

# 6th Citizens' Continental Conference

preceding the 26<sup>th</sup> African Union Summit

*Theme: "2016 – African Year of Human Rights with particular focus on the Rights of Women"*

21-23 January 2016, Addis Ababa, Ethiopia

## Civil Society Organisations' Communiqué

### Contents

Executive Summary

- I. Preamble
- II. Recommendations to Member States
- III. Recommendations to the African Union (AU)
- IV. Commitments by Civil Society

### Themes covered

- A. Women's Rights
- B. Human Rights, Democracy, Governance and Civic Space
- C. Economic Justice, Inequality, Poverty and Illicit Financial Flows from Africa
- D. Peace and Security
- E. International Justice and Accountability in Africa
- F. Specific country cases

## EXECUTIVE SUMMARY

Over 170 representatives of Civil Society Organisations in Africa, working in all five geographical regions of the continent, and the diaspora, met from 21 to 23 January 2016, in our Sixth Citizens' Continental Conference, to bring African voices to the African Union and share with our leaders our concerns, insights and recommendations, ahead of the 26th African Union Summit of Heads of State and Government. Our conference was focused on the theme of the upcoming Summit and of 2016, which is the African Year of Human Rights, with particular focus on the Rights of Women. It provided a forum for civil society organisations and African citizens to critically reflect on the progress to date, current challenges, gaps and opportunities in addressing Human Rights in Africa, and to share our own narratives and insights on what ought to be done and, where possible, provide clear, concise and coordinated recommendations from civil society.

As African civil society, we appreciate the significant institutional and normative progress to date in promoting and protecting human and peoples' rights, and especially women's rights. However, we regret that our continent still faces a multitude of governance and human rights challenges. These include prolonged and new conflicts; poor governance, including rampant corruption, lack of transparency and accountability; political instability; leaders who cling to power at all costs and impede democratic transitions; Illicit Financial Flows from Africa; terrorism; money laundering; trafficking in persons or arms; irregular migration; restrictions on access to information, and violations of freedoms of expression, assembly and association; food insecurity; shrinking space for civil society at national and continental levels; violation of rights of women, and of marginalised and vulnerable groups including children, persons with disabilities and older persons; intimidation and attacks on human rights defenders, especially women human rights defenders and journalists; curtailment of education especially in situations of conflict; unabated impunity for egregious violations; and exclusion and alienation of youth. In addition, there are the challenges of growing inequality, non-inclusive growth and increased joblessness in many countries on the continent.

The conference focussed on 6 key thematic areas under which we made commitments ourselves, and also adopted several recommendations addressed to AU Member States and the African Union itself, related to the strengthening of institutions, reforming of discriminatory laws and policies, addressing structural cause of rights violations, ratifying and domesticating key legal instruments and mobilising and deploying adequate resourcing for human rights commitments. The thematic areas of the conference were:

- A. Women's Rights;
- B. Human Rights, Democracy, Governance and Civic Space
- C. Economic Justice, Inequality, Poverty and Illicit Financial Flows from Africa
- D. Peace and Security
- E. International Justice and Accountability in Africa
- F. Specific country cases of Burundi and Eritrea.

## **I. PREAMBLE**

Over 170 representatives of Civil Society Organisations in Africa, working in all five geographical regions of the continent, and the diaspora, met from 21 to 23 January 2016, in our Sixth Citizens' Continental Conference, to bring African voices to the African Union and share with our leaders our concerns, insights and recommendations, ahead of the 26<sup>th</sup> African Union Summit of Heads of State and Government. Our conference was focused on the theme of the upcoming Summit and of 2016, which is the African Year of Human Rights, with particular

focus on the Rights of Women. It provided a forum for civil society organisations and African citizens to critically reflect on the progress to date, current challenges, gaps and opportunities in addressing Human Rights in Africa, and to share our own narratives and insights on what ought to be done and, where possible, provide clear, concise and coordinated recommendations from civil society.

