

**HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA REPORT
WORK RELATED TO AFRICAN COMMISSION
ON HUMAN AND PEOPLE'S RIGHTS SESSIONS – NGO FORUM & INTERSESSIONAL
PERIOD
MAY 2019 –AUGUST 2020**



TABLE OF CONTENTS

• Executive Summary	3
• 65 th Ordinary Session of ACHPR	6
• Participation at the NGO Forum Before the session of ACHPR	7
• Presentation of HURISA statement on situation of human rights and democracy in the SADC region	8
• Panel presentation on Durable solution for addressing refugees, asylum seekers and displaced Persons in Africa.....	9
• Panel on NGO Guidelines for developing CSO Shadow Reports.....	10
• Resolutions of the NGO Forum	11
• Launce of CSO Report on Women Peace and Security Report	12
Workshop for Developing NGO Reporting Guidelines on the African Charter on Human and People’s Rights and the African Charter on Human and People’s Charter Protocol on the Rights of Women in Africa	13
➤ Support Group on Freedom of Association & Assembly	
• CSO Shadow Report on Zimbabwe State Report on the African Charter on Human and People’s Rights & Protocol on the Rights of Women in Africa	14
• Pre NGO Forum and 65 th Session of the ACHPR	15
➤ Africa Human Rights Day	
• Intersessional Activities.....	16
• Meeting on the sidelines of Mining Indaba (AMI)	18
• NGO Forum preceding ACHPR 66 th Session	19
• 66 th Session	20
• Conclusion	21

ACRONYMS

HURISA	-	HUMAN RIGHTS INSTITUTE OF SOUTH AFRICA
CSOs	-	CIVIL SOCIETY ORGANISATIONS
HRDs	-	HUMAN RIGHTS DEFENDERS
ACHPR	-	AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS
CHR	-	CENTRE FOR HUMAN RIGHTS
ITUC	-	INTERNATIONAL TRADE UNION CONGRESS
SALC	-	SOUTHERN AFRICA LITIGATION CENTRE
ZHF	-	ZIMBABWE STATE REPORT
ZLHR	-	ZIMBABWE LAWYERS FOR HUMAN RIGHTS
ACDHR	-	AFRICAN CENTRE ON DEMOCRACY AND HUMAN RIGHTS STUDIES
FHR	-	FOUNDATION FOR HUMAN RIGHTS
CGE	-	COMMISSION FOR GENDER EQUALITY
CSVR	-	CENTRE FOR STUDY OF VIOLENCE AND RECONCILIATION
FXI	-	FREEDOM OF EXPRESSION INSTITUTE
TRC	-	TRANSFORMATION RESOURCE CENTRE
COVID 19	-	CORONA VIRUS

Executive Summary

Human Rights Institute of South Africa (HURISA) strengthens the African human rights systems through coordination of meetings including capacity building workshops, research and advocacy interventions at national, regional and international levels. HURISA is an SADC Focal Point for Civil Society (CSOs) and Human Rights Defender's (HRDs) participating in the NGO Forum and Public Sessions of the African Commission on Human and People's Rights (African Commission/Commission/ACHPR). The organisation marked 25th Anniversary of its existence in 2019. This historical moment coincided with the 25th Anniversary of the South Africa's human rights dispensation and democracy. 2019 was also a year of the country's national elections. In recognition of these significant anniversaries, HURISA hosted engagements in every province over the course of the year to assess progress made in embedding a human rights culture in South Africa. This provided an evaluation of the country's movement from its apartheid history of activists, human rights defenders and journalists being subjected to gross human rights violations in a climate of fear, harassment, intimidation, reprisals, extrajudicial killings, forced disappearances and the impediment of freedom of association, assembly and expression. A High Level Panel was hosted to provide the opportunity to the grassroots participant for engaging with judges, national human rights institution commissioners and officials about human rights problems affecting the country. Retired Judge Richard Goldstone, Justice Judy Kollapen, former National Prosecution Authority Deputy Director, Ambassadors from the Royal Embassy of Denmark and Norway. The Former Chairperson of the African Commission on Human and Peoples Rights interacted with participants. A report highlighting the state of human rights and democracy in South Africa is online. A joint consultation was also held with the South African Human Rights Commission to mark Africa Human Rights Day on 21 October 2019. This increased promotion for understanding of the African human rights system, as stipulated in Article 25 of the African Charter on Human and People's Rights

The African Union Theme for 2019 was focused on Refugees, Returnees Internally Displaced Persons "Working toward durable solution to forced displacement in Africa". The theme was designed to commemorate the 50th Anniversary of the 1969 OAU Convention on Specific Aspects of Refugee Problems in Africa (AU Convention on Refugees) and the 10th Anniversary of the 2009 AU Convention on Internally Displaced Persons (Kampala Convention). These milestone achievements provided the impetus to assess the state of displacements in Africa, the root cause and contribution of solutions for comprehensive address of the scourge.

