to address issues relating to torture

and how it affects victims. The content of the documents on torture she said could be translated into initiatives that can help redress the victims.

The scheme seeks to address the issue of torture using these key components:

- The need for training and capacity building of legal and medical practitioners to carry out the initiatives of successful litigation in order to obtain the right evidence. There is a need for the initiative to be inculcated into the curriculum of medical and law students in higher institutions.
- The need to begin the use of mobile phones to engage victims and to alert necessary institutions to take actions in respect of torture victims.
- The need to embark on advocacy for states to ratify the act.

The scheme she said is generally user friendly, simple, and practical and helps to promote human rights beyond boundaries that would have been constrained.

Finally she pointed out that it was important for the organization to get a feed back from people so as to finalize the concept of the scheme.

Her presentation was followed up with a power point demonstration of how the scheme can employ technology to enhance the effectiveness of the scheme. The demonstration includes structural diagrams of how mobile phones and the internet can be used together to alert and document issues of torture around the country. To effectively achieve this, a torture prevention centre has been set up for the public to send SMS to a central coordinating centre for trained lawyers and doctors to attend to situations before they reach the level of abuse. Information on the system it was announced can be gotten by visiting www.prawa.org.

Miriam Wernicke Legal Adviser International Rehabilitation Council for Torture Victims (IRCT) spoke on the **use of documentation and reporting in preventing Torture and providing support for Victims of Torture**

She pointed out that there are over 140 centers for rehabilitation of torture victims around the world who also document incidents of torture. There was a need to support not just victims but their families as well as those who are also traumatized when incidence of torture occur.

The use of technology as was shown by PRAWA is very significant as it will enhance effectiveness in identifying issues of torture and redressing them. It was also significant that organizations and people network together on the issue and share ideas.

Her organization she finally said was willing to receive information from people and organizations on issues of torture.

SESSION 2 THEME III: Networking for Human Rights

The session was chaired by **Nasera Dutour** Spokes woman “Collectif des familles de disparus en Algerie” . She introduced the session and the panelist.

The first presentation was on the '*Update on the United Nations Human Rights Council*' by **Ms Katrine Thomassen** of the International Service for Human Rights in Geneva.

She started by pointing out that there are instruments and mechanisms that seek to address issues of human rights and their violations around the world. The office also looks at the situation of human rights defenders on the African Continent and brings them to the international level.

With a detailed descriptive narrative she was gave detail of how the structure of the UN council on human rights works, pointing out the mechanisms, procedures and the themes it deals with. In terms of participation she said that countries must have ECOSOC status before they can engage the council directly, participation can be by doing work at the national level.

There are some impediments in the work of the council with respect to addressing human rights violations some countries have formed alliances that work against the work of the organization, differences between the EU, countries in Latin America and Africa has also been a problem for the council.

She emphasized on the need for African countries to be more engaging and dynamic in the activities of the council, especially with the tenure of some African countries coming to an end it was important that they start working towards getting elected into those seats.

The representative of the **UN High Commissioner on Human Rights** started by giving details about the office which she said was made up of a council of states. The office also presents reports to the UN General Assembly and compiles all reports relating to human rights issues.

In respect of NGOs, she pointed out that while they cannot participate directly in the deliberations of the council except they have ECOSOC

status, they can participate in the plenary sessions via the internet. The council has also asked that NGOs be contacted in carrying out of surveys in states by UNHCR.

On the Universal Peer Review Mechanism (UPRM) she made the following observations;

- That states who come for peer review need to prepare shadow reports in respect of the issues they are presenting
- The mechanism stipulates that states who have not ratified on all Human Rights instruments to do so as states that have not ratified cannot be reviewed at the commission.
- The review of states report is followed by an update of what is recommended, this makes it easy to know what to discuss with governments.

She also revealed that in the work of the office with states there is a need for capacity building to enhance their working relationship. The fact that some states have asked for help from the office shows that there is political will on the part of the states.

In the course of the comments, questions, and contributions that followed the presentations, the following issues came to the fore;

- Some participants complained that the UPRM was too complicated a system and the chances of its success were slim.
- The need for UNHCR to increase awareness of the UPRM and how it works, so that it can achieve its objectives.
- There was a call for UNHCR to find ways of making sure that states not only ratify but domesticate instruments.
- It was suggested that CSOs concentrate their work locally so they can achieve better results.
- Some participants suggested that the UPRM be given time before it can be judged.

SESSION 3

Chair: Her Excellency Sonji Monageng *Chairperson African Commission on Human and Peoples' Rights.*

The session was on the **60th Anniversary of the Universal Declaration of Human Rights (UDHR).**

The first presentation was given by **Mr. Andrew Chigovera *Member Governing Council of ACDHRS.*** According to him, the UDHR document is the most important document that laid the foundation for the protection

of human rights. It also gave rise to the International Bill of Rights and provided the international basis upon which the covenant of rights was founded.

Though not binding on nations of the world, it has gained universal acceptance and it is obvious that it is in nations that have not accepted its dictates that conflicts prevail.

He said it was significant to acknowledge that the world has generally witnessed progress in the area of human rights, but a lot still needs to be done if people around the world are to enjoy their rights as it is stated in the document.

While making reference to Africa he pointed out that the last decade had witnessed progress especially in the area of democratic elections, but events in places like Mauritania were a source of concern. Human rights violations can still be witnessed in several countries on the continent and while most countries have ratified international instruments on people's rights, implementation is a major challenge.