As African civil society, we appreciate the significant institutional and normative progress to date in promoting and protecting human and peoples' rights, and especially women's rights. However, we regret that our continent still faces a multitude of governance and human rights challenges. These include prolonged and new conflicts; poor governance, including rampant corruption, lack of transparency and accountability; political instability; leaders who cling to power at all costs and impede democratic transitions; Illicit Financial Flows from Africa; terrorism; money laundering; trafficking in persons or arms; irregular migration; restrictions on access to information, and violations of freedoms of expression, assembly and association; food insecurity; shrinking space for civil society at national and continental levels; violation of rights of women, and of marginalised and vulnerable groups including children, persons with disabilities and older persons; intimidation and attacks on human rights defenders, especially women human rights defenders and journalists; curtailment of education especially in situations of conflict; unabated impunity for egregious violations; and exclusion and alienation of youth. In addition, there are the challenges of growing inequality, non-inclusive growth and increased joblessness in many countries on the continent.

We,

- Bearing in mind the key human rights instruments that the Member States of the African Union have enacted, including the:
  - African Charter on Human and Peoples' Rights, 1981, and its two Protocols
    - Protocol to the African Charter on Human and Peoples' Rights, on the Establishment of an African Court on Human and Peoples' Rights, 1998 (the African Court Protocol)
    - Protocol to the African Charter on Human and Peoples' Rights, on the Rights of Women in Africa, 2003 (the Maputo Protocol)
  - (O)AU convention Governing the Specific Aspects of Refugee Problems in Africa, 1969
  - African Charter on the Rights and Welfare of the Child, 1990
  - African Charter on Democracy, Elections and Governance (ACDEG), 2008
  - AU Convention for the Protection and Assistance of Internally Displaced Persons (The Kampala Convention), 2009;

- Recalling the AU Agenda 2063;
- Applauding the AU for declaring 2016 the African Year of Human Rights with particular focus on the Rights of Women;
- Welcoming the appointment of human rights Ambassadors by the African Union;
- Being concerned at the inadequate implementation by Member States of commitments, strategies, plans and targets that they themselves have set and agreed upon, in the context of the AU and also of the Regional Economic Communities (RECs);
- Being concerned that the Budget for 2016 Year of Human Rights will be financed only 10% by the AU Member States and 90% by external donors, moreover, that this funding has not been secured yet;
- Recalling the grave economic, social and developmental cost of corruption and illicit financial flows from the continent;
- Being concerned about the struggles of African citizens across the continent in situations of new and prolonged conflicts;
- Being especially concerned that many Non-State Actors, and also some Government security forces, are terrorising citizens and targeting traditional safe havens such as schools, hospitals and markets and endangering the lives of children and women;
- Being concerned about the fact that the majority of those affected by conflicts and natural disasters are the most vulnerable, such as the ones currently facing the consequences of the *El Nino* phenomenon;
- Being further concerned about the shrinking civic and political space in several African countries;
- Expressing solidarity with African citizens and civil society who continue to work in difficult and dangerous environments, such as in Burundi, Central African Republic (CAR), Democratic Republic of Congo (DRC), Eritrea, Nigeria, South Sudan, and other conflict areas, and committing to work together in solidarity and to support them to amplify their voices; and
- Reiterating that we can no longer accept impunity for those that commit egregious human rights violations.

Make the following recommendations:

## II. RECOMMENDATIONS TO AU MEMBER STATES

### A. On Women's Rights, we call upon Member States to:

1. Commit to reforming and strengthening public institutions, reforming discriminatory laws and policies, and ensuring protection of women human rights defenders to address the structural causes of gender inequality;
2. Put in place measures to monitor the impacts of the private sector on women's human rights, and to respond to the violations thereto. While we recognise the role of the private sector, especially on resource mobilisation and implementation of the African Agenda 2063 and 2030 Agenda, this should not lead, however, to the prioritisation of the interests of business over those of the people;
3. Prioritise measures for the collection of **disaggregated data** across all sectors, in order to understand and respond to the specific needs of women and girls. At a minimum, data should be disaggregated on the basis of age, sex, geography, income, disability, marital status, race and ethnicity and other factors as relevant to monitoring of discrimination;
4. Avail more resources to advance women's rights and gender equality. This includes financing of women's directorates and bureaus in national, regional and continental institutions and women's rights organisations;
5. Harmonise regional and continental Protocols that protect the rights of women to pass on their nationalities to spouses and children;
6. Prioritise girls' education at all levels, and particularly make investment in education of women and girls in science, technology, engineering and mathematics (STEM);
7. Ensure gender parity at the African Union Commission (AUC) and all AU Organs and Institutions. In particular, at the AUC, there should be gender parity at the offices of the Chairperson and Deputy Chairperson;
8. Expedite implementation of the 2030 Agenda, specifically Sustainable Development Goal (SDG) 5 and other gender targets within this Agenda and Africa's Agenda 2063.

