

DRAFT CONCEPT NOTE

THE FIFTH ANNUAL HIGH LEVEL DIALOGUE ON DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE IN AFRICA: TRENDS, CHALLENGES AND PROSPECTS

THEME: REFLECTING, CELEBRATING AND ADVANCING HUMAN AND PEOPLES' RIGHTS IN AFRICA

I. Introduction

1. At its 25th Ordinary Session, held from 20 to 24 June, 2014, in Malabo, Equatorial Guinea, the Executive Council of the African Union (AU), by decision EX.CL/Dec.842(XXV), took note of the Concept Paper submitted by AU Organs with human rights mandate, on the Declaration of 2016 as African Year of Human Rights, and decided to "...declare 2016 as African Year of Human Rights with particular focus on the rights of women..."

2. This auspicious year is seen as a veritable watershed in the continental human rights trajectory: it marks the 35th Anniversary of the adoption of the African Charter on Human and Peoples' Rights (the African Charter) in 1981; the 30th Anniversary of the entry into force of the African Charter in 1986; the 29th Anniversary of the operationalization of the African Commission on Human and Peoples' Rights (the African Commission) in 1987; the 10th Anniversary of the operationalization of the African Court on Human and Peoples' Rights (the African Court), the 15th Anniversary of the operationalization of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), as well as the 13th anniversary of the adoption of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa (the Maputo Protocol).
3. Dedicating 2016 as African Year of Human Rights with focus on the rights of women provides an opportunity for the peoples of Africa, to mark, commemorate and celebrate the significant milestones in Africa's continental human rights progression. It also gives Africans the chance to tell their story – not only to raise awareness about the great work they have been doing to uplift their communities, but also to inspire future generations to emulate innovative and exciting approaches to making a difference through human rights based approaches.
4. This will provide further opportunity to consolidate the gains already made over the years, ensure better coordination of human rights bodies on the continent, and move towards the establishment of a true human rights culture on the continent, based on the ideals encapsulated in Africa Agenda 2063.
5. It is hoped that the celebration will initiate an advocacy and coordinating campaign that effectively reaches out to stakeholders and partners at all levels (political, institutional, civil society organizations, national and community levels), and give ownership to all key stakeholders, as well as the beneficiaries of the rights enshrined in the African Charter and other human rights instruments.
6. One of the activities planned to celebrate this special year is the convening of a High Level Dialogue on the Human Rights situation in Africa.

II. Justification for the Dialogue

7. The transformation of the OAU into the AU in 2002 offers unprecedented opportunities to begin to address these challenges.

8. Within the last two decades, African leaders have reformed, fairly radically, the continent's institutions and policies in the domain of human and peoples' rights, democracy, governance, the fight against impunity and corruption. In contrast to the OAU Charter, the Constitutive Act of the AU envisages a more integrated and people-driven level of continental governance, where there is a commitment to promote and protect human and peoples' rights.
9. The close and mutually reinforcing relationship between peace, development, unity and human rights has been firmly entrenched within the provisions of the Constitutive Act. Indeed, today, this relationship cannot be doubted because it is a well-known fact that violations of human rights are not only a consequence of conflict, but are a factor of instability and insecurity - which may spark further conflict, resulting in the weakening or even wiping-out of development prospects.
10. The African Union has thus recognized the intrinsic relationship binding human rights, human development, and peace and taken the necessary initiatives to ensure their incorporation into its programmes, policies, and activities.
11. Ultimately, to translate these initiatives into policies and programmes of its members, the AU must strengthen its institutional commitment and capacity to monitor and address human rights violations on a regular basis. This has to be done through constructive engagement with all relevant human rights actors on the continent.
12. This Dialogue, which will bring together all the relevant human rights stakeholders on the continent, provides such a forum, and it will be a forum for frank discussions on the human rights situation on the continent, aimed at taking stock of where we are, seek strategies to consolidate and improve on current gains, examine the difficulties and challenges impeding the effective protection, promotion and enjoyment of human rights and discuss strategies to deal with those challenges, and adopt a concrete and realistic roadmap on the future and the way forward for human rights on the continent.

III. Objective of the Dialogue

13. The **overall objective** of the Dialogue is to provide a forum to Member States, inter-governmental, semi-governmental and non-state actors, to brainstorm and reflect on the human rights situation on the continent. It is an opportunity for frank discussions and constructive dialogue involving all the relevant human rights stakeholders, with a view to carving a long term action plan to promote and protect human and peoples' rights, and instil a culture of human rights on the continent.
14. The **specific objectives** of the Dialogue include:
 - a. Brainstorm and reflect on the human rights situation on the continent;
 - b. Share lessons and experiences on how to enhance the promotion and protection of human rights on the continent;
 - c. Assess the challenges facing the effective implementation of human rights instruments, decisions, declaration and action plans;
 - d. Enhance coordination, partnerships and networks among human rights actors on the continent; and
 - e. Develop a concrete and realistic Action Plan for the promotion and protection of human rights.

IV. Expected Outcomes

15. The **expected outcomes** of the High Level Dialogue include:
 - a. Enhanced synergy and cooperation among human rights stakeholders on the continent;
 - b. Renewed commitment of Member States to ratify and domesticate shared values instruments, especially those on human and peoples' rights;
 - c. Renewed commitment of Member States to implement recommendations, decisions and judgments of human rights treaty bodies, and to comply with their treaty obligations;
 - d. A better understanding of the challenges facing the effective enjoyment of human rights on the continent; and
 - e. Adoption of a comprehensive and realistic Action Plan on the promotion and protection of human rights on the continent.