There is a need to therefore reflect on these challenges during the forum and suggest a way forward he concluded.

Mr. Femi Falana *President West African Bar Association (WABA)*, said it was an irony that the governments of countries like Nigeria and Kenya were congratulating Barack Obama while they had failed to conduct free and fair elections.

Poverty he said has made it impossible for Africans to enjoy any form of rights and called on civil society to be bold in demanding their rights from government. It was important for Africans to refocus and look inwards rather than outwards in finding solutions to their problems.

The UDHR document only serves as a moral basis and provides an influence as to how our constitutions can be shaped; the real challenge is on Africans as a people to make sure that the right thing is done.

Fatimata Mbaye, *President Mauritanian Human Rights Association* was of the view that the anniversary should be a period of assessment in respect of how much has been achieved and what needs to be done to move forward as a continent.

It was important at this stage to look at who uses the mechanism, and how the mechanism is used. There is a need to concretely address the

issue of human rights defenders. It is a period also to question several socioeconomic and political problems that still persist after 60 years of the declaration.

While the pursuit of political and civic rights were important, it was significant that economic and social rights be demanded as well by civil society organizations.

For NGOs she was clear that there are existing problems that need to be looked into. There is a problem of trying to survive at the national level due to lack of financial resources, lack of access to information especially from the side of government, the lack of effective functioning of the African court on human rights even though the mechanism exists.

In the course of the comments, questions, and contributions that followed the presentations, the following issues came to the fore:

- There was a re-emphasis on the need for civil society to strengthen the demand for economic and social rights on the continent.
- A resolution should be reached at the forum on the need to redress the problem of slavery in Africa.
- Africans should arise to see the importance of taking their destiny into their hands rather than depending on help from abroad.
- The significance of building the capacity of human rights defenders was also reechoed.

The final session was the presentation of recommendations made by the various interests groups. It was chaired by Mr. **Mambassa Fall of the ACDHRS Governing council**. The recommendations made by the groups were as follows:

Closing Ceremony

The closing ceremony was chaired by **Mr. Olawale Fapohunda**, Managing Partner LRC, who called on the following people to give their closing remarks;

Mr. Mambassa Fall, representative of the President on ACDHR said the fact that no topic was neglected at the forum shows how passionate, full of energy and certified draft resolutions would be. He saw the need for all governments to domesticate the contents of the African charter.

Finally he asserted the need for the African Commission to give space to CSOs to do their jobs effectively, and thanked the President of the Federal

Republic of Nigeria, Attorney General and Minister of Justice of the Federation, and the National Human Rights Commission for their commitments to the work of the Centre.

Oumar Ndongu, Secretary General of WACSOF, appreciated the depth of contributions that arose from the forum and went on to discuss WACSOF's activities as privileged to report on all democracy, governance, and human rights issues to the president and therefore invited more organizations to join WACSOF.

He spoke about new human rights issues like right to water especially in Nigeria. He went further to state that there is need to build the weak institutions that exist in Africa to promote human rights and concluded by calling human rights defenders and CSOs to continue to work together

Ms. Sanji Monageng Chairperson of the ACHPR thanked every one for their participation, and reiterated the fact that the ACDHRS has contributed greatly in bringing NGOs together. NGO through the forum have come to know not just about the African Commission, but have also increased their knowledge about the African human rights system in general. It is important that this relationship be further strengthened.

The deliberations of the last three days she hoped would lead to concrete proposals that will be presented to the Commission. The situation in Congo was one which the forum needs to address in an urgent and deliberate fashion.

It was important she mentioned that, NGOs and civil society in collaboration with the African Commission make it clear that they are fully committed to the ideals of the African Charter and work towards the creation of society where people's rights are respected.

The desire of the commission to work with all those interested in the promotion and protection of human rights was lastly pointed out by her.

Ms. Kehinde Ajoni, Executive Secretary of the National Human Rights Commission, while making her closing remarks made the point that the forum has become a place where the voice of the voiceless can be heard. The forum is a place where diverse issues that need to be addressed by the African Commission are brought to the fore.

The significance of the role of NGOs in the promotion and protection of human rights has been reaffirmed by the United Nations and African

Union. The participation of NGOs at the UN general assembly and sessions of the African Commission is guaranteed by the two bodies.

The issues addressed by the forum and decisions arrived at over the last three days she hoped will go a long way in addressing the state of the human rights situation on the continent. The work of the forum will also be of significance to the African Human Rights Institutions meeting.

The efforts of the ACDHRS must be commended; its role in facilitating the gathering of NGOs prior to the meeting of African Commission has greatly helped in addressing issues of human rights on the continent she concluded.

Mrs. Hannah Forster, Executive Director ACDHRS, in her own closing remarks thanked the government and people of Nigeria, all participants who over the last three days had contributed in one way or the other in making sure that the forum was a success.

She most importantly called on the need for civil society organizations to practice what they preach. This was important if what civil society was advocating for was to see the light of day.

Mr. Hassan Shire Sheikh, coordinator East Africa Human rights defender's project and member steering committee NGO forum finally gave the vote of thanks. He asserted the indivisibility and universality of rights. He thanked the Federal Republic of Nigeria, the various institutions and agencies, the ACHPR and their entire staff for their contribution to the success of the forum.

| Report Prepared by Terfa Philip Hemen