

The Network

The Network of African National Human Rights Institutions



January - March 2018 Edition



Edition française incluse !!!

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Message from the Executive Director



On April 25, 2018, the members of the Network of African National Human Rights Institutions (NANHRI) will commemorate the African Pre-trial Detention Day. This happens three years after the African National Human Rights Institutions (NHRIs) adopted the Yaoundé Declaration in October 2015 during the Cameroon NANHRI 10th Biennial Conference, officially setting aside the April 25 of every year as the day of fighting against the abuse of pretrial detention.

The decision to push for a commemoration day was reached after it was established that suspects awaiting trial are criminalised and subjected to condemning conditions while in custody.

Indeed, statistics¹ show that over 40 per

cent of detainees in 21 countries in Africa are awaiting trial. The data shows some countries in African have the highest proportion of the total prison population in pre-trial and remand imprisonment. Libya, Benin, DRC and Nigeria have 90 per cent, 75 per cent, 73 per cent and Nigeria 72 per cent of the pre-trial and remand detainees respectively.

The abuse of pretrial detention in the continent is rippling into further human rights violations as victims suffer the hands of the security agents, who may use excessive force in interrogations.

Cells in Africa are characterised by congestion, poor sanitation limited health services and food, sexual assaults, among other ill-treatments. Accelerated justice system would reduce the suffering in this detentions since they will be operating within the required capacity.

Prolonged incarceration without trial also leads to loss of jobs, therefore, undermining the economic, social and cultural rights of the suspects, sinking their families into poverty.

Some detainees may be petty offenders whose cases can be determined by use of alternative dispute resolution mechanisms and where persons are found culpable, committed to community service. The offenders may also be sentenced to periodic reporting to authorities or be under digital monitoring. These and other alternative punishments are not only for the benefit of the community, but also viable in

¹http://www.prisonstudies.org/sites/default/files/resources/downloads/wptril_3rd_edition.pdf

reducing pressure on the judiciary. This also allows for support to their families while serving sentences.

As NANHRI engages the African Union for the recognition of April 25 as the African Pre-trial Detention Day at regional level, it is the responsibility of the NHRIs to give meaning to this day at national level. This can be achieved inter alia, through leading investigations into abuse of pretrial detention and visiting confinement areas unannounced to get firsthand information.

As poverty limits access to partial freedom through bails and bonds, it is the responsibility of the NHRIs to offer and coordinate pro-bono services for victims from poor backgrounds. Similarly, it is also an opportunity to work with civil society organisations supporting legal services to vulnerable people.

As we celebrate this year's African Pre-trial Detention Day, it is time to evaluate the gaps in the existing laws and push for reforms to expedite the trial of cases and ensure accountability from judicial and security systems.

In conclusion, you are all welcome to engaging stakeholders on social media with this hashtag *#AfricanPre-TrialDetentionDay* by sharing your thoughts as well as anecdotal images from your activities.

Gilbert Sebihogo

Executive Director

ANOTHER GENOCIDE IN AFRICA? NEVER AGAIN!



COME I SHOW YOU: Two men walking into the Kigali Genocide Memorial on November 7, 2017.

By Robert Laban

By 1990, most African states had gained self-rule, with the exception of South Africa. With the regaining of independency, waves of hope, socio-economic-cultural prosperity swept through the continent from 1950s-1980s. African unity had defeated a common enemy - the colonialists.

But soon after independency, the struggle for power for the control of resources drove the head-arrow into the heart of the new-found unity. Violent conflicts ensued deviling and devouring the African brotherhood into bits. The African fabric turned red as killings, rape, torture, arbitrary arrests and detention without trial, destruction of property, among others, bled blood into nationhood.

But human rights violation was, and is not a phenomenon limited to Africa. That is why the United Nations was locked in deep talks with the state parties in enhancing the universality of human rights through a common normative framework.

On December 20, 1993, the General Assembly adopted the Paris Principles. The Principles require UN member states to establish and support autonomous national human rights institutions

(NHRIs) to promote, protect and advocate for human rights at national level.

Just three and half months into the celebration of this human rights leap, the plane carrying the then Rwandan President Mr Juvenal Habyarimana, a Hutu, crashed just above Kigali Airport on April 6, 1994. The incident sparked killings starting April 7.

Killings. Killings here, killings there; killings in the North, killings in the South; killings in the West, killings in the East; killings in the valleys, killings on the mountains.

The scale and speed of the April-July, 1994 human slaughter slid one of the smallest countries on the continent into a foggy and squelchy 100 day quagmire.

More than 800,000 people were killed, with most of them being Tustis and moderate Hutus. The genocide ended after the Rwandan Patriotic Front rebel group, led by the current President Paul Kagame, announced a ceasefire in July.



IS THIS TRUE? NANHRI General Assembly visits Kigali Genocide Memoria on November 7, 2017. Photo: Secretariat

Tears of the Rwandan Genocide smeared the smile of the new life that had been puffed into the Universal Declaration of Human Rights of 1948 with the adoption of the Paris Principles.

But critically thinking, could the killing of

*REST IN PEACE.
NANHRI General
Assembly lays a
wreath on a mass
grave at the Kigali
Genocide Memorial.
Photo: Secretariat.*



President Habyarimana only ignite the biggest genocide on the continent in the 20th Century? The death of Burkina Faso President Thomas Sankara in 1987 never led to a genocide; there was no genocide after the President of Mozambique Mr Samora Machel died in a plane crash in 1986. The Rwandan Genocide was an eruption of deep heated hatred in the active volcanic hearts of the country.

Going back to the Principles, the establishment of strong National Human Rights Institutions is to not only monitor, but also advise the government on glaring potential triggers of conflicts.

At that time, Rwanda never had an NHRI established in line with the Paris Principles.

Now that the continent has 46 NHRIs, what can these institutions do to foster peace through inclusive and progressive interventions?

One of the most immediate initiatives of an NHRI is the call for the establishment of the truth, justice and reconciliation commission to complement its investigating and monitoring in cases where the rights of the people have been violated. For those countries such as Kenya, Liberia, South Africa, among others, where there have been such commissions, the NHRIs are required to be on the frontline in pushing for the full implementation of the recommendations of the reports. Justice is the mother of sustainable peace.

It is clear that elections and transition is becoming the matchstick igniting protracted violent conflicts, which are cooking and serving the public loads of human rights violations. Abrasive

governments are quashing the dissenting opinions and clamping down opposition leaders.

South Sudan's 'elder sister', Sudan, recently surprised the world when President Omar el Bashir announced the release of political detainees to facilitate their participation in the national dialogue, which has been going on since 2015. Given the tension elections cause, the President, has also announced that he will not take part in the 2020 elections in the hope of injecting fresh blood into the country's leadership, which has also been in prolonged conflicts. In Darfur region, more than 400,000 (another genocide?) people have been killed. Militia group, Janjaweed, has been overrunning villages for close to two decades. Violent conflicts also led to the secession of South Sudan less than five years ago over the control of oil resources.

