

**REPORT ON THE SUB-REGIONAL
WORKSHOP FOR NHRIs FROM WEST
AND CENTRAL AFRICA**

LOME, TOGO 19-20 JANUARY 2009

Introduction

The Togo Human Rights Commission held a workshop for NHRIs of West and Central Africa in Lome, Togo on 19-20 January 2009. This workshop was the culmination of consultations between the Togo Human Rights Commission on one part and the Network of African NHRIs, the Danish Institute for Human Rights (DIHR), the *Organisation Internationale de la Francophonie* (OIF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the other.

The forum was based on the *Paris Principles* with a view to promoting greater compliance to the same and strengthening the NHRIs in the Western and Central regions of Africa.

The main objective of the workshop was to **assist NHRIs of the region in complying with the Paris Principles** with a view towards eventually gaining “A” status from the International Coordinating Committee of NHRIs. Further objectives of the workshop included; giving the NHRIs in the region a clearer view of the concrete steps that they must take to comply with the *Paris Principles*; facilitating common engagement amongst regional NHRIs to implement the recommendations of the forum in conformity with the *Paris Principles*; and creating and re-activating sub-regional networks of NHRIs.

Prior to the workshop, a study on; ‘the laws and statutes of NHRIs in West and Central Africa vis-à-vis the Paris Principles’ was conducted by Mr. Ulrik Spliid of the Danish Institute for Human Rights in collaboration with Mr. Gilbert Sebihogo, the Executive Director of the Secretariat, Network of African NHRIs whose outcomes were presented to participants during the workshop. The participants discussed on the outcomes of the study and identified the existing gaps which shall be further elaborated into concrete recommendations. For a detailed report of the study kindly visit the following link www.nanhri.org.

Participants of the workshop included representatives from NHRIs, government and civil society of the following countries: Benin, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Congo, Côte d’Ivoire, Democratic Republic of Congo, Ghana, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

DAY ONE

After the opening ceremony of the workshop which was graced by H.E. the Prime Minister of the Republic of Togo, the participants went straight away to the thematic sessions as follows:

Session one: Introduction to the Paris Principles and the accreditation system for national human rights institutions and their consequences

This session was moderated by Mr. Alioune Ndiaye of the Senegalese Human Rights Commission (Comité Senegalais des Droits de l'Homme).

The two key speakers during this session were: Mr. Komi B. Gnondoli, Senior Human Rights Adviser, UNDP – Niger and Mr. Mahamane Cissé-Gouro, representative of OHCHR in West Africa.

As most of the participants were familiar with the *Paris Principles* and the accreditation systems, the speakers briefly gave an introduction on the *Paris Principles* as well as the existing accreditation system at the International Coordinating Committee of National Institutions (ICC) and the rest of the session was dedicated to a Question and Answer session and discussions on the emerging human rights issues.

During this session, the speakers highlighted some of the advantages that NHRIs can draw by virtue of being “A” Status. Some of the benefits include: making oral submissions at the Human Rights Council, participate in the working groups of the Universal Periodic Review (UPR) mechanism and make general comments during the UPR plenary sessions. The NHRIs can also participate in regional and international sittings and can also be nominated for different working groups and committees at the ICC.

In Africa there are only 16 NHRIs accredited with “A” status at the ICC and this means that there is still a lot of room for improvement.

In regard to the *Paris Principles*, the speakers highlighted some of the problems that most NHRIs encounter, that prevent them from being fully accredited to the ICC. The problems include: insufficient funding, lack of financial autonomy, lack of decentralization, unstable tenures for Commission members among others.

Session two: *Presentation on the results of the study conducted on the enabling laws of NHRIs vis-à-vis the Paris Principles*

Mr. Ulrik Spliid of the Danish Institute for Human Rights and Mr. Gilbert Sebihogo, Secretariat of the Network of African NHRIs were the presenters during this session. They presented the report whose main objective was to analyze the adherence of the concerned NHRIs to the Paris Principles.

They began by giving an overview of the ICC accreditation system, followed by an overview of the accreditation system in force at the Network of African NHRIs. Finally they gave a brief analysis of the enabling laws of the concerned NHRIs and finally gave an individual description of the enabling laws of each institution as well as ways of improving them.

It was noted that the number of African NHRIs with “A” accreditation has been decreasing instead of increasing as has been seen by the latest downgrading of Cameroon and Nigeria Human Rights Commissions to “B” status. It also emerged that the A® Status no longer exists at the ICC.

The following NHRIs were subject of the study:

A Status: Ghana, Niger, Senegal and Togo

A® Status: Chad

B Status: Burkina Faso, Nigeria and Cameroon

C Status: Benin

Non- accredited: Cote d’Ivoire, Mali, Sierra Leone, Congo Brazzaville and Gabon

At the end of the presentation, the participants had the opportunity to give feedback on the presentations and some took this opportunity to clarify some issues about their NHRIs that had been misrepresented. For example, it was clarified that the law of 1998 that established the Comite Senegalais des droits de l’homme had later on been revised in 2001 and that this was not captured in the study.

The Human Rights Commission of Mauritania, which was analysed in the study promised to make available the documentation that shall demonstrate ways in which it has complied with the *Paris Principles* and the result of this analysis can also be included in the study.