HURISA organised a range of capacity building workshops, engaged in collaborations and facilitation of meetings to strengthen the African system of human rights. Collaboration initiative was conducted with the Centre for Human Rights, Centre for the Study of Violence and Reconciliation through a panel on refugees, asylum seekers and forced displacements in the continent. This was an informative initiative and raised thought provoking discussion that contributed towards Commission's adoption of recommendations for comprehensive address of forced displacement in the Continent.

The organisation also facilitated a session at a side event working on development of guidelines for CSOs shadow report, hosted by ICJ Kenya, Kenya Human Rights Commission, Equality Now and Centre for Human Rights. The draft guidelines were presented at a panel facilitated with partners at the NGO Forum. This inspired more voices from the Forum to increase advocacy on the issue of the CSO Shadow Report Guidelines at the Public Session of the ACHPR.

HURISA participated as a Member of Support Group on Freedom of Association and Assembly on the Guidelines on Freedom of Association and Assembly in Africa, chaired by the Special Rapporteur on Human Rights Defender's & Reprisal Focal Point in Africa. The purpose of the meeting was to provide updates and strategies to increase monitoring implementation of the Guidelines in the region.



The NGO Forum preceding the 65th Session of the African Commission provided a spot light on Zimbabwe human rights situation and deliberation on the State Report considered by the Commission for review at the 65th Session. HURISA prepared a Shadow Report prepared jointly with a coalition of Civil Society comprising of Centre for the Human Rights (CHR-UP) and International Trade Union Congress (ITUC). The organisation also highlighted the human rights issues omitted on the Zimbabwe State Report at a live stream event facilitated by the Southern Africa Litigation Centre (SALC) Zimbabwe Human Rights NGO Forum (ZHF) Zimbabwe Lawyers for Human Rights (ZLHR), Human Rights Watch.

A statement on human rights situation and democracy in the SADC and recommendations were presented at the both public Sessions and NGO Forum. HURISA also launched a CSO National report promoting development of national action plan for implementation of UN Security Council Resolution 1325 at a side event hosted in collaboration with Foundation for Human Rights, Commission for Gender Equality

The organisation popularised planning activities of the NGO Forum preceding the 65th ACHPR Session through dissemination and coordination of pre and post meetings of CSOs, HRDs from the SADC region. A statement and strategies for participation at the NGO Forum and interventions at the 65th Session of the ACHPR were adopted. These included the shrinking space for functioning of CSOs, reprisals and extrajudicial killings of civil society activist, HRDs, journalists, xenophobia, political intolerance and violent election catastrophes in the SADC region.

HURISA continued promoting ACHPR mechanisms during intersessional period through research studies and situational analysis of human rights in the SADC region. The organisation collaborated with DITSHWANELO-The Botswana Centre for Human Rights, Transformation Resource Centre to host online publication and media reports on the impact of COVID19 on human rights.

Collaboration with the Centre for Human Rights –UP, Centre for Applied Legal Studies (CALs-Wits), Oxfam South Africa (OZA) reached the grass roots stakeholders focusing on natural resources and extractive industries at the Mining Indaba (AMI) in promoting the NGO Forum platform and ACHPR Sessions through innovative spaces provided for CSOs at the Pan African Parliament.

The restrictions imposed to curb COVID19 affected the NGO Forum and ACHPR 66th Session seating. This led to meetings conducted virtually on online platforms. The African Union Department of Political Affairs invited the NGO Forum Steering Committee to present through webinar the human rights situations experienced at sub regional level in prevention of COVID19. HURISA informed Department of Political Affairs of the situation on the ground affecting the SADC region.

ACHPR 66th Session was conducted virtually on 13 July – 7 August 2020 and NGO Forum on 9-10 July 2020. HURISA prepared a statement on human rights and democracy in the SADC region and violations of women’s rights under COVID19 era. At the 66th Session HURISA presented four statements highlighting deterioration of human rights in the region based on women, human rights defenders, freedom of expression in the context of COVID19.

Technical support was provided during development of Botswana CSO Shadow report, publicity and co-hosting of webinar with Centre for Human Rights, DITSHWANELO-The Botswana Centre for Human Rights and Rainbow Foundation based in Mauritius.



65TH ORDINARY SESSION OF ACHPR

In accordance with Article 42 of the African Charter on Human and Peoples' Rights and Article 12 of its internal regulations, the African Commission on Human and People's Rights, on 21 October 2019 changed its Bureau. Following the election, Commissioner Solomon Ayele Dersso (Ethiopia) was elected to serve as Chairperson and Professor Rémy Ngoy Lumbu (Democratic Republic of Congo) was elected as Vice-Chairperson. The new leadership of the Commission promised to complete work of the office of the outgoing Chairperson, Honorable Commissioner Soyata Maiga (Mali) and Vice Chairperson Honorable Laurence Muruge Mute (Kenya) respectively (2017-2019).

HURISA acknowledged the excellent leadership portrayed by the outgoing Chairperson of the ACHPR Honourable Commissioner Maiga and Vice Chairperson Honourable Commissioner Mute for the stride they made in advancing human rights in the continent. The new Chairperson Honourable Solomon Ayele Dersso and Vice Chairperson Honourable Commissioner Rémy Ngoy Lumbu were congratulated and wished well in their new mandates on the Commission.