You may ask why such a long digression. It is with hope that the national dialogue in Sudan will lead to lasting solution to the human rights. But it is the role of the NHRI in that country to support the state and other parties in implementation of the agreed terms. So, what can African NHRIs learn from Sudan - which has been in periodic and localised violent conflicts since 1972, less than 10 years after independency? It is within the mandate of the NHRI to ask the state to release political prisoners and detainees unconditionally to take part in the national dialogues. In addition, sustaining the dialogues towards building peace lies within the NHRIs mandate.

Going back to elections, the NHRIs have to give periodic reports after monitoring campaigns to

support the state agencies and other interested parties in laying down mitigation measures. In leveraging the skills and staff gap, they need to collaborate with civil society organisations just as the Kenya National Commission on Human Rights. The monitoring does not only happen during, but long before the elections are called for.

But how sustainable is monitoring? A good question. Rushed lousy resolutions rust fast. The NHRIs have a role in initiating the change of laws and policies through collective consultations. For example in allocation of jobs, there must be a formula that promotes meritocracy, equity and equality in jobs. This would prune and broom out blooming biases based on ethnic group.

Information is said to be very powerful. NHRIs must steer national dialogue to empowering the people with information, through the mainstream and social media. This should not be only during instability, but always. The radio is one of the most effective modes of information dissemination even to the remotest areas. Community radio would trickle down the national dialogue to the people at the grassroots - in their own language.

Increased social activities like cultural festivals, games, performing arts and other ways of bringing people together could enhance the cohesion.

But what has The Network of African National Human Rights Institutions done in sustainable peace? The Network, in collaboration with the Danish Institute for Human Rights in 2017 organised blended learning targeting to drive down human rights education into the curriculum of learning institutions. This is not a flour concoction of the Tanganyika Maji Maji Rebellion that would 'burn' the brutality of a bullet, but a systemic approach of sowing a human rights culture and nationhood through the generations.

The National Commission for Human Rights of Rwanda is leading a 100-day commemoration of the 1994 genocide towards forgiveness and national healing. This is not a time for blame, but learning to zip loop-holes and build patriotism, nationhood, and above all, love for diversity of the neighbour.

Morocco National Council for Human Rights to monitor torture

The National Council of Human Rights of Morocco can now access detention areas for monitoring torture and other ill treatments following the adoption of the National Preventive Mechanism (NPM) law by Parliament.

The law, which came into force on March 1, 2018, allows the NCHR to establish systems of visiting detention and possible torture areas. The Council will select members into the NPM, which will also look into the violations of the rights of children and tracking the implementation of the International Convention on the Rights of Persons with Disabilities.

The NCHR has embarked on drafting the rules of procedure, defining the structure of the NPM, the mode and criteria for the selection of its members, as well as the field work guidelines.

The Association of Prevention of Torture welcomed the move by the Morocco Parliament, which comes more re than three years since the country ratified the Optional Protocol of the UN Convention against Torture (OPCAT),

In 2016, the NCHR started a programme of cooperation with the APT and the Council of Europe aimed at supporting and strengthening the capacities of the future NPM.

The NCHR and the APT had also conducted awareness-raising sessions on the role of the NPM and the prevention of torture in general among prison staff and other authorities.

During its first visit to Morocco - October 22-28, 2017- the UN Subcommittee on the Prevention of Torture (SPT) emphasized that 'the national preventive mechanism must have unconditional access to all places where people are or may be deprived of their liberty.'

NANHRI-OSF project to enhance NHRIs' work in decriminalisation of petty offences

The Network of African National Human Rights Institutions is implementing a two-year project to "Enhance the Role of National Human Rights Institutions in the Decriminalization of Petty Offences in Africa". The Programme Officer in charge, Ms Maureen Bwisa unpacked this project for Robert Laban, the Communications Officer.



Programme Officer
Maureen Bwisa.

Laban: NANHRI has set out to implement the two-year project on petty offences. What are petty offences?

Maureen: Petty offences are defined by the African Commission on Human and Peoples' Rights (ACHPR) Principles on the Decriminalisation of Petty Offences as 'minor offences such as being a rogue and vagabond, loitering, hawking, prostitution, failure to pay debts and disobedience to parents for which the punishment is prescribed by law to carry a warning, community service, a low value fine or short term imprisonment, often for failure to pay the fine.

Laban: Where are you taking the African NHRIs with this project?

Maureen: The project aims to enhance the role of the NHRIs in the decriminalisation of petty offences in Africa. In particular, we aim to enhance the capacity of the NHRIs in the review

of laws, policies and administrative measures in the criminal justice system as well as to identify areas for reform in line with the continental and international human rights standards.

Another outcome of the project we are looking at is increased dialogue on the importance of decriminalisation of petty offences as well as identifying collaboration areas among NHRIs, state and non-state actors in the criminal justice system.

Similarly, the project banks on sensitising law enforcement and judicial officers to desist from criminalising commercial activities and explore alternative ways of dealing with petty offences.

Finally, we look forward to improving utilisation of research findings on petty offences as a way of promoting implementation of the proposed recommendations expected to be achieved at the end of the two years.

Laban: What are the benefits of decriminalising petty offences?

Maureen: There are enormous benefits of using non-custodial sentences as alternatives to the criminal justice system in Africa. Let me put it to perspective with statistics from Kenya.

According to the Criminal Justice System: An Audit conducted by the Kenya National Council on the Administration of Justice, as of August 2016, the Kenya prisons with capacity of 26,687 prisoners held 53,841 prisoners. Amongst them were pre-trial detainees comprising 40 per cent of the prison population. This overstretched the prison capacity by 201.7 per cent.

Moreover, the report says between July 2014 and June 2015, at least 12,936 court inquiries

were made by probation officers, and 8,842 petty offenders were given non-custodial sentences to decongest the prisons.

The misconception and enforcement of these laws is misconstrued to control public nuisance. Yet criminalisation of petty offences created by subordinate laws, are meted through arbitrary arrests by law enforcement agencies in a discriminatory manner targeting the poor. This in turn substantively raises the percentage of pre-trial detainees languishing in deplorable detentions for petty offences with an adverse socio-economic impact on their families.

Decriminalisation of petty offences will, significantly contribute to the decongestion of detention centres, which has cascading effects like human rights violations of detainees. Firstly, conditions of detention for petty offenders are worse than for sentenced prisoners. Secondly, criminalizing petty offences has an adverse socio-economic impact on the poor and their families. In conclusion, the direct and indirect costs to the state, communities and individuals, as well as the rights violations that flow from overcrowded prisons make decriminalisation of petty offences a pressing issue and the use of non-custodial sentences an alternative to the criminal justice system.

Laban: What is the stand of African Union on decriminalisation of petty offences?

Maureen: On November 11, 2017, the ACHPR adopted the Principles on Decriminalisation of Petty Offences. The Principle, which are soft laws, advocate for a holistic approach to the challenges that arise in Africa at the intersection poverty, justice and human rights. They are advisories to states aimed at reducing congestion in prisons with softer and productive alternatives that also reduce the burden on the petty offenders and their families.