### B. On Human Rights, Democracy, Governance and Civic Space, we call upon Member States to:

1. Ratify the key legal instruments that guarantee human and peoples' rights, democracy, good governance, peace, security and the rule of law in Africa; particularly the:
  - a. Maputo Protocol and lift any reservations made thereunder, especially for Article 14, **and preferably to do so within this year of human rights**;
  - b. African Court Protocol and further make the Article 34(6) Declarations thereto;
  - c. African Charter on Democracy Elections and Governance (ACDEG);
  - d. African Union Convention on Preventing and Combatting Corruption (AUCPCC);

- e. AU Convention on Internally Displaced Persons (Kampala Convention);
  - f. The National Programmes of Action of the African Peer Review Mechanism (APRM);
  - g. Amended Protocol of the Pan African Parliament (PAP);
2. Adopt key pending legal instruments, particularly the:
    - a. Rules of Procedure of the African Governance Platform (AGP) and the Annexed Guidelines for State Parties' Reports under the African Charter on Democracy, Elections and Governance (ACDEG);
    - b. AU Transitional Justice Framework;
    - c. Protocol to the African Charter on the Rights of Older Persons in Africa;
  3. Domesticate the Treaties that they have ratified and ensure implementation, including through: -
    - a. Establishing country coordination and monitoring mechanisms for Treaty and policy commitments and targets;
    - b. Supporting National Parliaments, as well as the Pan African Parliament (PAP), to effectively play their oversight role;
    - c. Enacting enabling and appropriate legislation that are concomitant with the treaties and commitments made;
    - d. Amending existing legislation that contravenes the above obligations;
    - e. Formulating policies and dedicating the necessary budgets as well as technical resources for their implementation;
    - f. Within this year, submitting their inaugural Reports under the Maputo Protocol, as, to date, only the Republic of Malawi has done so;
    - g. Ensuring participation of citizens and the full engagement of the media;
  4. Mobilise and deploy sufficient resources, especially for: -
    - a. National Human Rights Institutions;
    - b. Regional Human Rights Treaty bodies, especially the African Commission on Human and Peoples' Rights, African Court on Human and Peoples' Rights, African Committee of Experts on the Rights and Welfare of the Child, Pan African Parliament, African Peer Review Mechanism (APRM), AU Advisory Board on Corruption (AU-ABC), and the African Governance Architecture/ Platform (AGA/P);
  5. Reduce defence spending, and reallocate resources towards financing public service delivery on areas that have a direct bearing on individual and collective rights of the African citizenry, such as education, health, shelter, and social protection for most vulnerable e.g. children and older persons;
  6. Implement Article 23 of the African Charter on Democracy, Elections and Governance (ACDEG) by expeditiously identifying all attempts at Unconstitutional Changes of Government (UCG) and timeously imposing appropriate sanctions.

