

PAN-AFRICAN PARLIAMENT

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SIXTH PARLIAMENT

RECOMMENDATIONS

FIRST ORDINARY SESSION

Under the African Union theme for 2022, “Building resilience in nutrition on the African continent: Accelerate the human capital, social and economic development”

24 October - 11 November 2022

Midrand, South Africa

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**RECOMMENDATIONS OF 2022 HIGH LEVEL PARLIAMENTARY DIALOGUE
ON DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE IN AFRICA UNDER
THE THEME OF THE UNCONSTITUTIONAL CHANGES IN GOVERNMENT AND
POLITICAL TRANSITIONS IN AFRICA**

The High-Level Parliamentary Dialogue was convened by the Pan-African Parliament (PAP) at the precincts of PAP in Midrand, South Africa, on 2nd November 2022. The High-Level Parliamentary Dialogue held meaningful discussions towards the attainment of Aspiration 3 and 4 of the Agenda 2063 which expresses the African People's desire for 'An Africa of good governance, democracy, respect for human rights, justice and the rule of law' and 'A peaceful and Secure Africa.'

The Dialogue identified specific measures towards addressing unconstitutional changes of government, enhancement of peaceful political transitions, observance of constitutionalism and promotion of democracy on the African Continent and recommends to the African Union (AU), AU Member States, Regional Economic Communities and non-state actors the following.

Noting the progress made by African countries in the consolidation of democracy and building of democratic institutions.

Concerned about the apparent emerging signs of regression in democratic consolidation in Africa as signified by the resurgence of unconstitutional changes of governments.

Recognizing that external forces were the ones mainly perpetrating conflict in Africa, in countries such as the DRC, Mozambique and the Sahel Region,

Acknowledging the efforts made by the Heads of States of the African Union in addressing the unconstitutional changes of government through the adoption of normative instruments; the Lome Declaration and the Extraordinary Summit on Terrorism and Unconstitutional Changes of Government.

Further acknowledging the efforts of the structures of the African Union Commission in conflict management and observance of good governance and rule of law.

Cognizant of the mandate of the Pan African Parliament to make recommendations aimed at contributing to the attainment of the objectives of the OAU/AEC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them.

The Pan African Parliament recommends that;

1. The AU should establish a coordinated early monitoring and intervention mechanism to identify countries likely to experience coups and intervene in order to prevent the coups beyond sharing information with member states and the expectation that Regional Economic Communities should take lead,
2. The AU should consistently apply serious and targeted sanctions to perpetrators of coups as a deterrent to potential perpetrator of unconstitutional changes of all kinds governments
3. The AU Heads of States should reaffirm their commitment at the continental level through the ratification of instruments and swift action in dealing with unconstitutional changes of governments
4. The AU Members States should ratify AU normative instruments particularly the Malabo Protocol
5. The AU should strengthen the electoral observer missions, which should adopt a holistic approach in election observation to incorporate the pre-election, election and post- election developments and follow up the implementation of the recommendations to cover the gaps identified during the missions
6. The AU should focus on technical assistance to election management organisations with the view of building capacity and enhancing their ability to deliver free and fair elections without bias
7. The AU should collaborate with Civil Society Organisations to provide an alternative avenue for citizens to voice out their concerns and hold their governments accountable to complement state structures aimed at triggering mechanisms for self-correction in political systems
8. The Pan African Parliament and its organs should intensify advocacy for the ratification of AU normative instruments against unconstitutional changes of government as well as the promotion of democracy and rule of law
9. The AUC and AU Member states should intensify efforts in developing and implementing socio-economic programs aimed at achieving the inclusion of women and the youth as a way of preventing the loss of trust between the

citizens and the political systems which was one of the main drivers of unconstitutional change of governments