Laban: Do we have countries already on this project?

Maureen: Yes. Kenya, Malawi, Rwanda and

South Africa, Uganda, Ghana and Sierra Leone are making significant steps in decriminalising petty offences. These countries represent about 7 per cent of the continent. That is why our project is key in this discourse, through our foot soldiers—the NHRIs.

Laban: Is this project related to other works of NANHRI?

Maureen: Yes. NANHRI has been working on reducing the overuse of pretrial detention. In fact, the 10th Biennial Conference in Yaoundé, Cameroon, in 2015 discussed the subject at length. The outcome of the Conference was the adoption of the African Pre-Trial Detention Day on 25th April in the Yaoundé Declaration which outlines concrete actions states should take to reduce the over use of pretrial detention. This project supports the African Union Commission's Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa commonly called the Luanda Guidelines.

This project is very critical as we support the African Union human rights mechanisms.

Laban: How will NANHRI do it?

Maureen: NANHRI has developed a survey to assess all interventions undertaken by five NHRIs in their work in decriminalization of petty offences; to examine the strengths and weaknesses of the criminal justice systems; and further mapping actors at national and regional levels already engaged in the campaign to work closely with NHRIs. The two-year project is funded by Open Society Foundation.

Laban: What sustainability plans do we have after the two years at NHRI level?

Maureen: The pilot phase assessment will inform strategic interventions and funding opportunities necessary to strengthen the capacities of the remaining thirty-nine NHRIs in their role in implementing the Principles on the Decriminalization of Petty Offences in Africa.

Cape Verde Commission Monitors Prisons



LOOK HERE. Cape Verde CNDHC officials joined by security agents on a human rights awareness meeting. Photo: CNDHC

By CNDHR, Cape Verde

The National Commission for Human Rights and Citizenship (CNDHC) of Cape Verde is preparing a report on compliance of the State to the international conventions on prisons after visiting these detentions for a year.

The report will capture the human rights status of the prisoners cross the country, which will also make recommendations on how the authorities can improve the condition of these detentions.

Cape Verde Commission shares defilement study

The CNDH held campaigns of raising awareness on defilement in the various islands of Cape Verde after the launch of the sexual offences against minors report on March 1, 2018.

The islands include Maio, Santo Antão, São Vicente, Sal, Santiago and Fogo.

The awareness campaign also focused on other intervention measures of ending sexual exploitation against minors apart from punishment. The role of the authorities and the society was also highlighted in “The profile of those convicted of sexual crimes against minors: Knowing to better intervene”.

After the presentation of the report to the Commission by consultants, a debate moderated

by the Attorney General, Carla Teixeira, discussed the legal, social and psychological aspects of sexual offences against minors.

The project was supported by the United Nations System in Cape Verde, Bornefonden and the Cape Verdean Institute for Children and Adolescents.

Cape Verde Commission trained on trafficking

The National Commission for Human Rights and Citizenship (CNDHC) took part in a training of monitoring and combating human trafficking in Accra, Ghana.

Law enforcement officials gained skills on monitoring and combating trafficking in persons as well as assessing the progress of mitigation strategies and challenges.

The CNDHC was represented by the Legal Advisor, Arlindo Sanches, in a team that also comprised other national institutions namely: the Attorney General’s Office, the Judiciary, the Aliens and Borders Department, the Immigration Directorate and the Judiciary Police.

Representatives of Benin, Guinea Bissau, Ghana, Sierra Leone, Ivory Coast, Equatorial Guinea, Togo and Senegal were also present in the February 19-23, 2018 training at the West African Regional Training Center.

UHRC and OHCHR Train government on human rights based approach to data



ARE WE TOGETHER? Officers from the OHCHR lead an SDG data collection training in Uganda. Photo: UHRC

By UHRC

The Uganda Human Rights Commission (UHRC) and the Office of the High Commissioner for Human Rights, trained 40 State and non-state actors on Human Rights Indicators and Human Rights Based Approach to Data for Sustainable Development.

The participants, who were from different government ministries, departments and agencies, were trained to strengthen the Sustainable Development Goals (SDG) framework for Uganda and particularly, the integration of international human rights standards and principles into the National Development Plan II Results and Reporting Framework, and the National Standardized Indicator Framework.

The participants were taken through human rights norms, standards and principles, human rights indicators and SDGs. The different government ministries, departments and agencies also gave updates on the steps they have taken in implementing the SDGs.

As follow up to the training, the four core government departments responsible for the adoption of the human rights based approach to data as part of achieving the SDG Uganda are expected to sign a memorandum of understanding,

outlining the roles of them is expected to play.

This was in recognition of, and contribution to the Government of Uganda's Vision of, "A Transformed Ugandan Society from a Peasant to a Modern and Prosperous Country within 30 years" and the State commitment as "a model country" in achieving the 2030 Agenda for sustainable development.

The training was jointly organised by the Uganda human Rights Commission, the Office of the Prime Minister, government of Uganda and the Uganda Country Office of the United Nations Office of the High Commissioner for human rights. The facilitators for the workshop were drawn from OHCHR headquarters in Geneva, OHCHR Uganda Country Office and the different government agencies.

While officially opening the training, the Uganda Human Rights Commission Chairperson Med. S.K. Kaggwa commended OHCHR, office of the Prime Minister, National Planning authority and Uganda Bureau of Statistics for embracing the data revolution for sustainable development. He, however, noted that a lot still needs to be done to align the existing frameworks to SDGs and develop human rights based indicators.



HEADS TOGETHER: Officers from the OHCHR lead an SDG data collection training in Uganda. Photo: UHRC

SAHRC hosts human rights business dialogue



LET ME SAY THIS: SAHRC Chairperson Bongani Majola addresses the a business and human rights dialogue forum in South Africa. Photo: SAHRC.

BY SAHRC

The South African Human Rights Commission (SAHRC) hosted a Business and Human Rights Dialogue to discuss the key human rights issues arising from the South African business sector. The March 13-14, 2018 dialogue also sought to enhance public understanding and awareness of the roles and responsibilities of the public and private stakeholders in upholding and protecting human rights.

The gathering brought together representatives of the government, business and civil society discuss pertinent issues related to business and human rights.

Panellists discussed the role of business in equality and development, while highlighting the structural inequalities within South Africa's economy that prevent access to fundamental freedoms necessary for human development. The panellists also unpacked corporate responsibility in a time of radical transformation and discussed the intersectional approach that is needed to address

inequality from a human rights perspective.

Given South Africa's current struggle to expose and address endemic corruption and state capture, the next panel focused on corporate accountability and State Owned Entities (SOEs). Besides pointing out the urgent need for strong accountability mechanisms in respect of SOEs, the panel noted the legal, social and moral duties of companies towards the people and communities affected by their business activities.

Thereafter, the conversation shifted to emphasise the role that community engagement should play in business practices. During the discussion, it emerged that communities affected by business activities are often excluded from both developing and implementing business and human rights frameworks. This experience seems especially pronounced in certain sectors, and in particular the mining industry. The urgency of community members to contribute to the design of regulatory and other frameworks that aim to protect their rights and ensure socio-economic wellbeing, is crucial and should be acknowledged by businesses and the government.