HURISA requested the African Commission to encourage AU Member State to do the following;

1. Accelerate implementation of the OAU / AU Convention on Refugees, 50th Anniversary – & 10th Anniversary of the Kampala Convention and consider improving reporting mechanism under Article VII of the Refugee Convention & Article 14 of the Kampala Convention to improve the monitoring compliance
2. Develop indicative questions to give effect Article 12 of the African Charter on Human and People's Rights to assist state protect refugees and addressing forced displacement comprehensively.
3. Implement the SADC Freedom of Movement of People in the region.
4. Accelerate AU Free Movement and Agenda 2063, as well as calling for States that have not done so ratify the Kampala Convention on IPS and implementation
5. Repeal amend restrictive enactments that close civic space and shrink the enabling environment for associations to function without fear of reprisals, persecution of CSO's HRDs and dissenting voices, interference with their governance structures, programme, policies and funding models by implementation of ACHPR Reprisals Resolution 273.
6. Develop progressive laws for the security of the internet in order to prevent arbitrary internet shut downs and citizen privacy whilst using the internet



Election, Honorable Commissioner Solomon Ayele Dersso (Ethiopia) as Chairperson and Professor Rémy Ngoy Lumbu (Democratic Republic of Congo) Vice-Chairperson.

PARTICIPATION AT THE NGO FORUM BEFORE 65th SESSION OF ACHPR



The Forum integrated in its programme the AU 2019 theme “Refugees Detainees Internally Displaced Persons: Working toward durable solution to forced displacement in Africa” to deepen awareness for more protection of this vulnerable group in the continent. The focus also reiterated the AU commitment to liberate the African people from dictatorship to attain greater unity, cohesion and solidarity in the Nairobi Declaration in 2017. The entrenched rights in the African Charter on Human and People’s Rights promoting solidarity and friendly relations on the continent also echoed the AU theme and the forum’s cohesive objectives. This theme also underscored the AU Agenda 2063 which commit Member States to make the 2020 a year for Silencing the Guns by working towards ending all wars, civil conflicts, gender based violence, eliminate restrictions for free movement of people to travel, work, and live within the continent. At the opening ceremony attended by the Honourable Soyata Maiga, Executive Director of the African Centre on Democracy and Human Rights Studies (ACDHRS) Mrs Hannah Foster, Mr Mabasa Fall Member of the ACDHRS Governing Council, HURISA Executive Director, Corlett Letlojane underlined the importance of education as a tool for dissemination of the theme across Africa. Unity, respect of the human dignity of migrants, refugees, asylum seekers, ending forced displacement can be achieved not only by lip service but by encouraging practice of African value of hospitality across the African.

Presentation of HURISA statement on situation of human rights and democracy in the SADC region



The statement increased awareness on the SADC Protocol on Freedom of Movement which fosters regional integration, economic development and unity¹. However, the word **'Freedom'** has been replaced with **'Facilitation'** of movement of asylum seekers, refugees and migrants in the region. Their right of movement, to seek residence and not to be expelled from host countries is undermined. This is in spite of safeguarded rights in the African Charter and AU Convention on Specific Aspects of Refugee Problems in Africa². Most of the SADC countries also enact regressive laws impeding freedom of association, assembly, expression, political rights, interference with national electoral commissions, arbitrary arrests of human rights defender's, civil society and journalists for performing their human rights work. In May 2019 Malawi held elections which would have qualified as credible for adopting the biometric voter process for the first time in its electoral history. However, although the elections were reported to have been conducted professionally and with dedication. Several inconsistencies were reported to have featured in the application of election procedures, particularly reconciliation of forms, counting of votes and interpretation of what constituted a null or void vote. Notwithstanding the inconsistencies that occurred across the country, the Chairperson of Malawi Electoral Commission disregarded all the disqualification reports and credited election result as free and fair. This was challenged by advocacy, campaigns and rallies organised by the Coalition of HRDs calling for Electoral Commission Chairperson to step down. The Chairperson of the Coalition of Human Rights Defenders was targeted for organising these protests which continued increasing awareness and holding office of the electoral commission accountable. Southern African Human Rights Defender's Network (SAHRDN) issued a petition for the intervention of the African Commission. In South Africa there were instances of multiple voting by the electorate. However, the suspects were apprehended by law enforcement. The forum adopted resolutions for raising concerning human rights problems and democracy in the SADC;

¹ Adopted in 1997

² Article 12 of the African Charter, Article VI of OAU Convention on Specific Aspects of Refugee Problems in Africa (1969-1974)

1. To use the AU 2019 theme and 50th Anniversary of the OAU / AU Convention on Refugees to advocate for development of State reporting guidelines as well as implementation and acceleration of the AU Free Movement and Agenda 2063 and promote ratification of the Kampala Protocol on IDPs
2. Advocacy interventions for implementation of the SADC Protocol on Freedom of Movement of People in the region.
3. Developing strategies for elimination of xenophobia, discrimination, inequality, and related intolerance and call South Africa to implement Resolution 131 and 304.
4. Call for repeal, amendments of restrictive laws shrinking civic space to enable environments for functioning of associations without fear, interference with their governance structures, programmes, policies and funding models.
5. Adoption of positive laws to civic space, functioning of HRDs and media freedoms.
6. Promoting and protection of the independence of the judiciary and withdrawal of the new SADC Tribunal Protocol
7. Ending reprisals and persecution of CSO's, HRDs and dissenting voices by implementation of the AU Charter on Elections Democracy and Governance and ACHPR resolutions on Reprisals.
8. Development of progressive laws for the security of the Internet in order to prevent arbitrary shutdowns
9. That the African Union expedite the process of presentation of the draft Protocol on Statelessness for adoption in 2020.
10. To encourage the adoption of Regional Action Plans to combat statelessness within the various regional economic communities, as inspired by the Abidjan Declaration in West Africa.