Session three: *Experiences of NHRIs as regards the Paris Principles*

In this session, there was a presentation from two NHRIs, one of which is accredited (Togo Human Rights Commission) and one which is not accredited (Chad Human Rights Commission). In their presentations, the representatives from the two Commissions gave the history of their respective institutions, the nature of their enabling acts, their composition and their mandate as well as their financial situations.

The Togo Human Rights Commission was established in 1987 and its composition is plural in nature. The Commission also has a broad mandate.

The Chad Human Rights Commission has no budget of its own; it gets an annual subsidy from the Government. Their Commissioners are not remunerated. Consequently, they are not accredited and are disadvantaged as they cannot meet their regional and international obligations, for example, the payment of membership fee at the Network of African NHRIs.

Session four: *Working Groups*

The group work session was meant for participants to discuss on the strategies to be used to ensure conformity of NHRIs to the *Paris Principles* ‘**development of a model text**’.

The three working groups later on reported to plenary.

DAY TWO

Session five: *Collaboration between the NHRIs and the public authorities (Government, Parliament) in the functioning of NHRIs according in conformity with the Paris Principles*

The speaker for this session was Maitre Yawovi Agyoyibo, former chairperson of the Togo Human Rights Commission and the former Prime Minister of Togo.

The following were the highlights of his presentation:

There are a number of ways in which NHRIs and public authorities can collaborate and they include:

- Giving advice on the general human rights situation in the country
- Advice on how to harmonise national legislation and the States’ international human rights obligations
- Development of reports to be presented to the international human rights committees and the United Nations
- Carry out human rights education for the general public

In carrying out its mandate, the Togo Human Rights Commission encountered a number of challenges including the constitutional dispensation at the time (one party system) and the fear of government authorities by the public (fear to be arrested, incarcerated or tortured by the public authorities). The big question was whether the newly established Togo Human Rights Commission could surmount these challenges?

In order to deal with the fear amongst the population to make complaints at the public authorities, the Togo Human Rights Commission adopted certain measures such as the development of an annual report, that was disseminated to the general public, production of a newsletter known as 'Echo', organisation of informal public meetings for the sensitisation of the public on human rights issues.

Session six: Sharing of experiences by the Niger Human Rights Commission (Commission Nationale des droits de l'homme et des libertes fondamentales of Niger) and the DRC Human Rights Commission (Observatoire Nationale des Droits de l'homme of the Democratic Republic of Congo)

The two institutions gave presentations that outlined their mandate vis-à-vis their relationship with the public authorities such as the parliament and the government.

Session seven: Human Rights Protection by NHRIs

This session was introduced by Mr. Koffi Kounte, the Chairperson of the Togo Human Rights Commission. This was followed by an experience sharing session by two NHRIs namely: the Commission for Human Rights and Administrative Justice of Ghana and the Commission National Human Rights Commission of Cameroon.

Ms Anna Bossman, the Acting Commissioner of the Commission for Human Rights and Administrative Justice (CHRAJ) of Ghana gave a presentation on how the CHRAJ works with the Best Practices for NHRIs as developed by the Commonwealth based on the Paris Principles. She also gave a brief historical background of CHRAJ as well as the mandate, powers, structure and relationships with other institutions.

The CHRAJ is a hybrid institution that fuses different institutional mandates i.e. the Anti-corruption mandate, the Ombudsman mandate and the Human Rights Commission mandate.

The rationale behind this fusion is the interconnectivity between human rights violations, administrative justice and corruption. This also enhances effective collaboration and coordination between the different offices to minimize duplication of functions and resources and also the complainants are not confused as to which institution they should approach.

The mandate of CHRAJ includes investigation of complaints of violations of fundamental rights and freedoms by all public and private institutions and individuals. They also carry out public education on issues concerning human rights and fundamental issues and conducts regular inspection of prisons and detention centers.

CHRAJ's relationship with the parliament; they submit annual reports but there is need to forge closer links with the parliament.

CHRAJ's relationship with the Executive; this is a challenge as there is insufficient funding from the central government. Underfunding is a way in which the central government can interfere directly with the CHRAJ's mandate. The executive has however cooperated with CHRAJ to investigate ministers and even the president himself.

CHRAJ's relationship with the courts; they have a good working relationship and numerous decisions have been taken to courts and enforced however there is need for more interaction.

CHRAJ's relationship with the international treaty machinery; they monitor the state's compliance with the human rights treaty obligations, they document the human rights situation in the country through the annual state of human rights report, they advice and advocate the state on the scope and implementation of these obligations and they follow up on the implementation of the recommendations of the human rights council.

Mr. C. D. Banda, the Chairperson of the Cameroon Human Rights Commission also gave a presentation that touched on the History of the Commission as well as its mandate and functions. It was initially established in 1990 by Presidential Decree but in 2004 it was created by law no. 2004/016. The Cameroon Human Rights Commission has three regional offices. The Commission is composed of thirty members from different sectors of society to ensure a plural composition.

Session eight: *Working groups for the development of an action plan for the implementation of the recommendations of the workshop*

The last session of the workshop was dedicated to working groups where participants were meant to come up with recommendations and an action plan on the way forward as regards the implementation of the workshop deliberations.

The participants reported back to plenary and adopted an action plan with some reservations which were meant to be worked on after the workshop.

The Secretariat of the Network shall have a great role to play in ensuring that the adopted recommendations and action plan are finalized and circulated to the concerned members for further implementation.