Finally, the dialogue addressed the slow pace of transformation in the private sector and examined challenges to the successful implementation of South Africa's employment equity programme. South African businesses must fully adhere to laws that flow from constitutional rights and values, including the Employment Equity Act and international law, by creating an inclusive corporate environment.

A report capturing the findings made during the dialogue will be published in due course. Moreover, the SAHRC Human Rights and Business Country Guide: South Africa, which constitutes a key resource regarding this important subject, will be updated.

The dialogue, which constituted one of the main events hosted by the SAHRC for human rights month in South Africa, was made possible through funding secured from the European Union through the auspices of the Danish Institute for Human Rights.

NCHR of Egypt and OHCHR workshop lays base for human rights approach to SDGs



COUNT ME IN! Participants of the NCHR-OHCHR human rights based approach to SDGs in a group photo in Cairo, Egypt. Photo: NCHR.

By Amr Wagdy

A five-day training workshop organised by the National Council for Human Rights (NCHR) of Egypt and the Office of the High Commissioner for Human Rights has given a raft of recommendations to support a human rights-based approach to the implementation of Agenda 2030 of the Sustainable Development Goals.

The March 11-15, 2018 training, which brought together 30 representatives from the government, non-governmental organisations, national councils, and the National Statistical Office, aimed at raising awareness and linking human rights to sustainable development among the stakeholders.

In specific, the Cairo, Egypt, training focused on Goal 4, 5, and 8, upon which they came up with recommendations.

Goal 4 calls for “...inclusive and equitable quality education and promote lifelong learning opportunities for all” while Goal 5 is based on achievement of “gender equality and empower all women and girls”. Goal 8 stands to “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”.

The participants recommended the engagement of local, national, regional and international government and non-governmental stakeholders

as well as the society for a human rights-based approach to the monitoring and implementation of the SDGs from planning.

The workshop also suggested collection and desegregation of data without discrimination for improved and objective assessment of human rights approach during the implementation.

In addition to adoption of a policy of “education to work” and establishment of training centres in governorates for teachers, the workshop also recommended for the establishment of an electronic database of the Ministry of Education and that of Industrialisation and Manpower to reflect labour market needs.

Among others, the workshop recommended for the establishment of an observatory group to monitor the status of women-human rights related topics like circumcision, and early marriage.

Increasing awareness and understanding of human rights and their connection to SDGs, sharing information and raising awareness on the Agenda 2030 and the roles of various national stakeholders and linking human rights standards and principles with relevant goals and targets of SDGs 4, 5, 8 was highlighted.

At the same time, the workshop focused on identifying national and international human rights recommendations of high priority to the implementation of SDGs, and linking them to the marginalised groups.

Besides setting best national and local benchmarks for the implementation of SDSs, the workshop discussed the use of tools and indicators in monitoring the implementation of the SDGs and ensuring “No one is left behind”.

The workshop identified follow-up measures and actions for ensuring a human rights based implementation based on respective mandates, roles and responsibilities.

The participants concluded that key role players must be engaged at all levels. The SDGs have opportunities for collaboration in collective

participation for easy aggregation and of data sharing of the information without discrimination, and above all-protection of human rights at all level of the implementation.

The workshop was organised in the frameworks of the technical cooperation programme between OHCHR and NCHR. It was facilitated by Mrs. Afarin Shahidzadeh, Deputy Chief of the National Institutions, Regional Mechanisms and Civil Society Section at the OHCHR and Mr. Bataar Bayermgnai, Human Rights Officer at the OHCHR.

There were participants from the Ministries of Housing, Social Solidarity, Planning, Health, Foreign Affairs, Manpower, Education, as well as the Central Agency for Public Mobilisation and Statistics, the National Council for Human Rights, the National Council for Disability Affairs, the National Council for Women, the Arab Organization for Human Rights, the Egyptian Organization for Human Rights, the Arab Women Organization, and the Arab Program for Human Rights Activists.

Mr Wagdy is a Human Rights Officer of the NCHR

Rwanda Commission monitors human rights situations in detentions

By Jean Claude Ndatuwera

The National Commission for Human Rights of Rwanda in March 2018, visited prisons across the country to monitor compliance with the set human rights standards.

The visit gave the Commission a taste of the conditions of the prisons, police cells, rehabilitation centres and other detention areas.

Respect for the rights of the vulnerable, especially women, children and the elderly, was also the subject of this monitoring.

The Commission visited prisons in Musanze, Nyamagabe districts, Kigali City, among other regions.

The measure of the situation was based on the codes of Standard Minimum Rules for the Treatment of Prisoners.

As compared to earlier visits, the Commission noted that the conditions in the detention areas are improving and officers are moving towards compliance with previous reports' recommendations. The issues raised earlier include cases concerning files, treatment of the detainees in respect to the regulations of each category of prisoners.



HERE I AM: A Rwanda prisoner stands up during a meeting to the detention areas by the NCHR. Photo: NCHR.

At the same time, it was an opportunity to interact with the authorities in charge of these areas. In the meetings with the authorities, the Commission discussed modalities of addressing the gaps so as to turn the prisons to correction areas.

The Commission will keep following up on the implementation of the recommendations to ensure that the rights of detainees are not violated just because they are in behind bars.

Which way? Human rights of indigenous people or forests?



WELCOME! Kenya's Cabinet for Environment Keriako Tobiko receives the KNCHR Chairperson Kagwiria Mbogori and Vice Chairperson George Morara (right) when they paid him a courtesy call. Photo KNCHR.

By Lynesther Mureu

Do forest dwellers commonly known as indigenous people have a right to be within these areas in this era of global warming? Do they enjoy human rights albeit being away from 'civilization' and the modern world? Who are indigenous people?

Indigenous people are those groups of persons that remain confined to their traditional cultures that existed in the pre-colonial period so that even after the decolonization, they remained reluctant to embrace the western culture and ideologies. In Kenya, most of the indigenous persons are in forested areas. Many of them are hunters and gatherers, in other words they rely on the forest ecosystems for their livelihood.

Through the years, proper mechanisms have been put in place in Kenya to ensure the forest dwellers and their activities do not contravene forest and environmental conservation. However, with rising populations, growing economic needs and lack of follow up by law enforcement agencies have led to encroachment of areas that were not designated for activities such as logging and large

scale farming, among others.

This has led to tensions between the forest dwellers and law enforcers as the latter try to control activities within in the forest. Forceful evictions that ensue leave residents homeless as their houses are destroyed. Some 'residents' have been injured and in recent times, loss of life has been recorded as eviction orders are effected.

In recent times, the indigenous Ogiek Community, who reside in one of Kenya's key water towers of "the Mau Forest", won a case at the African Court of Human and Peoples' Rights following an eight-year protracted battle with the Kenyan Government that sought to evict them from the forest. In the ruling, the judges of the Tanzania-based court noted that indigenous communities have a role to play as local guardians of local ecosystems and in conserving and protecting land and natural resources found in the forests.

