

Communique:

ISLA AT THE 81ST ORDINARY SESSION OF
THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS
IN BANJUL, GAMBIA FROM 14TH TO 23RD OCTOBER, 2024



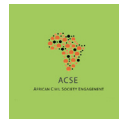
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Day one ¹⁴ OCT 2024

Roundtable on Obstetric Violence: Leveraging Regional Mechanisms for Litigation and Strategic Advocacy



Organised by the Bridging the Gap Coalition, this roundtable built on a previous discussion held on the sidelines of the 78th Ordinary Session of the ACHPR where civil society organizations, legal experts, and human rights advocates gathered to examine the role of regional mechanisms in addressing obstetric violence. This session served as a critical platform to move the conversation forward and delve into how strategic litigation and advocacy at the regional level, especially through ACHPR, can be used to advance protections against obstetric violence. Drawing from recent ACHPR communication 564 of 2015) Community Law Centre and three others v. Nigeria, it also provided an opportunity

to reflect on emerging jurisprudence in the region and how that shapes strategies to engage regional mechanisms on obstetric violence.

Conversations on Obstetric Violence shall continue under the Women's Platform (add a short descriptor of what that is and then add a hyperlink of the membership form or a link to the description on how to collaborate).

Day one **14 OCT 2024**

Training Session on the Communications Procedure before the ACHPR



Litigants'
Group

The Litigant's Group exists to strengthen the protective mandate of ACHPR by working towards the existence of a functional and effective communications procedure. A critical challenging impeding ACHPR from functioning effectively is the low level of understanding of ACHPR's Rules of Procedure by litigants and low level of public awareness of ACHPR's protective mandate. This training sought to fill that

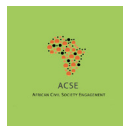
gap by enhancing the understanding of b both seasoned and new human rights advocates on the ACHPR's protective mandate focusing on communication submissions including key considerations for seizure, admissibility, and merits.

If you are interested in joining the Litigant's Group, please click below to join

[**CLICK HERE TO JOIN**](#)

Day two **15 OCT 2024**

Litigating SOGIE rights in African Human Rights Mechanisms



Much of Africa is experiencing a rise in homophobia which is often portrayed as a rejection Neo-Western influence on sexuality. 32 of 54 countries criminalise consensual same-sex sexual conduct between men including the prohibition non-heteronormative gender identity and expression. Moreover, despite some progress by the African Commission in recognising SOGIE rights (for instance, the adoption of Resolution 275) the Commission has largely been reticent in advancing conversations around SOGIE rights. For instance, because the African charter does not explicitly mention sexual orientation or gender identity, the Commission has leaned towards and interpretation implying that it not mandated to protect SOGIE-related rights. ISLA's core mandate is focused on strategic litigation of women's human rights and sexual rights both at national levels and within the African human rights system

based on the belief that strategic litigation is an immensely powerful tool for social change. Critical to this work is working collaboratively with civil society and tapping into the wide-ranging expertise of our partners to provide valuable insight into our litigation strategies. In September 2024, we held an Expert Advisory Meeting with a group of experts drawn from legal academia and human rights law practice to engage in an intensive discussion on litigating sexual orientation and gender identity and expression (SOGIE) rights within the African human rights system. This side event, held at the sidelines of the 81st Ordinary Session of the Commission, was a follow up session focused on sharing insights from from an the Expert Advisory Report on Litigating SOGIE Cases before the African Human Rights Court. SOGIE rights activists and civil society actors provided feedback on the insights from the report and shared key considerations for

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litigators aiming to engage African Regional Mechanisms. Critical questions were raised around adapting strategies for Francophone Africa which use a civil law system; ensuring collaboration with civil society in amplification of cases and advocating for implementation of positive decisions among others. ISLA shall take these insights into account in our ongoing efforts to develop a strategy.