Panel Presentation on Durable Solutions for Addressing Refugees, Asylum Seekers and Displaced Persons in Africa



In pictures (L-R): Anna Moyo (CSVR), Corlett Letlojane (HURISA) and Bonolo Makgale (UP Centre for Human Rights – (UP) Panel on Durable Solutions at the NGO Forum preceding the 65th Session of the African Commission on People and Human Rights (ACHPR)



The panel brought to light major challenges facing refugees, asylum seekers, migrants and displacements in Africa in spite of AU Agenda 2063³. More than a third of the world's forcibly displaced people are in Africa, including 6.3 million refugees and asylum-seekers and 14.5 million internally displaced people⁴. The panel provoked discussion on the persistence of Xenophobia in South Africa in spite of numerous reports brought to the African Commission. In May 2008 at least 62 people (overwhelmingly non-nationals) were killed and thousands were displaced in the worst outbreak of xenophobic violence.⁵ Between April and May 2015, another wave of xenophobic violence gripped the country leaving several people dead and an estimated 2400 people displaced.⁶ In August and September 2019, a third major wave of xenophobic violence hit the country, mostly in the cities and urban areas of Johannesburg and Durban. At least 12 people were killed in those attacks, including South Africans who were mistaken as foreigners or who were otherwise caught in the melee of looting foreign-owned shops.⁷ No one has been successfully prosecuted for acts of xenophobic violence in the country, something that is not surprising given the government stridently denies the violence is underpinned by xenophobia. The ACHPR Resolutions 131 passed on South Africa in 2008, and 304 in 2016 urged the South Africa to protect the lives, properties of migrants and prosecute suspects of these crimes. The resolutions also urged South Africa to ratify the Kampala Convention on Internally Displaced Persons and to consider a Special Envoy Mission of the Special Rapporteur on Refugees, Migrants and Internally Displaced Persons in the country. The panel recommended the ACHPR to call South Africa to implement resolutions for protection of migrants since 2008 to-date. The panel developed a resolution for the forum to raise in Commission Session for increasing compliance with the regional human rights instrument protecting refugees. The resolution also recommended practical steps to be considered for improving the lived realities of refugee, asylum seekers and displaced persons in Africa.

Panel on NGO Guidelines for developing CSO Shadow Reports

This panel provided the NGO Forum with the opportunity for in-depth engagement on the Draft Shadow Reporting Guidelines. Provision of the African Charter and the Maputo Protocol served as source of reference for developing draft guidelines for CSO Shadow reporting. The panel was chaired by Edigah Kavulavu (ICJ-Kenya), and presentations included *Role of civil society and national human rights institutions in the state reporting process* by Corlet Letlojane (HURISA); *The need for CSO guidelines* by Kennedy Kanyali (Equality Now/SOAWR) and *Overview of the draft shadow reporting guidelines* by Satang Nabaneh' (Centre for Human Rights) and the Panel Rapporteur was Joanne Mutonga (ICJ-Kenya). The Panel stimulated broader conversation on the significance of shadow reporting as a tool to strengthen co-operation between Non-Governmental Organisations (NGOs) and the African Commission in the promotion and protection of human and peoples' rights on the continent. Innovative inputs and strategies were received from the wider NGO Forum community on the Draft Guidelines and consolidated for advocacy at 65th Session of ACHPR

³ Mr Awful Ronny Mike – Policy Officer AU Department of Political Affairs, Two day meeting held on AU 2019 Theme in Morocco, August 2019

⁴ Bonobo Makgale Democracy Transparency and Digital Rights Unit – CHR Dialogue Action Week on Xenophobia 2 October 2019.

⁵ A large body of scholarly articles on xenophobia in South Africa can be accessed at

https://scholar.google.co.za/scholar?q=xenophobic+violence+%2B+2008&hl=en&as_sdt=0&as_vis=1&oi=scholart&sa=X&ved=0ahUKEwjb_57Cj4TNAhUDBMAKHWITA7cQgQMIGTAA

⁶ See e.g. Human Rights Watch, World Report 2016 - South Africa, available at <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=56bd991fc>

⁷ Amnesty International, South Africa 2019. <https://www.amnesty.org/en/countries/africa/south-africa/report-south-africa/>. See also BBC, 2 October 2019. *South Africa: How common are xenophobic attacks?* Available at <https://www.bbc.com/news/world-africa-47800718>