As a National Human Rights Institution, the Kenya National Commission on Human Rights (KNCHR) has worked closely with partners on the rights of the Ogieks, and other indigenous groups such as the Endorois and Sengwers, all found within forested areas. The aim is to ensure that government's actions respects the indigenous peoples' rights. In recent times, the Sengwer community, found on the Northern parts of Kenya, specifically in Embobut Forest, has been targeted by government forceful evictions that have left some injured and left many homeless.

The KNCHR instituted various investigative missions, held media briefings to highlight the plight of the forest dwellers and met security and law enforcers in a ensuring the community is safeguarded. The efforts of the Commission and other actors saw the suspension of a European Union funded national water project in the area until the matter is resolved. Though the suspension may slow efforts of water conservation, it was critical and important to ensure that all

stakeholders are brought to the table to address the plight of the Sengwers and formulate lasting solutions that would safeguard their culture, rights and sustainability of the environment.

In March 2018, KNCHR met with the Cabinet Secretary in charge of Environment and Forestry, Mr Keriako Tobiko, who gave his assurance and cooperation of his office in finding lasting solutions towards preservation of dignity and the respect of the rights of the indigenous Sengwer Community.

An independent high level investigation and consultative mission headed by KNCHR was undertaken between March 19-24, 2018 in Embobut Forest, in the company of local civil society organizations and met representatives from the Ministry of Environment and Forestry, Kenya Forestry Services, County Commissioners and other stakeholders in the areas. The findings or a summary of the same will be shared with the Minister and the recently set up Taskforce on Forests Resource Management.

The author is a Senior Public Affairs and Communications Officer at the KNCHR.

Liberia INCHR receives “A” status Certificate

By Johnny White

The Independent National Commission on Human Rights of Liberia received its “A” status certificate on March 26, 2018 from the Special Representative of the United Nations Secretary General to Liberia Farid Zarif in a colourful ceremony.

While presenting the certificate to the Commission’s Acting Chairperson Atty Bartholomew Colley, Mr Zarif congratulated the Commission on the achievement and encouraged it to do more as the protection and promotion of human rights is an unending responsibility.

He challenged the Commission to do all it takes to maintain the status.

Mr Colley said the Commission sees the certificate as a challenge to continue the fight for



WELL DONE! The INCHRL Acting Chairperson Atty Colley received the ‘A’ status certificate from the special Representative of the United Nations Secretary General to Liberia Mr Farid Zarif. Photo: INCHRL.

the promotion, protection and respect for human rights. He pledged the Institution’s commitment to living up to the expectation of its status.

Liberia and Niger National Human Rights Institutions received the ‘A’ status in 2017 after a rigorous process involving submission of various documents to the Global Alliance of National Human Rights Institutions’ Sub Committee on Accreditation (SCA).

An NHRI that fully complies with the Paris Principles is granted “A” status; partially compliant receive “B” status. Out of the 44 member of the Network of African National Human Rights Institutions (NANHRI), 20 are “A” status.

GANHRI is the international body coordinating NHRIs.

Among other privileges, “A” status NHRIs have an upper hand in the activities of the NANHRI and GANHRI. For example it can host events of and even seek elective posts in NANHRI. At global level, an “A” status NHRI can take part in high decision making organs like in reviews cases when selected to represent the continent in the GANHRI Bureau.

Accreditation certificates were issued in Geneva, Switzerland, in March, 2018.

INCHR organised the ‘handover’ event at national level to appreciate the partners like the UNMIL, who have supported it in the process.

Make use of your affiliate status at ACHPR

By **Gilford Kimathi**

The African Commission on Human and Peoples' Rights (African Commission) is established through African Charter on Human and People's Rights (the Charter) with the functions of protection and promotion of human and peoples' rights and interpretation of the Charter. The African Commission requires the cooperation and compliance of the state parties to effectively discharge its mandate. It also works with relevant institutions at the national and regional level while undertaking its functions. Key among these, are the National Human Rights Institutions (NHRIs), which are the independent bodies established by the state with the mandate of promotion and protection of human rights at the national level.

The Charter places a duty on member states to establish appropriate national institutions entrusted with the promotion and protection of rights embodied by the Article 26 of the Charter, while Article 45(1)(c) equally enjoins the African Commission to work with such institutions once established. This is in recognition the function of NHRIs (according to Paris Principles) which is to vigilantly monitor States Parties' implementation of international commitments.

The interaction of NHRIs with the African Commission is guided by Rule 67 of the Rules of Procedure of the Commission, adopted during its 47th Ordinary Session, held from May 12 to 26, 2010, in Banjul, The Gambia, which provides that "National Human Rights Institutions established by States Parties and functioning according to internationally and regionally recognized norms and standards may be granted affiliate status with the Commission". Further to the 1998 Resolution on Affiliate Status, the criteria for granting of Affiliate Status to NHRIs was reviewed at the 60th Ordinary Session of the African Commission held in Niamey-Niger through Resolution 370. By May 2017, the African Commission had granted affiliate status to 27 NHRIs.



MY ADVISE TO YOU! Gilford Kimathi makes a presentation in Kagili, Rwanda during the Commonwealth side event after the 11th Biennial Conference. Photo: Secretariat.

This affiliate status entitles the NHRIs to participate in the African Commission sessions and to speak on issues that are of interest to them. During the public sessions there is usually a separate section for NHRIs to sit, where they speak after states and before non-governmental organisations on all agenda items during debates, except for state reporting. The Affiliate Status also gives them the responsibility of assisting the African Commission in the promotion and protection of human rights at the national level and presenting their activity reports to the African Commission every two years.

There are other numerous ways in which NHRIs work with the African Commission such as through special mechanisms of the African Commission, participation in the African Commission working groups and engaging in the state reporting processes. NHRIs can submit reports to working groups and to individual commissioners on the state of compliance with the Charter in the countries. They also submit independent alternative reports, although they cannot make comments during public examination of state reports.

It is expected that NHRIs should be at the forefront in supporting and working with the African Commission in ensuring implementation of the African Charter.

Mr Kimathi is a Programme Officer at NANHRI.

KNCHR asks government to accommodate critics for enhanced human rights



HERE IS OUR POSITION: KNCHR Chairperson Kagwiria Mbogori (centre) calls on the government of Kenya to stop harassing the civil society organisations and other dissenting opinions to enhance accountability. She was accompanied by Commissioner Jedidah Wakonyo (right) and Wambui Gathathi, the Deputy Commission Secretary.

By Dominic Kabiru

The Kenya National Commission on Human Rights has asked the government to be more accommodative to stakeholders perceived to be of dissenting opinions for an enhanced human rights culture in the country.

Addressing a press conference during the release of the 2018 status of human rights report, KNCHR Chairperson Kagwiria Mbogori said non-state actors are key to harmony especially after bruising elections in 2017.