Day two **15 OCT 2024**

AU Reforms and Civil Society Engagement: Launch of AU Reforms Knowledge Products



The AU Reforms Campaign is a civil society initiative that advocates for a transparent, accountable and effective African Union (AU). The campaign focuses on ensuring that the AU reforms process that commenced in 2017, strengthens rather than undermines the African Human Rights System. Co-convener by ISLA, Synergia - Initiatives for Human Rights (Synergia), Centre for Human Rights (CHR), Institute for Human Rights and Development in Africa (IHRDA) and Robert F Kennedy Human Rights (RFK), this session served as a platform to launch AU Reforms Knowledge Products developed to support civil society actors in understanding and navigating the AU Reforms process. The session increased awareness of the potential impact of the AU Reforms on the African Human Rights System and equipped civil society actors with tools and strategies to engage effectively and advocate for the protection of human rights mechanisms.

THE KNOWLEDGE PRODUCTS

LAUNCHED INCLUDED:

An Advocacy Brief on Civil Society Engagement that outlines how civil society organisations (CSOs) can engage in AU Reforms

DOWNLOAD

A Briefing Note for State Engagement which provides a guide for engaging AU member states on the reforms

DOWNLOAD

CSO Position Paper on AU Reforms that highlights the collective position of CSOs on key issues

DOWNLOAD

Comparative Perspectives on Reform Processes Implicating Human Rights Systems: which offers lessons from other reform processes within international and regional human rights systems

DOWNLOAD

CSOs Proposals for Reforming the African Human Rights System that presents CSOs proposals for the reform of the African Human Rights System.

DOWNLOAD

Day three **16 OCT 2024**

Why Palestine is an issue for the African Human Rights System



As part of its strategic partnerships, ISLA takes part in solidarity interventions that show concrete support and togetherness in the face of crises and challenges. This includes advocating for an enhanced role by the African Human Rights System and African civil society movements in pushing for Palestinians inalienable rights. This session was co-organised by Boycott, Divestment, sanctions (BDS) Movement; CHR; Al Quds University Community Action Center (CAC); ISLA; International Federation for Human Rights (FIDH); International Lawyers Organisation; International Service for Human Rights (ISHR) and Pan African lawyers Unions (PALU). It made a case for why Palestine is an issue for the African Human Rights System; drawing on

our shared experiences of being subjected to colonialism and various forms of foreign domination that have dehumanised both Africans and Palestinians. It highlighted the duty outlined in the preamble of the African Charter of Human and People's Rights (the Charter) to eliminate colonialism, neo-colonialism, apartheid and zionism. The session called on the African Commission to reaffirm its full support for the right to self-determination of the Palestinian people and call on Member States to act on their responsibility to prevent genocide and not aid and abet the commission of crimes against humanity including apartheid. On a positive note, the African Commission adopted a Resolution on the situation in Palestine and the occupied territories.

Day three ¹⁶ OCT 2024

General Conversation on the State of Anti-Rights Activities in the ACHPR



Over the past decade, there has been a growing push of essentialist notions of culture, religion, and gender to either regress or hamper human rights progress as anti-rights actors exert their influence in multilateral spaces including at the African Commission. Anti-right actors exploit multilateral spaces to advance progressive agenda, perpetuate discrimination, suppress descent, and to question the legitimacy of such spaces and a human rights framework. The entrenchment of anti-rights discourse within multilateral spaces calls into question the credibility and effectiveness of the African human rights mechanisms, which undermines general public trust and confidence and international institutions. Relevant stakeholders such as human rights civil society organisations (CSOs), governmental bodies and regional blocs are either not fully informed on the anti-rights insidious creep into spaces

such as the African Commission, or they are reluctant to confront the threats on human rights posed by anti-rights actors regionally and at the African Commission. The lack of adequate awareness and the reluctance or refusal to challenge anti-rights discourse emboldens the anti-rights actors and as a result, perpetuates regressive discourse on equality and non-discrimination/human rights. Organised by ACSE, this session dove into the strategies and the impact of anti-rights organizing in Africa and its effects on advocacy at the African Commission. It aimed to foster a collective comprehensive understanding of the threats and the challenges posed by anti-rights actors and explore collaborative strategies to counter their influence within the African Commission. Current tactics used by anti-rights actors across African countries were shared, as well as best practices and potential opportunities for monitoring and mitigating anti-

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rights activities. A comparative analysis to the Inter-American System was made, highlighting tactics, wins, and what African civil society actors can anticipate as anti-rights actors target infiltration of the African human rights system.