V. Methodology

i. Documentation

16. In preparation for the High Level Dialogue a handbook that compiles the various human rights instruments, bodies will be circulated to participants.
17. In addition, the High Level Dialogue will include opinion pieces in the media, interviews, social media engagement, and other innovative means to spur debate before and during the Dialogue, as well as in the dissemination of the outcomes of the Dialogue.

ii. Pre- Forums

18. Like the past High Level Dialogues, civil society and other pre-fora will precede the High Level Dialogue to facilitate the inclusion of specific interest groups' views into the Dialogue discussions. The idea behind the pre-forums is to generate greater ownership and input from different stakeholders. The recommendations and outcomes of the pre-forums will feed directly into the High Level Dialogue, and will be allocated a plenary session for debate and further reflections.

VI. Format of the High Level Dialogue

19. The Dialogue will take place over five days, and will be preceded by pre-dialogue forums of different interest and human rights groups, including civil society organizations, women, youth, minority groups, National Human Rights Institutions (NHRIs) etc. These groups will discuss issues that are relevant to them in particular and human rights on the continent as a whole, with a view to making contributions to the general conclusions/outcomes of the Dialogue.
20. It is envisaged that there will be preparatory meetings by the various groups prior to the Dialogue.
21. The Dialogue will be structured into an opening ceremony, plenary sessions, breakaway sessions and closing session. Sessions shall be organized to maximize opportunities for exchange and discussion.
22. The breakaway session will work on specific issues to be incorporated into the outcome document. A drafting Committee will also be constituted to prepare the draft conclusion/outcome of the Dialogue.
23. The final products of the High Level Dialogue will include:

- i. An outcome statement adopted at the end of the Dialogue that will be disseminated widely through traditional and new media; and
- ii. Human Rights Action Plan for consideration by the AU Assembly of Heads of States and Government Summit in January 2017.

VII. Language

24. The Dialogue will be conducted in the working languages of the African Union.

VIII. Participation at the Dialogue

25. The High Level Dialogue will target over 200 participants to ensure robust and quality debates, while allowing for diverse and wide representation of participants across the continent. The following criteria will guide the selection of participants:
 - i. Representatives of AU Member States;
 - ii. Members of the African Governance Platform
 - iii. Selected think tanks, academic/research institutions
 - iv. Distinguished African statesmen/women renowned for their contribution to women's empowerment and human rights;
 - v. Civil society organizations
 - vi. Selected media practitioners
 - vii. International Organizations/partners working in the area of human rights
 - viii. Individual Youth/Youth-led organizations

IX. Proposed topics for presentation at the Dialogue

26. The following presentations will be made during the Dialogue and papers will be commissioned in advance:
 - i. The status of human rights on the continent or the human rights situation in Africa ;
 - ii. Review of the implementation of the outcomes of the previous human rights conferences – Grand Bay Declaration (1999) and Kigali Plan of Action (2003)
 - iii. Normative framework on human rights in Africa and the implementation of human rights norms
 - iv. The status of the rights of women in Africa
 - v. The specific challenges of the girl child in Africa (with a focus either on the girl child in the context of armed conflict or on harmful traditional practices)
 - vi. Enjoyment of economic, social and cultural rights
 - vii. The enjoyment of civil and political rights

- viii. The rights of minorities
- ix. Human Rights, good governance, the rule of law, peace and development – an indispensable nexus
- x. Implementation of decisions of human rights treaty bodies
- xi. The Role of civil society organizations in the promotion and protection of human rights
- xii. The ratification, domestication and making of declarations of human rights instruments on the continent

X. Call for Papers

- 27. The call for papers will be advertised on the website of the AUC and the website of all the AU organs with human rights mandate, as well as disseminated to all relevant stakeholders on the continent, inviting interested candidates to express interest. Those interested will indicate, by responding to the 'Expression of Interest' notification, within the deadline give.
- 28. They will indicate, among others, the topic for which they intend to write, and submit an abstract thereof.

XI. Selection process

- 29. A Technical Committee will be constituted to examine the abstracts and only those shortlisted will be invited to develop their contributions into full presentations.
- 30. Successful contributors will be given guidelines, including the length of their paper, and the email for submission, etc. The complete papers must be submitted at least three months before the Dialogue, to allow room for review of all the papers and discussions with the authors, where necessary.
- 31. Successful contributors will be invited to the Dialogue and requested to present their papers and participate at the Dialogue. They will also be required, if necessary, to take part in group discussions where their papers are being considered.

XII. Outcome of the Conference

32. The Outcome Document for the purpose of the Dialogue will capture only the conclusions or final outcome of the Dialogue. The report or proceedings of the Dialogue will be prepared and published later in another document.

XIII. Publication of proceedings of the Dialogue

33. The publication of the proceedings of the Dialogue will be coordinated by the Technical Committee, and will be published within three months of the end of the Dialogue.

XIV. Adoption of the 10 Year Action Plan

34. The High Level Dialogue will culminate in the adoption of a Ten Year Action Plan that will chart the future of human rights on the continent for the next ten years. The Action Plan will be presented for formal adoption at the January 2017 Summit.

XV. Date, venue and other logistics of the Dialogue

35. The Dialogue will take place from 21-25 November, 2016 at a place to be determined (proposals – Kigali, Nairobi, Yaoundé, Johannesburg).
36. Other logistics, including hotel accommodation, security, protocol, accreditation, etc will be communicated later to potential participants and invited guests.

XVI. Implementation Plan for the Dialogue

37. See implementation plan attached as Annex I to this Concept Paper

XVII. Financing the Dialogue

38. Funding for the Dialogue has been made possible by a number of partners, including GIZ, EU, the OHCHR, Etc.