7. Review the AU Plan of Action on Ageing (2002) and its Monitoring and Evaluation Framework, in order to align it with the proposed AU Protocol on the Rights of Older Persons in Africa;
8. Respect and protect civil society space, repeal legislation that unlawfully restricts the rights of citizens to form, belong to or participate in associational life, including the ability of Civil Society Organisations (CSOs) to attain formal status in various AU organs and institutions;
9. Ensure the respect for human and peoples' rights while combatting terrorism;
10. Formulate and implement measures to guarantee the right to a nationality, end statelessness and ensure non-discriminatory issuance of registration documents to all African children, women and men;
11. Endorse the Safe Schools Declaration and actualise commitments towards protecting schools and universities from military use during armed conflict;
12. Ensure that the countries which host the secretariats of AU organs and institutions espouse the values and principles contained in AU treaties and agreements, with specific reference to the respect for human and peoples' rights as enshrined in the African Charter on Human and Peoples' Rights, and free movement of persons. It is imperative that the host countries of AU organs and institutions lead the continent by example, in implementing the commitments for which the institutions they host are custodians. Similarly, the Countries where treaties are adopted, should be at the forefront of ratification and implementation of those treaties;
13. Bearing in mind that the City of Addis Ababa bears both the commitment and the privilege to be the political capital of Africa, we earnestly request the Government and people of Ethiopia to review their laws and policies on Visas to facilitate easy access for not only African Government officials but also for African citizens, so that they may be able to fully engage the AU organs and institutions, as guaranteed by the Constitutive Act and other AU laws;
14. Bearing in mind that the city of Banjul hosts the African Commission on Human and Peoples' Rights, we call upon the Government of the Gambia to respect and comply with its human rights obligations. We note with consternation that, despite being the host of the Commission, the Gambia has not submitted its State Report under the Charter in the last 21 years and has continued to ignore the calls for human rights reforms and protection by other African countries, regional governmental institutions, civil society and the international community. Given that 2016 has been declared a Year of Human Rights the AU should demonstrate the premium they place on respect for human rights in Africa and take stringent measures against the Gambia for the continuing violations.

**C. On Economic Justice, Inequality, Poverty and Illicit Financial Flows from Africa, we call upon Member States to:**

1. Recognise that the current macroeconomic models and fiscal policies disproportionately affect women and adopt a new approach that is focused on the wellbeing of people, rather than mere economic growth, and ensure that inequalities in international trade, finance and taxation arrangements are addressed to realise the fulfilment of women's human rights throughout Africa. Macroeconomic structures should be leveraged to reduce the current inequalities in opportunities, wealth and power, and women should be involved equally in global economic governance;
2. Implement the cardinal principles of the African Union Convention on Preventing and Combatting Corruption (AUCPCC), being sure to establish independent and effective Anti-Corruption Commissions, engage in legislative reforms, adopt and implement access to information and whistle blower protection laws;
3. Implement fully the Africa Mining Vision and its Action Plan;
4. Prioritise progressive tax reforms at national levels, including review of tax incentives, corporate income tax, capital gains tax and property tax regimes with a view to increasing tax revenues over time, and ensuring that the burden of such revenue growth is fairly distributed amongst their taxpayers, and that the benefits are similarly affirmatively and equitably distributed;
5. Implement recommendations of the Africa Tax Administrators Forum (ATAF), especially by domesticating its Model Laws, and implementing its recommendations around review of Bilateral Investment Agreements (BIAs) and multilateral agreements which restrict the policy latitude of governments to protect and promote the economic, social and cultural rights of their citizens and to provide public services.

**D. On Peace and Security, we call upon Member States to:**

1. Commit to prevent violations of women's human rights within conflict and post-conflict situations, particularly as women and girls are disproportionately affected in conflict and post-conflict situations;
2. Assess thoroughly the situation of migrant women and girls, as well as the situation of women and girls within conflict zones, and undertake all necessary measures to ensure the realisation of women's human rights in these critical situations;
3. Ensure the participation of women in peace-building, state-building, post-conflict restructuring and peace-keeping, in light of the relevant AU Resolutions and United Nations Security Council Resolution 1325;
4. Address rising fundamentalism in Africa, which is threatening the progress made on women's and girls' human rights in contravention of the non-discrimination provisions of



the Maputo Protocol, Beijing Platform of Action and Convention for the Elimination of all forms of Discrimination against Women (CEDAW).

5. Ensure proper vetting of the military and non-military personnel to be deployed in peacekeeping and other missions, as well as ensure proper training according to the relevant international standards.
6. Establish a Mechanism for investigating allegations of human rights abuses by peacekeepers and undertaking or ensuring remedial action.
7. Urgently ratify the Arms Trade Treaty (ATT), as it contributes to: -
  - a. The enjoyment of the right to international peace and security, which is guaranteed by Article 23 of the African Charter on Human and Peoples' Rights;
  - b. The implementation of the recommendations of the Report of the High-Level Panel on Illicit Financial Flows from Africa;
  - c. The implementation of the Silencing the Guns Initiative;
8. Ensure that only Member States that uphold democracy, human rights, and rule of law as set out in Protocol establishing the Peace and Security Council of the African Union are eligible to be elected to the PSC.