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Strategies for Countering Anti-Rights Discourse at the ACHPR



At the 77th Ordinary Session held in Arusha from 20 October to 9 November 2023, two of the largest global anti-rights organisations: ADF International and Transatlantic Christian Council, applied for observer status at the African Commission. Their requests were rejected on the basis that they do not have offices Africa - an issue that can be easily solved. This is even more concerning considering that at the 73rd Ordinary Session held in Banjul from 20 October to 9 November 2022, the African Commission rejected requests for observer status for three organisations - Alternative Côte d'Ivoire, Human Rights First Rwanda, and Synergía - Initiatives for Human Rights - on the basis that 'sexual orientation is not an expressly recognised right to freedom under the African Charter' and is 'contrary to the virtues of African values'. This is reflective of the conservative environment of the African commission and the African human

rights system - an environment in which anti-rights actors can easily entrench themselves. This session followed the General Conversation on the State of Anti-Rights Activities in the ACHPR. This discussion was aimed at coalition-building to resist anti-rights influence at the African Commission. Participants shared ongoing work around mitigating the impact of anti-rights actors including coalition-building and; mapping, documenting and disseminating information on anti-rights tactics in their countries; ACSE intends to continue to provide platforms for African civil society actors to share insights and best practices on countering anti-rights discourses within the African human rights system.

Day four **17** OCT 2024

Africa Civil Society Engagement (ACSE) Membership Info Session



Civil society has consistently utilised the African Commission's procedures to develop innovative soft law standards on a range of human rights issues. However, civil society has faced significant challenges in engaging with the Commission stemming from both systemic problems within the African commission's operations and limitations on the part of civil society actors themselves. This has led to a general waning interest in the use of the Commission by African civil society actors. The main platform for civil society engagement at the Commission has been the ego forum - a bi-annual human rights conference that gives visibility to human rights issues and country priorities across the continent. While valuable for activities such as submitting resolution, it presents challenges as a venue for sustained advocacy for organisations focusing on specific issues. Moreover, the Commissioners have increasingly

set the agenda and led conversations at the forum. At the 52nd Ordinary Session in Yamoussoukro, a group of civil society organisations built an alternative meeting space aimed at strengthening skills for engaging with the Commission. This initiative grew into ACSE, formally launched in 2019 to create substantial and substantive engagement between African civil society and the Commission to create a space to incubate ideas on engaging the Commission; disseminate knowledge and document the process of this ideas; and to provide a platform for capacity building and trainings. Hosted by ACSE, this information session provided civil society actors with a background of ACSE, a snapshot of our objectives and strategy, and delved deeper into our working methods. This session aimed at providing more context around ACSE and opening up the platform for broader and more diverse membership by African civil society.

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You can find more information on ACSE through the following resources:

**CLICK TO VISIT
OUR WEBSITE**

**ACSE STRATEGY
ENGLISH**

**ACSE STRATEGY
FRENCH**

**ACSE MEMBERSHIP
FORM**

Day five **18 OCT 2024**

Women's Platform Information Session



WOMEN'S PLATFORM

The Women's Rights Platform at the African Commission for Human and Peoples' Rights, known as the 'Women's Platform' is a feminist space that respects and supports women's human rights, including bodily and sexual autonomy. It operates as an umbrella platform for women's rights organisations affiliated with the African Commission. The program strengthens the advocacy efforts of women's rights organisations seeking to implement new norms and standard setting, using the mechanisms of the African Commission. This information session was a space to reactivate the Women's Platform and contextualise its work and objectives for interested women's rights organisations. Challenges in ensuring sustained coordination of the Women's Platform were noted, specifically the issue of contact persons who transition out of participating organisations without handing over representation within the

platform. Tools were shared for ensuring more sustained participation including the Let Us Collaborate platform - a space designed to support collaborations, coalitions, networks and collectives that work on women's rights and sexual rights in Africa. Participants highlighted the need to fill in capacity gaps among women's rights organisations on strategic tactics for engaging with the Commission. ISLA is dedicated to reenergising the Women's Platform as a space for women's human rights organisations to collaboratively advocate for women's human rights within the African human rights system.