10. AU Member states should strengthen governance institutions and national accountability mechanisms to allow the general public to hold governments to account and demand reforms as a way of ensuring that governments enjoy sustained trust of the citizenry
11. The African Union should set up a Pan African Institute to bring together African experts to interrogate and make recommendations in addressing challenges affecting the continent including unconstitutional change of governments
12. The Africa Union should set up a Pan African Force as a standing Army to intervene in resolving conflicts including the unconstitutional change of governments
13. The African Union should set up an African Criminal Court by extending the mandate of the African court of Justice to try the perpetrators of crimes against humanity

Adopted in Midrand, 10th November 2022

RECOMMENDATIONS OF THE 13th CONFERENCE ON WOMEN'S RIGHTS

The 13th Conference on Women's Rights convened by the Pan-African Parliament (PAP) at the PAP precincts in Midrand, South Africa, 3-4 November 2022, under the theme, "Empowerment and inclusion of women in governance,

Reaffirming that violence against women and girls constitutes a violation of their human rights, their fundamental freedoms and human development; and thus, have negative impacts on social and economic development as a whole.

Emphasizing that violence against women and girls manifests itself in various forms ranging from physical violence, psychological violence, abuse and intimidation, sexual violence, socialized violence such as international and domestic trafficking, forced marriage of underage girls; female genital mutilation/cutting; political violence and violence in conflict.

Noting with regret the causes and consequences of violence against women and girls are based on long-standing unequal power relations between women and men, reinforced by gender-based discrimination, and outdated negative societal norms, which restrict women's full enjoyment of their human rights, the realization of their aspirations, their full potential and their contribution to society.

Aware of the gaps between the policy framework on women's rights and the actual realities of African women's rights.

1. Call upon Members States and parliaments to give priority in their national strategies to the development of national action plans that address awareness raising on violence against women and girls.
2. Call upon parliamentarians to promote awareness-raising campaigns and activities to encourage changes in social and cultural attitudes regarding the roles of men and women and to eliminate attitudes that lead to violence against women, in particular the introduction of gender equality programmes in primary and secondary schools, and higher educational institutions.
3. For the achievement of the African Union's Sustainable Development Goals and Agenda 2063, urges civil society to monitor the implementation of national commitments

4. Congratulate the Member States that have ratified the Maputo Protocol and appeal to Member States that have not yet done so to ratify it, including the remaining 12 countries, in view of its universal ratification.
5. Urge parliamentarians to call upon their respective governments to accelerate the process of signing, ratifying and implementing mechanisms for the domestication of the Maputo Protocol.
6. Call upon all African women to mobilize, wherever they are, to disseminate this through the media.
7. Urge Member States to submit reports on the Solemn Declaration on Gender Equality in Africa and to ratify the Maputo Protocol.
8. Commend Member States that have adopted and implemented gender equality laws that include specific quotas for women, and encourage Member States that have not yet adopted such laws to do so without delay.
9. In order to influence decision-making on socio-cultural and traditional issues, call upon women parliamentarians to ensure that their States comply with laws relating to the enhancement of women's rights and equality at all levels of government and in political parties.
10. Encourage the drafting adopt a model law to combat gender-based discrimination and to punish sexual harassment against women and girls.
11. Urge Member States to ratify the African Continental Free Trade Area (AfCFTA) agreement and call upon them to put in place programmes to empower women to actively participate in free trade and opt for gender-sensitive policies to enhance inclusion.
12. Call upon parliamentarians to monitor the negotiations, implementation and impact of the AfCFTA with a particular focus on women's participation and to create an enabling environment for investment in women- and youth-led businesses to meet the standards, quality and scale required to supply major players.
13. Invite national parliaments to enhance and promote the active engagement and participation of women and youth in the policymaking and implementation of the AfCFTA and to develop interventions targeting informal cross-border trade, with a view to protecting women's trade and encouraging their formalization.