**E. On International Justice and Accountability in Africa, we call upon Member States to:**

1. Expeditiously conclude and adopt the (draft) African Union Transitional Justice Framework (ATJF).
2. Honour their commitment to transitional justice measures, including reparations, memorialisation, and accountability for serious crimes.
3. Implement the AU policy on Universal Jurisdiction, and accordingly enact or amend their national laws to incorporate a comprehensive approach to Universal Jurisdiction, including for the crime of corruption.
4. Ratify the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights, and, if necessary, with reservations on its provisions on immunities for Heads of State and other senior State officials.
5. Refrain from intervening politically in judicial matters before the International Criminal Court (ICC) thereby endangering its independence, and to further refrain from unduly politicising other aspects of the ICC.

### **III. RECOMMENDATIONS TO THE AFRICAN UNION**

#### **A. On Women's Rights, we call upon the African Union to:**

1. Ensure gender parity of the African Union Commission (AUC) and all AU Organs and Institutions. In particular, at the AUC, there should be gender parity at the offices of the Chairperson and Deputy Chairperson.

#### **B. On Human Rights, Democracy, Governance and Civic Space, we call upon the African Union to:**

1. Include the following important issues amongst its priorities in Agenda 2063 and Project 2016:
  - o Combatting corruption and Illicit Financial Flows (IFFs);
  - o The protection against statelessness and the right to a nationality for all African children, women and men.
2. Ensure that the countries which host the secretariats of AU organs and institutions espouse the values and principles contained in AU treaties and agreements, with specific reference to the respect for human and peoples' rights as enshrined in the African Charter on Human and Peoples' Rights and free movement of persons.

#### **C. On Economic Justice, Inequality, Poverty and Illicit Financial Flows from Africa, we call upon the African Union to:**

1. Develop an Action Plan, with specific time frames, to implement the January 2015 Declaration of the AU Assembly and recommendations of the High-Level Panel on Illicit Financial Flows from Africa;
2. Ensure a gender lens in all implementation strategies pursuant to the said recommendations of the High-Level Panel;
3. Ensure the protection and promotion of the entire human and peoples' rights enshrined in the African Charter on Human and Peoples' Rights that relate to extractive industry operations, in recognition that African people have experienced atrocities at the hands of many extractive industry actors;
4. Formulate a resolution to ensure that communities have the right to free, prior and informed consent in all extractive industry investments before extractive industries encroach upon their land.

**D. On Peace and Security, we call upon the African Union to:**

1. Work closely with civil society in conflict situation countries, as civil society are partners for the implementation of decisions and recommendations of AU mechanisms, and are crucial to ending impunity in the long term and fostering sustainable peace.

**F.i. On the Republic of Burundi, we call upon the African Union to:**

1. Urgently deploy the peacekeeping mission ordered by the Peace and Security Council of the African Union (AU-PSC);
2. Draw up the List of persons to be subjected to sanctions for violating human or peoples' rights or impeding speedy and inclusive negotiations by all parties to the conflict.

**F.ii. On Eritrea, we call upon the African Union to:**

1. Especially at the level of the Summit of Heads of State and Government, to put the human rights situation in Eritrea on the agenda and express its support to the Report of the United Nations Human Rights Commission of Inquiry on Eritrea;
2. We also call upon the African Commission on Human and Peoples' Rights to be seized of the human rights situation in Eritrea and refer the country to the AU Summit Heads of State and Government, as a country that has continuously defied all decisions and recommendations concerning the country, made by regional and international organisations.

## IV. COMMITMENTS BY CIVIL SOCIETY

### A. On Women's Rights, we commit to:

1. Playing our part in ensuring the collation of **disaggregated data** across all sectors, in order to understand and respond to the specific needs of women and girls. At a minimum, data should be disaggregated on the basis of age, sex, geography, income, disability, marital status, race and ethnicity and other factors as relevant to monitoring and discrimination.