Resolutions of the NGO Forum



HURISA contributed immensely towards the NGO Forum development of Resolutions for presentation and advocacy interventions in Session of the African Commission. The organisation contributed in preparing Resolution on durable solution for addressing refugees, asylum seekers, migrants and forced displacements in Africa, and the NGO Guidelines for drafting of Shadow Report. As a result of this advocacy, the Commission adopted profound resolutions during its Extra Ordinary Session held in March 4 2020. Among these include, six (6) Resolutions:

- i. Resolution on the Post-Election Crisis in the Republic of Guinea-Bissau
- ii. Resolution on the Extension of the Deadline for the Submission of the Draft Study on the Situation of Africa's Sacred Natural Sites and Territories;
- iii. Resolution on the Need to Develop a Study on the Situation of African Human Rights Defenders in Exile;
- iv. Resolution on the Need to Develop Guidelines for Shadow Reporting;
- v. Resolution on the Need to Develop norms on the Obligations of States to Regulate Private Actors Involved in the Provision of Social Services; and
- vi. Resolution on the Need to Prepare a Study on the Use of Force by Law Enforcement Officials in Africa.

Side Events

Side events serve as essential component of the forum advocacy programme and strategy for providing education on the African system of human rights, including raising awareness, knowledge exchange, partnership building, networking as well collaborative use of reporting mechanisms. HURISA participated in side events organised by partners, special mandate holder of the Special Rapporteur on Human Rights Defender's on Freedom of Association and Assembly Guidelines and also hosted a side event for launching South Africa CSO Women Peace and Security Report

Launch of SA CSO Report on Women Peace and Security Report

HURISA plays important roles at national level advocating for the development and adoption of a National Action Plan under the auspices of the UN Resolution 1325. This action culminated in advocacy at the NGO Forum for pioneering an interest group on peace and security. This interest group lobbied the Commission to adopt a resolution for working closely with the AU Peace and Security Council (AU –PSC) in accordance with Article 19 of the AU-PSC Protocol and other regional and sub-regional processes, for comprehensive address of high scale human rights violations in conflict situations.



In pictures: HURISA, FHR and CGE side event at the 65th Session of the African Commission on People and Human Rights (ACHPR) on UN Resolution 1325 on



HURISA partnered with Commission for Gender Equality (CGE) and Foundation for Human Right (FHR) to host a side event on the Promotion of Women, Peace and Security in Africa on the margins of the 65th Session of the ACHPR, which was 23 October 2019. The partners launched a Consolidated Report on the work of the Civil Society Steering Committee, concluding its provincial dialogues and a national dialogue for implementation of Resolution 1325 of the UN Security Council⁸. Panelists were Honourable Chairperson of ACHPR, Dr Solomon Adele Dersso, Special Rapporteur on the Rights of Women in Africa, Honourable Commissioner Lucy Asuagbor, and Corlett Letlojane HURISA Director & State Delegate from Lesotho, Mr Tanki Mothae

⁸ This is in line with the AU Constitutive Act⁸ which emphasise attainment of peace and unity in Africa. It calls for measures to guarantee the rights of women, ethnic minorities, migrants, and people with disabilities, refugees, displaced persons, and other marginalised groups.

Workshop for Developing NGO Reporting Guidelines on the African Charter on Human and People’s Rights and the African Charter on Human and People’s Charter Protocol on the Rights of Women in Africa

HURISA presented at a workshop convening for the purpose of drafting Guidelines for NGO Shadow Reporting. This processes added value in assisting civil society prepare effective and credible reports for Commission’s review of the State Reports. The Commission adopted Guidelines for State reporting on the African Charter and the Maputo Protocol. However, there has been no such for CSOs



The workshop was supported by ICJ Kenya, Kenya Human Rights Commission, Equality Now and Centre for Human Rights. A consultation was held with the NGO Forum for broader discussion regarding drafting of Guidelines for the NGO Shadow Reports. The draft was welcome by the forum with and a resolution was recommended for adoption and presentation at the ACHPR.

Support Group on Freedom of Association & Assembly



Support Group on Freedom of Association and Assembly (Support Group/Group Members / group members) used the opportunity to reconvene before the 65th Session of the ACHPR and follow up strategic interventions on the action plan. The meeting provided a platform for group members to reflect on emerging trends of civic space restrictions in the region and their impact on the work of CSOs. Group Members reviewed the action plan and assessed progress made and devised strategies for fast tracking Action Plan at sub-regional level. Group Members also contributed to the SR activity report for presentation at Commission Session. The Support Group's strategised priorities and a plan of work for the second year of its mandate. HURISA also contributes immensely in preparation of the Special Rapporteur Newsletter which is a bi-annual publication. The Arabic version was introduced on the Newsletter during the 56th Session of the ACHPR. Plans are underway for translation in Portuguese and Kiswahili languages to ensure balance recognition of all five AU officials on the Newsletter.