14. Invite Member States to relax the criteria for obtaining funding for income-generating activities for women and youth in order to fight poverty through the promotion of economic empowerment, entrepreneurship, finance and gender-responsive budgeting.
15. Invite Member States to promote policies to support cooperatives that provide key employment and merge women's organizations, create and support accelerator centers for women's initiatives.
16. Encourage Member States to intensify incentives for the inclusion of women and youth in cooperative activities and the informal economy in rural areas.
17. Urge Member States to initiate training programmes for women and young entrepreneurs in the use of digital tools and allocate resources that encompass technology, new media platforms, social networks and improve access to trade finance by developing financial instruments adapted to the business activities of women and youth.
18. Call upon the Bureau of the Pan African Parliament to acquire, for the Women's Caucus, artwork symbolizing violence against women as a constant reminder of the inaudible voice of women who suffer domestic violence, psychological violence, violence in conflict zones, human trafficking, trafficking of children and women for sexual purposes.
19. Urge the PAP Women's Caucus, to develop appropriate mechanisms in national parliaments and with civil society for the implementation of the resolutions and recommendations adopted.

Adopted at Midrand, 10th November 2022.

RECOMMENDATION ON LABOUR MIGRATION IN AFRICA

THE PAN-AFRICAN PARLIAMENT,

CONSIDERING Article 17 of the Constitutive Act of the African Union on the establishment of the Pan-African Parliament to ensure the full participation of African peoples in the development and economic integration of the continent;

CONSIDERING Article 3 of the Protocol to the Treaty Establishing the African Economic Community Relating to the Pan-African Parliament, and Rule 4 (a) of the Rules of Procedure of the Pan-African Parliament, which empower the PAP to facilitate the implementation of policies, objectives and programmes of the African Union and to oversee their effective implementation;

RECALLING the Decision of the African Union Assembly of Heads of State and Government (Assembly/AU/Decl.6(XXV) [2015] adopted at the 25th Ordinary Session in Johannesburg Republic of South Africa from 14-15 June 2015, whereby the Assembly reaffirmed its commitments to accelerate mobility and integration on the continent, migration in development and the positive impact of migration on development;

RECALLING its Recommendation Ref: PAP.5/PLN/RECOM/1-2/OCT.18 adopted in October 2018 at Kigali, Rwanda on labour migration governance in Africa;

RECALLING FURTHER all regional, continental and international programmes such as the Migration Policy Framework for Africa (MPFA), the Joint Programme on Labour Migration Governance for Development and Integration (JLMP) and the United Nations Global Compact for Migration (GCM) which aim at facilitating safe, orderly and regular migration;

DEEPLY CONCERNED by the challenges faced by migrants including migrants workers for the access to services such as education, health, social protection, child protection and lack of access to regular status /regular migration pathways /regularization;

AWARE that the existing international, continental, and regional legal framework on migration, comprising international human rights law, the refugee regime, international labour standards, trade in services, free movement, and transnational criminal law on smuggling of migrants and trafficking in persons, provides a framework for governance of migration and guarantee the protection of migrants by setting out obligations for State Parties;

CONCERNED by the fact that ratification and implementation of international and regional legal instruments on labour migration remains a challenge in the African continent;

IN ACCORDANCE with Rule 5 (d) of the Rules of Procedures of the Pan-African Parliament, which empowers the PAP to, inter alia, organise debates, discuss, express an opinion, make recommendations and formulate resolutions on the objectives and on any matter relating to the African Union and its organs, Regional Economic Communities, Member States and their organs and institutions;

NOW HEREBY RECOMMENDS TO MEMBER STATES TO:

1. **RATIFY** and **DOMESTICATE** relevant human rights, labour and other international and regional legal instruments related to labour migration, and **TAKE** measures for effective implementation thereof and sharing of best practices and approaches among African Union Member States.
2. **IMPLEMENT** human rights-based and gender responsive laws, policies and strategies, conclude interstate agreements, including Bilateral Labour Agreements (BLAs), where necessary, to govern and facilitate safe, dignified and regular migration, including labour migration.
3. **STRENGTHEN** the capacity of the labour migration policy makers, administrators and institutions in the fields of international labour standards, decent work, skills and qualifications recognition, social protection and promoting regular pathways through efficient labour migration governance.

**Adopted in Midrand, South Africa
10th November 2022**