### B. On Human Rights, Democracy, Governance and Civic Space, we commit to:

1. Sustaining our campaigns to ensure:
  - a. Timely State reporting on all key Human Rights Treaties by our respective governments and also prepare shadow/ complementary reports;
  - b. Implementation of human rights norms and decisions from Treaty Bodies at the level of the AU and the Regional Economic Communities (RECs);
  - c. In this regard to conduct and support comprehensive research and publication of data relating to the compliance, or otherwise, of all AU Member States;
  - d. Better collaborate and join regional and continental networks that bring us together to co-ordinate our efforts, have a strong voice when engaging our States and regional organisations and learn from each other's experiences;
2. Urgently forming strategic cooperation/partnerships with the media, in order to promote and protect the human rights of all African peoples, and to contribute to the Year of Human Rights with a Special Focus on the Rights of Women in Africa.

### C. On Economic Justice, Inequality, Poverty and Illicit Financial Flows from Africa, we commit to:

1. Undertaking strident advocacy on the economic, social and cultural rights of all Africans, and in particular to call for the review of bilateral and multilateral agreements, which have the effect of reducing policy space for improving human and peoples' rights.

### D. On Peace and Security, we commit to:

1. Advocating for expeditious adoption, and thereafter, full implementation of the African Transitional Justice Framework (ATJF). We will popularise the Framework at national levels, and work with our governments and peoples to include its principles in their laws and policies;

2. Advocating to raise the quality of the members to the African Union's Peace and Security Council (AU-PSC);
3. Playing a more active role in enhancing peace and security and protecting citizens through tracing the sources of weapons provided to African Member States that are proven to use them against their own people.

#### **E. On International Justice and Accountability in Africa, we commit to:**

1. Being more deliberate in our efforts to bridge linguistic and geographical distances that divide civil society working on justice and accountability in Africa;
2. Engaging our governments and the AU on the provisions that we want amended on the Malabo Protocol to the African Court, ratification of the Protocol and budget advocacy to ensure that the current and future Courts are adequately resourced in human and technical terms;
3. Advocating for domestication of AU policies on Universal Jurisdiction at the national levels, including through use of the AU Model Law on Universal Jurisdiction;
4. Be more courageous and proactive in tackling sensitive issues, especially in areas where local capacity is limited or challenged and where there is a real need for collaboration and concerted action;
5. Proactively engage in networks and alliances with likeminded groups outside our regions and across regions so that we too can be first responders and begin to determine the parameters of the type of work that is required after a crisis strikes;
6. Be at the forefront of documenting and disseminating information. This requires maintaining good networks across the continent and being responsive to evolving situations. It also means mobilising resources for documenting and recording these processes for the historical archives and also for learning purposes;
7. Engaging more comprehensively with the plethora of African continental and regional mechanisms – such as the expanded African Court and African Transitional Justice Framework (ATJF) to ensure that these respond to the needs on the ground and are useful instruments in the fight against impunity;
8. Advocating for the speedy establishment and functionality of the special tribunals proposed for the Central African Republic (CAR) and the Republic of South Sudan.

#### **F.i. On the Republic of Burundi, we commit to:**

1. Engaging our own governments, across the continent, and especially within the East African Community (EAC), to pursue speedy and continuous (day-to-day) mediation until an inclusive agreement is reached, and peace, stability and security returns to Burundi;

2. Dispatch a delegation of civil society activists to Bujumbura to forward our message on human rights and protection of local civil society.

**F.ii. On the Republic of Eritrea, we commit to:**

1. Lending our support to Eritrean human rights defenders in their efforts in raising awareness and ensuring promotion and protection of the rights of the Eritrean people.

**F. iii. On The Gambia, we commit to:**

1. Mounting a sustained campaign for the respect for human and peoples rights in the Gambia in this year of human rights, failing which, for the relocation of the African Commission on Human and Peoples' Rights from Gambia to another Member State that is more conscious of its obligations under the African Charter on Human and Peoples' Rights. We note with consternation that, despite being the host of the Commission, the Gambia has not submitted its State Report under the Charter in the last 21 years, and continues to violate rights and threaten and clamp down on human rights defenders.

**And finally, the Centre for Citizens' Participation on the African Union (CCPAU) commits to:**

1. Establish a Focal Point for dissemination of information among CSOs and from CSOs to Journalists for the 2016 Year of Human Rights.

**Done in Addis Ababa, Ethiopia, January 23, 2016.**