CSO Shadow Report on Zimbabwe State Report on the African Charter on Human and People's Rights & Protocol on the Rights of Women in Africa

HURISA developed a Shadow Report with coalition of Civil Society comprising of the Human Rights Institute of South Africa (HURISA), Centre for the Human Rights (CHR-UP) and International Trade Union Congress (ITUC). The Report was developed in line with Article 47 (2) of African Commission Rules of Procedure which recognise the role of CSOs in building constructive dialogue with a State representative when the country periodic report is reviewed. Our Coalition was also inspired to submit the Shadow by Article 74 (2) of the ACHPR Rules of Procedure which invite contributions from interested institutions or parties to the examination of the State Report and human rights situation of a country. HURISA was also invited to join a panel of human rights defender's engaging on Zimbabwe State Report at a live stream side event organised by the Southern Africa Litigation Centre, Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights and CIVICUS. This event reached broadly civil society, human rights defenders, journalists from regional to international level. The event articulated the state of human rights in Zimbabwe and the worrying escalation of impunity regarding suppression of freedom of expression, civic space and other fundamental rights. The special mandate holders of the Commission were constructively engaged on Zimbabwe human rights situation which were not highlighted on the State Report.



Pre NGO Forum Meeting and 65th Session of the ACHPR

Before attending the 65th Session of the African Commission and the preceding NGO Forum HURISA coordinated a CSO & HRDs meeting in collaboration with CIVICUS and the Centre for Human Rights. Presenters included CSVR and United Nations Office of the High Commission for Human Rights.



Civil Society Human Rights Defenders including representatives from Human Rights Institutions, the Thabo Mbeki Foundation, grassroots activists and migrants attended. (Johannesburg-South Africa, October 2019).

A resolution for strengthening the reporting mechanisms on the AU Convention on Refugees which turned 50 years in 2019 together with the Kampala Convention on IDPs in force for 10 years, few ratification and lacking effective reporting mechanism.

Africa Human Rights Day

African Human Rights Commission (the Commission) and Human Rights Institute of South Africa (HURISA) commemorated Africa Human Rights Day. This celebration fostered a tradition of keeping alive a vision of great historical significance both to South Africa and the continent each year, on the 21st of October. The purpose of the collaboration was aimed at strengthening Article 25 of the African Charter on Human and Peoples Rights promoting education and awareness on the African system of human rights. The Charter was adopted in 1981 and entered into force on 21 October 1986. This was to encourage learning and use of the African system of human rights at local level for supporting and defending Pan African human rights values. The event encouraged these values to be practiced in communities to overcome the scourge of xenophobia. This was also promoted by the African Union 2019 theme as the year of Refugees, Returnees and Displaced Persons “Towards Durable Solutions to Forced Displacement in Africa”. The theme celebrated two milestones achievements advancing rights of refugees in Africa. The 50th Anniversary of the adoption of the African Union Convention Governing Specific Aspects of Refugee Problems in Africa & the 10th Anniversary of the Adoption of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. The opportunity to engage on challenges of forced displacement facing Africa was galvanised.



South Africa as one of the countries that receive migrants and refugees from the African continent was the main focus of the event. Professor Barney Pitso, former ACHPR Commissioner provided recommendations for South Africa to improve the situation of refugees, asylum seekers, migrants and displaced persons in Africa.

Intersessional Activities

During this intersessional period HURISA conducted a situational analysis examining human rights situation in seven southern African countries: Botswana, Lesotho, Mozambique, Namibia, South Africa, Swaziland and Zimbabwe. It provides overview relating to key human rights and freedoms such as the right to life, dignity, privacy, security of the person, property, freedom of expression, political participation, and association and peaceful assembly, amongst others. The organisation collaborated with DITSHWANELO-Botswana Centre for Human Rights (DITSHWANELO), Freedom of Expression Institute (FXI) and Transformation Resource Centre (TRC) for launching publications and media related reports on human rights violations under the COVID19 environment. These reports are online and websites of HURISA, DITSHWANELO, TRC and FXI. The launch of the report was conducted and made accessible through Zoom online platform and attended by diverse groupings of civil society, human rights defenders, including the media. The panellist navigated the challenge of competing rights during the COVID19 climate. Speakers raised concerns on the tolerance of impunity over curbing COVID-19 pandemic in the SADC region. Strategies for effective collaborations during the COVID19 era were collected and consolidated.

Speakers included Corlett Letlojane, HURISA Executive Director: SADC Focal Point PANAF Project: who presented under the auspices of the PANAF initiative of consolidating civil society's role in the transition from African human rights standards to practice: Regional human rights mechanisms response to COVID 19. Mokitimi T'soane, Transformation Resource Centre: the delayed tactics of stepping down from office by the Prime Minister and using COVID 19 to prorogue parliament. Samkelo Mokhele Executive Director, Freedom of Expression Institute. Freedom of expression under COVID19. The right to information, the number of recoveries from COVID19, the stigma and emergence of discrimination and ostracizing people affected by coronavirus and Alice Mogwe: Director, DITSHWANELO - The Botswana Centre for Human Rights; President, FIDH: State of Emergency and COVID-19. The publication of HURISA, DITSHWANELO and TRC were launched online.



