Statement of the Network of African National Human Rights Institutions

61st Ordinary Session
The African Commission on Human and Peoples' Rights (ACHPR)

Banjul, Gambia
1st to 15th November, 2017
Your Excellency, Representative of the Government of Gambia;
Your Excellency, Representative of the African Union;
Your Excellencies State Delegates;
Your Excellency, Chairperson of the African Commission on Human and Peoples’ Rights;
Distinguished Commissioners;
Members of the African Commission on Human and Peoples’ Rights;
Your Excellencies Members of the Diplomatic Corps accredited to The Gambia;
Honourable Representatives of National Human Rights Institutions
Honourable Representatives of the NGO Forum and dear friends;
Eminent Guests

It is a great privilege and honor to have the opportunity to address you on this important occasion of the 61st Ordinary Session and the celebration of the 30th Anniversary of the African Commission on Human and Peoples’ Rights (The Commission). On behalf of the Network of African National Human Rights Institutions (NANHRI) I take the earliest opportunity to congratulate the African Commission on this auspicious occasion. I equally extend our utmost and heartfelt gratitude to all of you for finding time within your busy schedules to be part of these all important functions. I must appreciate the hospitality that has been accorded to us by the government and the people of this great African Nation the Republic of The Gambia.

Ladies and Gentlemen,
The establishment of the African Commission in 1987 was one of the greatest milestones in African human rights trajectory. Notwithstanding the different encounters in promotion and protection of human rights in the continent, the African Commission has strived to instil a culture of human rights by holding state parties accountable to the implementation of the African Charter of Human and People’s Rights.

NANHRI hopes that through more efforts such as the African Human Rights Action and Implementation Plan 2017-26, the continent will experience a reduction in incidences of human
rights violations that still do occur in most of our countries. This is with particular reference to the political unrests that are often experienced in some of the countries, affecting the enjoyment of human rights in those situations. Current examples of these include the unresolved conflicts and political unrests in Cameroon, Democratic Republic of Congo, Kenya, South Sudan, and Togo. Such situations lead to violations such as gender-based violence, extrajudicial executions, mutilation and rape which are sometimes used as instruments of war. We appeal to the Commission to focus more on issues of good governance and democratization processes to protect human rights.

It is also disheartening to note that the challenge of terrorism continues to affect human rights in some regions in the continent, most notably in Somalia where recently the bombing in Mogadishu from which 300 people have been confirmed dead and hundreds seriously injured. It is unfortunate this which has far reaching consequences on human rights has not been resolved for such a long time.

**Ladies and Gentlemen**

As we celebrate the 30 years of the establishment of the Commission, we must not forget that the effectiveness of the regional human rights bodies relies on the goodwill and cooperation of member states to implement the human rights treaties. We strongly recommend the establishment and facilitation of human rights institutions among other accountability institutions. While acknowledging and commending the NHRI s in Africa which have continued to strive for improved capacities to deliver their mandates, operational independence from their states and international principles on the status of national institutions for the promotion and protection of human rights (Paris Principles), Nanhri wishes to express concern over the level of support to NHRI s by state parties to the African Charter. More than half of all African NHRI s are not Paris Principles – compliant - only 21 institutions are accredited with A-status. Most institutions lack strong legal frameworks in addition to financial and technical capacities to discharge their mandates. This is notwithstanding that the African Charter on Human and People’s Rights which came into effect
in 1981 – way before the adoption of the Paris Principles – and has near universal ratification, requires states to establish appropriate institutions for the protection and promotion of human rights. Other recent treaties such as the African Charter on Democracy, Elections and Governance have also emphasised the need for strong accountability institutions at the national level, while the Human Rights Strategy for Africa prioritises the strengthening of these institutions. All these are regional commitments which are aligned to the Sustainable Development Goals target of strengthening relevant national institutions.