Last year, the government of Kenya cracked down on civil society organisation as well as the media for perceived dissenting opinions in regard to the August 8, 2017 General Election and repeat of the Presidential Election of October 26, 2017.

The crackdown continued into 2018 when three leading television stations were shut down for alleged coverage of mock searing of opposition

leader Raila Odinga on January 30. Some CSOs were also shut down for alleged illegal operations.

The Commission said the freedom of association and civic space plays a pivotal role in shaping the human rights culture in the country in ensuring Government compliance with human rights obligations.

“In the recent past, however, there has been uneasy tensions between the Government and the civil society organizations. Members of civil society organizations, community leaders, paralegals, social workers, media practitioners, volunteer lawyers, human rights defenders are central in advancing the rights of the vulnerable in and advancing democratisation in our region.

“The threatened arbitrary deregistration of Kenya Human Rights Commission and AFRICOG as well as the delayed operationalisation of the Public Benefits Organization Act are examples of the turbulence that Non-Governmental Organizations have waded through,” Ms Kagwiria said.

The Commission, while releasing the twenty point report that covered a spectrum of human rights issues in the country on March 19, 2018, also reflected on the outcome of the 2017 General Election and the repeat Presidential Election and the violence witnessed. There was gross human rights violations that led to deaths, injuries, damage to property, bribery, misuse of public resources, cases of misuse of children and school grounds during campaigns, incitement and electoral related sexual and gender based violence.

Other areas of concern highlighted in the KNCHR report include the unresolved extra judicial killings and enforced disappearances to persons. The Commission called for accountability from security agents. The police brutality meted on University of Nairobi students when anti-riot police officers entered the institution.

The report also recalled the 2015 commitment by government towards reparations for victims and survivors of historical injustices in Kenya by setting up a Kes10 billion restorative justice fund which has come to nought to date.

It highlighted on violation of the freedom of assembly, demonstration, picketing and petition that is protected by the Constitution of Kenya.

The Commission called on the State to set up an independent mechanism to audit the losses during the 2017 electioneering period for compensation .

By and large, the report acknowledged and lauded the strides made by government in its submission of its reports on the country's obligation and commitments towards international treaties and protocols. The Commission encouraged the State to ratify the outstanding treaties and covenants such as; the International Covenant on Civil and Political Rights, the Convention Against Torture, African Charter on the Rights and Welfare of the Child as well as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The report observed that Kenya has been sluggish in reporting under the African Human Rights System.

The Author is the Head of Public Affairs and Communications at the KNCHR.

DRC NHRI asks State to implement its recommendations



MARCHING FOR RIGHTS: CNDH Chairperson Mwamba Mushikonde inspects a guard of honour. He has called on the DRC government to implement the Commission's human rights recommendations. Photo: CNDH.

BY CNDH

The Democratic Republic of the Congo (DRC) National Commission on Human Rights (CNDH) has asked the government to fully implement the recommendations the Commission has made towards improving the human rights situation in the country.

The recommendations, which were handed over to the concerned departments of the government, resulted from investigations into

human rights violations across the country. Speaking during the opening of the 2018 first session of the Commission, the Chairperson, Mr Mwamba Mushikonde said only 20 out of the 229 recommendations have been implemented.

While pointing out that it is the mandate of the State to promote and protect the rights of the citizens, the Chairperson asked the various public institutions to lead the way to a just society.

The recommendations are contained in an investigation report of the massacres in Beni, Kananga (Central Kasai), Kalemei, Tanganyika (a province in DRC), Kinshasa City, among other regions.

Besides investigations into the brutality of militia groups, which are controlling some parts of the country, the Commission also scrutinised the conduct of security agents in dealing with demonstrations especially those organised by the Catholics in December 2017, January 2018 and February 2018.

Discrimination in society negates universality of human rights

By Marie Ramtu

The African Commission on Human and Peoples' Rights (ACHPR) during the 55th Ordinary Session that was held in Luanda, Angola in 2014 adopted the Resolution on Protection Against Violence and Other Human Rights Violations against Persons on the Basis of Their Real or imputed Sexual Orientation or Gender Identity commonly referred to as Resolution 275. The Resolution aligns itself with the principles of equality and non-discrimination as stipulated in the African Charter. It also ensures that every individual, as enshrined in Article 4 and 5 of the African Charter, is entitled to respect of their life and integrity of their person, and prohibit torture and other cruel, inhuman and degrading treatment or punishment.

It is out of concern of increasing violence and discrimination against individuals in parts of Africa because of their imputed or actual sexual orientation and/or gender identity (SOGI) that the Resolution 275 was adopted. The incidences also target human rights defenders (HRDs) and civil society organizations working on addressing SOGI-related violence and discrimination on the continent. The perpetrators being both state and non-state actors. The failure of law enforcement to address the injustices and provide appropriate remedies to victims was also a concern for the ACHPR.

Resolution 275 calls on State Parties to ensure that HRDs working to address SOGI-related violence and discrimination operate in an enabling environment. It also urges States to end all forms of SOGI-related violence acts and abuse committed by both state and non-state actors. This can be done through but not limited to effectively applying appropriate laws prohibiting and punishing all forms of violence, ensuring proper investigation, diligent prosecution of perpetrators and establishing judicial procedures responsive to the needs of the victims.

It is against this background of the Resolution

NANHRI Programme Officer Marie Ramtu (right) makes a statement in Banjul during a session of the ACHPR. She is in charge of SOGIE project. Photo: Courtesy.



275 that the NANHRI's SOGIE Project was initiated. The aim of the project is to strengthen the capacity of five NHRI to address SOGI-related violence and discrimination. The five NHRI engaged are from Kenya, Uganda, Ghana, South Africa and Malawi. A key component of the SOGIE Project is the civil society organisation (CSO). One lead CSO from each of the five countries constitute the SOGIE Reference Group. The key role of the CSOs is to provide technical capacity to the NHRIs. The first year of the pilot project has just been completed. It constituted development of a resource tool which formed the foundation of an online course on SOGI and Human Rights. This was followed by a face to face training to bridge the learning gaps from the online course and national workshop in each of the five countries to address specific country context issues.

Reflecting on the first year of the project cycle, it must be admitted that it has been quite a thought-provoking and journey of transformation to some extent. Having engaged grassroots communities and faith leaders on the same issue, I was taken by surprise that some of the arguments presented at the beginning by some NHRI staff were similar to those of the communities I had worked with previously. My initial failure was not to recognize that NHRI staff are drawn from communities whose lives are centered on religio-cultural beliefs

and values. These in some cases superseded the requisite to recognize persons of diverse sex, sexual orientation, gender identity and expression as part and parcel of humanity. This presented an opportunity to address the fears, myths and stereotypes that may have hindered them from effectively carrying out their duties as human rights officers.

The beauty about this engagement, when impactful, is that the information provided goes a long way in the life of the NHRI staff even outside their professional setting. The presence of CSO representative brought in the voices of the persons (in) directly affected and the needed evidence that NHRIs need to see the urgency of augmenting their response to SOGI-related violence and discrimination. CSOs also have the technical expertise that NHRI may not necessary possess based upon their relatively little experience in working on the issues. On the other hand, NHRIs as state constituted bodies, may navigate spaces closed to CSOs. For greater, impact it is crucial that the NHRI-CSO relationship works optimally.