ZOOM: VIRTUAL MEETING
FRIDAY, APRIL 08 2020
10:30-11:45

Come join us as we explore a difficult question: *Are we curbing the human rights or Coronavirus?*



Meeting on the sidelines of Mining Indaba (AMI)

The meeting was organised by the Centre for Human Rights, Applied Legal Studies (CALs) and Oxfam South Africa (OZA) in February 2020. The meeting galvanised the opportunity to reach out to a diverse CSOs activists and HRDs working in extractive industries, including women human rights defenders and migrants monitoring human rights violations in the mining environment. The stakeholders were empowered about the African system of human including the procedure and requirements for applying for observer status. The various Special Mandate Holders of the ACHPR were disseminated to increase access of the regional human rights body and using African human rights mechanisms for addressing human rights violations persisting in extractive industry



NGO FORUM PRECEDING ACHPR 66TH SESSION

HURISA contributed in the planning of the programme and hosting of the NGO Forum preceding the 66th ACHPR Session. The NGO Forum Steering Committee was invited to a virtual meeting on 22 June 2020 by the Department of Political Affairs of the African Union Commission organised with the Network of African Human Rights Institutions (NANRI). The purpose of the interaction was to provide update on national human rights institutions and civil society responses to COVID19 pandemic in Africa, including interventions, collaborations, challenges and lessons for the future. Presentations provided insights on the human rights concerns during the peak of COVID19 pandemic and review of the strengths, weaknesses, opportunities and threats to the promotion and protection of human rights in the context of COVID 19 in Africa. The opportunity was explored for better planning and partnering of African CSOs with the Governments and NHRIs in dealing with the Pandemic in the continent.

VIRTUAL CONSULTATION
NATIONAL HUMAN RIGHTS INSTITUTIONS AND CIVIL SOCIETY ORGANISATIONS' RESPONSES TO COVID-19 PANDEMIC IN AFRICAN UNION MEMBER STATES
 Interventions, Collaboration, Challenges, and Lessons for the Future
 Monday, 22 June 2020 | 11h30 Nairobi (East African Time)

Registration Link: https://zoom.us/webinar/register/WN_enDsa09hRoWHPOEvxRGvoQ

MODERATOR: Africa Union Commission (AUC) / Network of Africa National Human Rights Institutions (NANHRI) / the African Centre for the Study of Democracy and Human Rights (ACDHRS)

 ADVOCATE BONGANI C. MAVOTA • South African Human Rights Commission	 HON. Mhambwa MUSHISONKE MAWUMBE • Human Rights Commission - DRC	 RUTH SSEKINDI • Uganda Human Rights Commission	 DR. ISAAC ANNAN • Ghana Commission on Human Rights	 KHALIDRAMLI • National Human Rights Council of Morocco
 DORLETT LETLOANE • Human Rights Institute of South Africa	 JOSEPH BKANDA • Pan African Human Rights Defenders Network	 MELANIEND. SONWE KUMBATE • Lawyer (Human rights, Gender and Juvenile Justice)	 NAH MOLLAY LARSEN • CIDH-independent Human Rights Commission in North Africa	 MAXIMILIENNE C. NGOMBE • REDHAC

NGO FORUM

The NGO Forum was held on 9-10 July 2020. Due to COVID19 pandemic the first day of the Forum took a format of a preparatory meeting and the second day was dedicated to interaction with Members of the ACHPR, Department of Political Affairs, African Union, Office of the AU Special Envoy on Women, Peace and Security. The Forum promoted the AU theme which declared 2020 as the year of Silencing the Guns in Africa. The theme aimed to amplify voices of the women in Africa against the scourge of gender base violence, sexual violence, rape of women described as women of war often used in conflict and as a campaign to end all wars. Silencing the Guns in Africa gives credence to African Women Decade 2010-2020 which is a flagship item of African Union Agenda 2063. It also coincided with the 20th Anniversary of the United National Security Council Resolution 1325 promoting women participation in peace negotiation, peace construction and as mediators in peace processes, as well as the 25th Anniversary of the Beijing World Conference of Women. Article 10 & 11 of the Protocol on the Rights of Women in Africa calls State Parties to consider declaring all forms of violence, rape and other forms of sexual exploitation as war crimes, genocide and crimes against humanity. HURISA presented a statement on the situation of Women Peace and Security, highlighting the disproportionate GBV and femicide scourge in South Africa making the country unsafe for women and girls to leave in. Every 3 hours a woman is murdered or raped in South Africa. A statement raising human rights concern in the context of COVID19 pandemic was also presented at the NGO Forum preceding the 66 ACHPR Session.

66th SESSION OF ACHPR

Due to the unprecedented COVID19 pandemic, the Commission had to reschedule date of 66th Ordinary Session which was April 2020. The Commission held the 28th Extra-Ordinary Session from 29 June – 1 July 2020 to allow the inauguration and sworn in of newly appointed Commissioners. In accordance with Article 38 of the African Charter, the following Commissioners were inaugurated and sworn. 1. Dr Marie Louise Abomo of the Republic of Cameroon; 2. Mr Mudford Zachariah Mwandenga of the Republic of Zambia; 3. Mr Ndiamé Gaye of the Republic of Senegal; and 4 Mrs Alexia Gertrude Amesbury of the Republic of Seychelles⁹. The new Commissioners were allocated mandates and responsibilities in the Commission.

