

STATEMENT OF THE NETWORK OF AFRICAN
NATIONAL HUMAN RIGHTS INSTITUTIONS
47th SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES RIGHTS
, 12th TO 26th MAY 2010, BANJUL THE GAMBIA

By Laurence MUSHWANA, Vice Chair of the NANHRI

Your Excellency the Representative of the President of the
Republic of the Gambia,
Your Excellency Chairperson of the African Commission on
Human and Peoples' Rights,
Honorable Commissioners of the African Commission,
Your Excellencies Members of the Diplomatic Corps
accredited to the Gambia,
Invited guests,
Dear Colleagues.

It is great privilege and honor to have the opportunity, on
behalf of the Network of African National Human Rights
Institutions, to address you on this auspicious occasion of
this assembly of 47th ordinary session of the African
Commission on Human and Peoples' Rights.: Allow me to
extend my utmost and sincere gratitude to the authorities
and the people of the Republic of the Gambia for the warm
welcome that they have accorded us.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

My appreciation equally goes to the African Commission on
Human Rights for their commendable effort to give human
rights a reality in the continent irrespective of the multiple
challenges such initiative come across. I equally recognize

the courage and zeal with which the human rights defenders and NHRIs in Africa have acted to improve the human rights status in the continent despite the difficulties they meet.

Be that as it may NANHRI as an umbrella body of African NHRIs note with concern that during the past years, the situation of Human Rights Defenders in African has considerably deteriorated particularly due to political or social instability. Violence in the context of elections, civil wars, ethnic and xenophobic attacks has been witnessed in different parts of Africa.

Engaging with human rights promotion and protection in such contexts involves considerably high risks, especially when there are weak institutions, inadequate legislation and ineffective protection mechanisms. The important role and efforts of Human Rights Defenders in the promotion, protection and the full enjoyment of human rights by all should instead be acknowledged and praised rather than demonized.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

NANHRI notes with concern the scantiness of practical national initiatives to physically protect human rights defenders effectively. Therefore, emphasis on cooperation with all regional intergovernmental human rights organizations in protecting human rights defenders are desirable and of utmost necessity. African states should also create, develop or improve strategies and programmes for the physical protection of defenders in their respective countries. This is the first step towards a safe working environment for defenders.

African states have a duty to enact formal protection mechanism through legislation such as witness protection programmes. The protection programmes should be implemented equally throughout the country and defenders at risk should be covered by it. African states should urgently review their methodology to ensure a coherent implementation at the national level.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

Even though the obligation of protecting human rights defenders and ensuring their security rests primarily with the states, defenders themselves may also take some measure to enhance their own safety by acquainting themselves with the Declaration on human Rights Defenders since it is notable that one of the issues contributing to the lack of an adequately secure and enabling environment for defenders is the insufficient awareness of the Declaration, it is therefore also important to foster the dissemination of the Declaration and ensure it becomes a working, reference tool.

NANHRI calls upon defenders to contribute to enhancing their own safety in a systematic manner. NANHRI believe that greater awareness of good practices in the area of protection will encourage them to fulfill their mandate.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

This 47th ordinary session of the African Commission is taking place at a time when are a number of challenges facing our continent as a result of electoral malpractices. A

recent trend to stopping cycles of post or pre electoral violence in Africa has been to institute national unity power-sharing arrangements christened coalition governments and examples are many across the continent. The coalition governments these days are emerging as the solution in the absence of clear mandate in Africa. These Governments are formed on the principal of sharing power between the ruling and opposition parties primarily to avoid political conflicts and social disturbances and primarily for continuation of economic and political reforms in wider national interest.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

The plight of women and children in areas of armed conflict in the continent is another area of great concern to the Network of African National Human Institutions. The victims in today's armed conflicts in Africa are far more likely to be women and children than real combatants. Women's bodies have become part of the battleground for those who use terror as a tactic of war – they are raped, abducted, humiliated and made to undergo forced pregnancy, sexual abuse and slavery.

Protection and support for women survivors of violence in conflict and post-conflict areas in Africa is woefully inadequate. Access to social services, protection, legal remedies, medical resources, and place of refuge is limited despite the valiant efforts of numerous local NGOs to provide assistance. A climate of impunity further exacerbates the situation, and serves as an incentive to ongoing violence. UN Security Council Resolution 1325 on Women, Peace and Security of October 31, 2000 calls for women's equal participation in peace and security issues, yet seven years

later it is evident that much more effort is needed to strengthen mechanisms to prevent, investigate, report, prosecute and remedy violence against women in times of war, and to ensure their voices are heard in building peace.

Ladies and Gentlemen,
Distinguished Guests,
Dear Colleagues,

A striking feature of the last 20 years that offers present a glimmer of hope to the continent is the steady proliferation of National Human Rights Institutions (NHRI), particularly in new and developing democracies in Africa and the progressive activities of the ACGPR and other African Regional human rights mechanisms. Mandated to implement international human rights norms at the domestic level, NHRIs have been instituted in countries across the continent the creation of these institutions has been propelled by the belief, forcefully articulated in the 1990s, that rights protection is best served by the democratic rule of law and pluralist democracy, and vice versa. Despite their relative novelty, the experience of NHRIs points to a range of challenges in the institutional transmission and mediation of human rights norms within democratizing political systems. Furthermore, the United Nations General Assembly adopted a resolution in October 5, 2007 that calls upon the United Nations system to develop a coherent and effective strategy, including through joint programmes and activities, for the promotion and protection of human rights in Africa, within the framework of the implementation of regional and international treaties, resolutions and plans of action adopted by the two organizations.

NANHRI applauds the existing collaboration between the AU, ACHPR and the OHCHR as a welcome multifaceted

approach that will go a long way in advancing a human rights strategy in Africa both regionally and nationally.

NANHRI will nurture the existing NHRIs and encourage more African nations to form these institutions in line with the international normative standards, the Paris Principles so that they can support the implementation of the strategy on national level..

Thank you for your kind attention.