With the understanding that the work cannot move forward without the symbiotic relationship between NHRIs and CSOs, the national workshops provided an opportunity for CSOs to have an insight into NHRIs context of operation and vice versa. Hopefully, such engagement can contribute in building the NHRI-CSO relationships.

“I like best KNCHR’s discussions about their capacities; it was very insightful,” shared one of CSO participants in Kenya.

However difficult it maybe for some individuals to be open minded, it is expected that NHRI staff suspend their religio-cultural beliefs and values that create an obstacle for them to address SOGI-related violence and discrimination. Or any other human rights violation and incidents of discrimination for that matter.

“The constant presence of the Chairperson and his explanation on the role of the UHRC to protect the rights of persons of diverse sex, sexual orientation and gender identity did a lot to change my perceptions,” said a participant from Uganda.

Looking back at what has been accomplished in the pilot year of the SOGIE project, one is left with a feeling of anticipation of sluggish evolvement towards the realisation of the rights of LGBTI persons in Africa and the huge demand for impactful contributions from NHRIs.

This cannot be better echoed by a participant from Malawi: “This being the first training conducted in the aspect of LGBTI, there is a need to have more of this. We need to be more exposed to such issues for better understanding so that implementation on the ground cannot be a challenge.”

Through this process also, creative ways in which advocacy on human rights issues can be carried out by NHRI was demonstrated by the South African Human Rights Commission. Together with the Jozi Cats Rugby Club, a friendly rugby match was hosted for the LGBTI community on March 21, the Human Rights Day in South Africa. All of this would not have been made possible without the donors’ support, all the facilitators who shared their expertise (led by Commissioner Lawrence Mute), all the CSOs representatives and partners. Above all, the NHRI staff.

“We are all human beings and should be treated as such” ~ the voice of a Ghanaian participant.

LET US CRACK IT: Malawi Human Rights Commission Chairperson Justin Dzonzi (right) leads a discussion during SOGIE workshop. Photo: Secretariat.



Tanzania schools turn to performing arts in raising human rights awareness



DO YOU KNOW YOUR RIGHTS? CHRAGG Officer, Mr. Emanuel Lubyagila (left) exchanging views with a member of the human rights club in Jangwani girls secondary school during a visit. Photo CHRAGG.

By Mbaraka Kambona

Secondary schools clubs in Tanzania have turned to performing arts to raise awareness on human rights among students and other staff.

The Tanzania Commission for Human Rights and Good Governance (CHRAGG) learnt this when it visited 20 secondary school human rights clubs in Dar es Salaam and other coastal regions.

The clubs use songs, poems, dialogue renditions debates, among other performing art genres to educate other students on the importance of promoting and protecting human rights at school level and beyond.

The Commission visited the human rights clubs in schools between February 26 and March 8, 2018 with the aim of using the member as agents of change in the society.

While addressing the members of the clubs and teachers in the schools, the Director of Public Education and Training, Mr. Alexander Hassan said the exercise enabled the Commission identify existing human rights gaps in learning institutions. The identified gaps would enable the Commission come up with better ways of strengthening the clubs to inculcate a human rights culture among the school staff and students.

The delegates also trained the schools on the mandate of the Commission in respect to good governance, the Bill of Rights as enshrined in the Constitution of the Republic of Tanzania and other human rights mechanisms.

The Commission found that the visited schools have active human rights clubs, which need to be empowered more in skills to influence positive change in the institutions and beyond.

The Headteacher of Magindu Secondary School

from Kibaha District the human rights club in his school has contributed to discipline and improved preference in academics.

A common message from the clubs was that the Commission visits the clubs regularly to impart more skills on addressing human rights as well as help them in addressing challenges that may come by.

The establishment of human rights clubs in school is one of the strategies of CHRAGG in fulfilling its mandate in promoting and protecting human rights in accordance with the former 2013-2017 Strategic Plan of the Commission.

The move by CHRAGG comes a few months after the Network of African National Human Rights Institutions conducted a NHRIs workshop on Human Rights Education.

The aim of the workshop was to help the African NHRIs mainstream human rights education into learning institutions' curricula. The September-October, 2017 blended learning was conducted in collaboration with The Danish Institute for Human Rights.



The Director of Public Education and Training, Mr. Alexander S. Hassan(right) presents human rights publications to Madam Zainab, the Guardian of Toangoma Secondary School in Dar es Salaam. Others are CHRAGG officers, Ms. Nancy Ngula (in white shirt) and Lilian Chambulikazi. Photo: CHRAGG.

Respect human rights to spur the economy, INCHR tells President Weah

By Johnny White

The Independent National Commission of Liberia (INCHR) has called on President George Manneh Weah to promote and protect human rights as one of the ways of achieving sustainable development in the country.

In a press statement, the Commission said respect for human rights is a precursor to peace, harmony, and social stability, which are key to spurring economic growth.

The statement was released a day after the President Weah assumed office on January 22, 2018.

“The INCHR asks President Weah to do all within his reach to ensure the promotion and protection of the rights of all citizens and residents of Liberia. The right to free speech, political participation and other civil and political rights – which the President promised to protect during his inaugural address – must be complemented by the fulfillment of economic, social and cultural rights which include the right to basic quality education, health care, electricity, transportation, among others,” the Commission said.

While calling on the citizens of Liberia to support the President in delivering on his campaign pledges, the Commission thanked all the partners – international community, security agents, the citizens, political agents, among others- for the peaceful transition from former President Ellen Johnson Sirlief.

“The Commission is strongly advising the President to highly consider gender equity in the assembly of his officials of government and refrain from appointing anyone who is stained with corruption and human rights abuses and violations,” the statement read.

Zimbabwe Commission learns from Kenya on effective election monitoring



TURN TO PAGE FIVE: NANHRI Finace Officer Jane Kimotho (in white lanyard) and Programme Officer Gilford Kimathi (to the left of Jane) hosting the Zimbabwe Human Rights Commission led by Chairperson Mr Elasto Mugwadi. Photo: Secretariat.

By Robert Laban

The Zimbabwe Human Rights Commission (ZHRC) visited the Kenya National Commission on Human Rights (KNCHR) from January 22- 26, 2018 to hone its skills in monitoring the July-August this year's General Election.

The team of five officers led, by the Chairperson Mr Elasto Mugwadi was taken through effective election monitoring by the KNCHR. The KNCHR shared with the ZHRC its experience in the 2017 General Election, specifically on the development of a digital platform for monitoring elections and the key parameters to focus on as an NHRI. The KNCHR further shared its experience on recruitment, deployment and coordination of election monitors, documentation, compilation and launch of the election report. Emphasis was also placed on the need to establish an elections hub that coordinates all the monitoring activities.