Honourable Commissioner Marie Louise Abomo: Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa, Chairperson of the Working Group on Specific Issues Related to the Work of the Commission; Country Rapporteur for Burundi, Democratic Republic of Congo, Comoros, and Congo Brazzaville

Honourable Commissioner Mudford Zachariah Mwandenga: Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; Country Rapporteur for Ethiopia, Ghana, Liberia, Rwanda, and Malawi

Honourable Commissioner Ndiamé Gaye: Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; Country Rapporteur for Central African Republic, Uganda, Nigeria, Egypt, and Sierra Leone

Honourable Commissioner Alexia Gertrude Amesbury: Chairperson of the Working Group on Indigenous Populations/Communities in Africa, Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLWHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa; Country Rapporteur for Botswana, Zambia, Lesotho, Eswatini and Guinea-Conakry

The 66th Session was held 13 July -7 August 2020. Chairperson of the Commission Honourable Solomon Ayele Dersso expressed the role of the Commission has become more urgent in the outbreak of the pandemic and its impact has devastated the socio-economic of people and left many communities without access to water, sanitation, housing, education and sustainable employment. HURISA presented four statement raising critical human rights violations that have worsened since the pandemic, impacting on freedom of movement of people, livelihoods, housing, freedom of expression, risen reprisals on human rights defenders and gender based violence. HURISA has raised the abductions, torture, sexual violence and arbitrary arrests of Joannah Mamombe a member of Parliament in Zimbabwe, MDC Alliance Youth Leaders Netsai Marova Cecilia Chimbi, for taking part in a demonstration against hunger, on 13 May 2020

⁹ These former Commissioners; Honourable Commissioner Soyata Maiga, Honourable Lawrence Mute, Honourable Lucy Asuagbor, Honourable Commissioner Yeung Kam John Yeung Sik Yuen term had ended but COVID19 delayed the transition

KEY RESOLUTIONS ADOPTED DURING THE 66th ACHPR SESSION

The Commission adopted profound human rights resolutions containing 16 key Article of the African Charter calling members states to respect the right to health, life, civil and political right, economic and social right, law enforcement response to COVID19 to align with the principles of legality, necessity, proportionality, accountability and not endanger human life. The Commission also adopted a resolution on the situation of human rights in Zimbabwe and condemned violations of freedom of expression association assembly and urged to refrain from crackdown of peaceful protests, arbitrary arrest, torture of journalists, civil society activists, human rights defenders, opposition and health workers.

HURISA cohosted a webinar with the Centre for human Rights, Ditshwanelo – the Botswana Centre for Human Rights and Rainbow Foundation with the aim of using the CSO experience in the drafting Mauritius Shadow Report to promote development of NGO Guidelines for development of CSO Shadow Reports. The Mauritius State Report was considered during the 66 Session of the ACHPR. Mauritius CSO Shadow Report played important advocacy role in the examination of the examination of state report. Lessons were drawn from South Africa and Botswana CSOs Shadow reports presented during 2018 and 2016 for consolidation of Standardised framework for development of future CSO Shadow reports.

HURISA also cohosted a virtual meeting on the CSO reflection on the Rules of Procedure with the Centre for Human Rights, Amnesty international, Institute for Strategic Litigation, Institute for Human Rights Development in Africa. The opportunity was provided to the CSOs to learn about the Commission adopted 2020 Rules of Procedure and provoke debate on key aspects of the Rules of Procedure. There are mixed feeling from CSOs regarding the Commission's independence in discharging its mandate of promoting and protecting human rights in Africa. More capacity building and awareness on the 2020 Rules of Procedure for CSOs, human rights defender's and national human rights institutions is needed.

CONCLUSION

HURISA benefitted immensely for the PANAF grant provided by ACDHRS, ICJ and partners in promoting enforcement of African human rights mechanisms within South Africa and in the SADC region. The prominence of organisation has been increased in reaching huge populations of diverse groupings of CSOs, including HRDs, women, people with disabilities, people with albinism, academicians, youth, LGBTQ+, journalists, traditional, interfaith groups and trade unionists regionally and globally. It has made this foot print through coordination of capacity building workshops, research studies, advocacy exercises such as drafting of statements highlighting human rights violations in South Africa, SADC region, resolutions for lobbying at NGO Forum and ACHPR Public Sessions, holding of press conferences, radio and TV interviews, using online platforms for broad dissemination of its publications, drafting of NGO Shadow reports and networking.

Engagement with national human rights institutions and provided technical support for application of Affiliate Status by Commission for Gender Equality in South Africa, organising high level meetings with key government officials within South Africa and in the region. The organisation continue serving its networks and forums with contemporary human rights issues, human rights updates for advocacy actions and petition interventions against violations of human right in the SADC region. It has also increased knowledge and the use of the African system of human rights, promotion of Special Mandate Holders for reporting human rights violations and for promoting access to justice at national level. Many CSOs and HRDs have been supported to attend both NGO Forum and ACHPR Sessions and applied for observer status for strengthening the African system of human rights in initiation of their intervention.