**Ladies and gentlemen**

With regard to the efforts towards the strengthening of National Human Rights Institutions in Africa, the Network wishes to acknowledge the support of the African Union Commission in reaching out to member states on the need to support their Institutions. Through the collaboration with the African Union Commission and the United Nations Development Programme, the Network initiated a platform for policy forums involving state missions to the African Union, National Human Rights Institutions, Civil Society Organisations and the academia to discuss the need for the strengthening of institutions in Africa. In the first forum held in September 2017, it was emphasised that NHRI s are central to good governance of any citizen centred system of government in ensuring human rights based approach to development and therefore any citizen-centred government would try all means to commission an institution that is well resourced, particularly in ensuring timely appointment of commissioners with a secured tenure, proper legal framework and adequate government funding.

Asserting the need for effective national human rights institutions, the state representatives, national human rights institutions and civil society organisations remarked that the accreditation status of African NHRI s should correspond to their effectiveness and operation at the national level. As a way forward, it was underscored that states have the primary responsibility of ensuring NHRI s effectiveness. Thus, states should: put in place strong legal frameworks to guarantee independence, broad mandate and sufficient powers; enable uninterrupted institutional operation particularly through timely appointment of
commissioners and providing security of tenure, as well as the general operationalization of the
laws; provide reliable financial support; and secure NHRIs operational and financial autonomy
to enable NHRIs undertake staff recruitment, programming and budgeting in a manner that
allows them to achieve their mandates.

Ladies and Gentlemen,

National human rights institutions constitute a fundamental pillar of human rights protection
systems, hence, they should be able to operate in all circumstances, even under limited political
spaces and capacity limitations. Their work is even more crucial during such times since non-
conducive political environment will entail negative effect on the enjoyment of human rights by
citizens.
Capacity building is a major element in the task of the NANHRI. Indeed, to be able to correctly
carry out their human rights protection and promotion mandate, NHRIs should provide their
staff and members with the proper knowledge in order to respond adequately to the
requirements of their mandate, and this is why the NANHRI is best positioned to identify the
needs of each NHRI and to adequately respond to the expectations.

With this in mind, the CNDH of Morocco opened in July 2016, its Driss Benzekri National Human
Rights Training Institute in order to contribute to enhancing the capacities of the many human
rights stakeholders, including African NHRIs. Indeed, several trainings were held for the benefit
of African NHRIs as members of the NANHRI. The modules were elaborated with the aim of
contributing to the continental effort to human rights agenda. Thus, the NANHRI invites all
NHRIs to continue this effort.
Therefore regional bodies including the Commission are called to play a significant part in
strengthening African NHRIs through holding states accountable for the establishment of strong
institutions in line with the African Charter, the ACDEG and the SDGs; improving collaboration
with NHRIs especially in promotional & protection visits & following-up implementation of the
Commission decisions; mainstreaming NHRIs role in all areas of its work; ensuring effective
information dissemination to NHRIs, and sensitizing African Governments on the role of human rights institutions through the Commission’s sessions and African Union summit agendas.

Ladies and Gentlemen
Allow me to inform you that at the occasion of the 10th anniversary of the NANHRI, on 7 to 9 November 2017, African NHRIs will gather in Kigali, Rwanda for their 11th Biennial Conference in Kigali, whose theme is “human rights based approach to the implementation of the agenda 2030 for sustainable development goals and agenda 2063 of the African Union. In addition to the NHRIs, the conference will bring together civil society actors, representatives of national governments and inter-governmental bodies, various UN agencies and development partners to deliberate on the progress made, challenges faced and lessons learnt in the implementation of development agendas. You are cordially invited to share your views on how NHRIs can integrate human rights based approaches in the implementation, monitoring and reporting of these agendas at national, regional and international levels.

In conclusion, the promotion and protection of human rights is at the core of the Africa Union Agenda 2063 and therefore National Human Rights Institutions are essential self-corrective mechanisms which all AU member states must endeavour to strengthen, towards the achievement of the national and regional development goal. Financial sustainability and political goodwill are key; if NHRIs are not adequately funded, it’s unlikely that they will play their role in developing effectively, and in supporting the work of the Commission. Hence, regional human rights bodies must intensely advocate for the continuous strengthening of national human rights institutions by states.

Thank you for your kind attention.