If you are interested in joining the Women's Platform, please click below

**WOMEN'S PLATFORM
MEMBERSHIP FORM**

Day five **18 OCT 2024**

Commemorating a Decade of Resolution 275 at the ACHPR



At its 55th Ordinary Session, the African Commission passed a Resolution on Protection I against Violence and other Human Rights Violations against Persons based on their real or implied Sexual Orientation or Gender Identity (Resolution 275). This landmark resolution recognizes the vulnerabilities that LGBTIQ+ people face and puts states to task to end all acts of violence and abuse against LGBTIQ+ people. Resolution 275 was the result of carefully planned, sustained work from Commissioners, civil society organizations and other stakeholders within and outside Africa working together towards the promotion and protection of the rights of sexual and gender minorities on the continent. Despite the pockets of progress after the adoption of Resolution 2745, setbacks persist. Several countries have intensified punitive measures against LGBTIQ+ individuals for instance, Uganda's Anti-Homosexuality Act of 2023 not only criminalises same-sex relations but also includes provisions for the death penalty for certain categories of offenders.

The SOGIE Working Group of Africa Civil Society Engagement aims to contribute to the advancement of the rights and dignity of LGBTIQ+ people in Africa through the Commission and other regional human rights mechanisms. This session was aimed at raising awareness on resolution 275; highlighting the importance of continued engagement with the Commission on LGBTIQ+ rights and celebrating the progress made, even in light of growing homophobia in the continent. Insights were shared on the progress that led to Resolution 275 being adopted. Participants also had difficult conversation around the fracture in LGBTIQ+ rights advocacy that happened after Decision 1015 that withdrew Coalition of African Lesbians' observer status at the Commission and what it means to advocate for LGBTIQ+ rights with a Commission that is unwilling to engage in LGBTIQ+ rights issues. This session concluded with a commitment by civil society actors to continue to protect and advance LGBTIQ+ rights in Africa.

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Panel discussion on Article 59(1) of the African Charter: the practice, impact and way forward



Litigants'
Group



As part of its work to strengthen the protective mandate of ACHPR, the Litigant's Group is conducting the Article 59(1) Campaign - an initiative seeking to advocate for a progressive interpretation of Article 59(1) of the African Charter by the Commission that enhances transparency and creates a more conducive environment for human rights litigation in Africa. The current interpretation of Article 59(1) extends confidentiality to all aspects of communication proceedings, including pleadings, individual submissions, parties' identities, details of communications pending at the Commission, and recommendations and decisions until the approval for publication by the Assembly of Heads of State. This panel discussion, held at the Main Session with the attendance of the Commissioners, was aimed at discussing the interpretation and impact of Article 59(1) of the African Charter with a view to adopting a progressive

interpretation that is consistent with the Commission's mandate to protect human rights. Civil society organisations, national human rights institutions and State parties shared perspectives on the current interpretation. Representatives from civil society organisations and national human rights institutions emphasised that lack of access to information impedes the capacity of the wider public, NGOs and national human rights institutions in engaging with human rights issues pending before the Commission. It hampers civil society's ability to fully teach and follow up on state's implementation of provisional measures issued to prevent irreparable harm to the victims of an alleged violation in pending communications that fall under the ambit of Article 59. They also noted that the current interpretation makes it impossible for the Commission to benefit from amicus curiae intervention in cases. Two state parties shared perspectives. South

Africa noted that the AU reform process is an opportunity for analysing all rules of procedure related to communications to avoid changing interpretation of one provision to detriment of other provisions. Democratic Republic of Congo noted that the matter should be tabled at the Assembly of Heads of State as it was the body that adopted the Charter. In its response, the Commission highlighted that the current interpretation is for the protection of identity of the applicants' alleging state's violations of rights and emphasised that confidentiality extends to both the applicants and the states. The Commission concluded by noting that the panel was informational and for it to take note of the existing constraints and potential pathways for addressing them. Decisions around its current interpretation shall take place at a later stage.

You can watch the full panel on Youtube here from 0:00:00 to 2:01:00



If you are interested in joining the Article 59(1) campaign, please see more information here.

**CLICK TO JOIN
ART 59(1) CAMPAIGN**

PHOTOS FROM ISLA@ACHPR81



Panel on Why Palestine is an Issue for the African Human Rights System

PHOTOS FROM ISLA@ACHPR81



ACSE Membership Info Session



Roundtable on Obstetric Violence

PHOTOS FROM ISLA@ACHPR81



Panel discussion on Article 59(1) of the African Charter