In addition the ZHRC team was taken through the functioning of the KNCHR especially the

complaints and investigation function, the public awareness and communication function and monitoring places of detention. The respective heads of these units shared practical experiences and useful insights to empower the ZHRC in the implementation of its mandate.

The KNCHR further facilitated the ZHRC in meeting key stakeholders in the election exercise namely the Kenya Human Rights Commission (KHRC), the Election Observation Group (ELOG) and the Independent Electoral and Boundaries Commission IEBC). This learning visit equipped the ZHRC not just with the perspective of an NHRI but also from the civil society organisations and the election management body.

Given the similarities in elections in Kenya and Zimbabwe, Mr Mugwadi said, the training equipped the team with critical skills that will be key in this year's elections in the Southern African Country.

Kenya and Zimbabwe plunged into post-election violence in 2007 and 2008 respectively, in which

people lost lives and property worth millions of shillings was destroyed.

The chaos ended with the formation of governments of national unity also known as grand coalition governments.

“Kenya and Zimbabwe have a similar history. The Kenya Commission is, however, more experienced in monitoring elections more so in periodic issuance of warnings of possible failures that may perpetuate human rights violations. Those are the skills we came looking for. As we thank the KNCHR, we also appreciate the bridging role of NANHRI as our mother organisation,” Chairperson Mugwadi said.

The Zimbabwe Commission was particularly impressed with the collaboration of the KNCHR with the civil society organisations in monitoring and reporting on elections. The Chairperson said this would leverage their small staff.

Zimbabwe is preparing for harmonised elections between July 21, and August 21, 2018, months after former President Robert Mugabe was deposed in a bloodless coup. The last general election was held in 2013.

One of the main functions of NANHRI is fostering cooperation and collaboration between and among the African National Human Rights Institutions (NHRIs) to enhance peer learning.

The Commission paid a courtesy call to the Secretariat of the Network of African National Human Rights Institutions on January 24, 2018.

Besides collaboration, the Chairperson said NANHRI helped the Commission during establishment and accreditation by the Global Alliance of National Human Rights Institutions’ Sub-Committee on Accreditation.

The ZHRC was established and operationalised in June 2014. It was accredited with ‘A’ status in 2016, after application in November 2015.

“Our Commission is one of the NHRIs that was accredited within the shortest time after operationalisation. With the help of NANHRI, we received ‘A’ status accreditation. We shall continue supporting the Network to be strong for the African NHRIs to benefit more,” he said.

On behalf of the NANHRI Executive Director Gilbert Sebihogo, Finance Officer Jane Kimotho

assured the ZHRC that the Network will continue supporting the members in all ways for a better Africa.

“We are here because of you. Our NHRIs are our foot soldiers; we shall only change Africa to be a better place through strong and well armoured soldiers. We live true to our calling of supporting each of our members in equal measure to enhance their work towards a just continent,” Ms Kimotho said.

Programmes Officer, Mr Gilford Kimathi, told the Commission NANHRI is working with the Permanent Representatives Committee to the African Union to ensure the recommendations of the 2016 State of African NHRIs report are implemented to strengthen the institutions.

NANHRI gets Operations Manager



He has more than 10 years' experience of working with several international, regional and local organisations across Africa. He has extensive experience and expertise in programme management and project design, legal research, writing on comparative jurisprudence, advocacy initiatives geared towards improving the rule of law, governance systems and the administration of justice. He has supported legislative reform initiatives designed to strengthen Kenya's and EAC Regional Governance Institutions' compliance with international and regional human rights treaty obligations.

Mr Kasombo holds an LL.M in International Development Law and Human Rights from the University of Warwick (UK), and an Msc in Global Peace, Security and Strategic Studies from the Graduate Institute of International and Development Studies, Geneva. He earned his Bachelor of Laws (LL.B) from the University of Nairobi.

Mr James Kasombo is the new Operations Manager for the Network of African National Human Rights Institutions. Mr Kasombo assumed office on March 5, 2018.



StrategyHuset Consultant Morten Ronnenberg Møller engages NANHRI Secretariat on effective delivery on the goals of the 2015-2019 Strategic Plan. Operations Manager James Kasombo is in a black necktie. Photo: Secretariat.

Working at NANHRI

By Kareem Ibrahim,

Although the scope of our works spans the entire continent of Africa, NANHRI's Secretariat is composed of no more than nine staff members. Our small team sets ambitious agendas for supporting the promotion and protection of human rights across the continent through partnership and capacity building projects and I have had the great pleasure of learning about these processes during my time as the Programme Management Assistant. Since I came on board in February 2018, I have come to understand African and international human rights mechanisms, how national human rights institutions (NHRIs) engage with States to address human rights violations, and the intricacies of our nine-person team. Like most workplaces, my workload has correlated with my level of initiative, and I am grateful that my colleagues have all responded positively to my interest in supporting their work.

In addition, the work done by organizations like NANHRI would not be possible without the fantastic administrative support provided by the organization's administrators, so it goes without saying that I both appreciate the people in these roles, and I also appreciate doing these kinds of tasks myself, as it is the very fuel on which these organizations operate.

As is often the case with human rights organizations, there is never a lack of work to be done – human rights protection requires constant attention. For me, this is a highly motivating prospect. Regardless of whether conflict and inequality are inherent to human existence or not, it will always be relevant to promote the human rights of disadvantaged groups. At NANHRI, one has a truly formidable amount of freedom with respect to their capacity to pursue new ideas and explore new projects related to capacity building and human rights.

But what separates effective human rights institutions from their ineffective counterparts? Although the list of distinctions is long, two ideas



PLEASED TO SERVE YOU! NANHRI Executive Director Gilbert Sebihogo serves staff on Intern Peace Mukazi's (second right) farewell party. Kareem also joined the team the same time.

come to mind: the capacity to constructively criticize oneself and the will to improve. Although NANHRI does incredible work, it is fruitless to indulge the notion that it is perfect – believing in a “perfection” of this kind only draws attention to one's reluctance to pursue self-improvement.

In the future, the NANHRI Secretariat must ensure that its organizational goals and accomplishments are results-based, rather than normative. It does not suffice to attend meetings to discuss ideas without action-oriented and results-based outcomes arising out of said meetings, nor does it suffice to organize large events which bring together diverse actors without ensuring the outcome of such meetings have tangible applications in the promotion and protection of human rights in Africa. Fortunately, critical thinking and the will to constantly improve are among NANHRI's strengths, so rest assured that these ambitions are already enshrined within our annual work plan. Please don't hesitate to get in touch if you, too, are curious about the inner workings of the NANHRI Secretariat and share the desire to see NANHRI grow and effectively fulfil its mandate.

Kareem is the Programme Management Assistant

Le Réseau



Le Réseau des Institutions Nationales Africaines des Droits d'Homme



Edition Janvier-Mars 2018

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AVERTISSEMENT:
Les opinions exprimées dans cette publication ne reflètent pas nécessairement la position du Bureau du Réseau des institutions nationales africaines des droits de l'homme.

MESSAGE DU DIRECTEUR EXÉCUTIF



Le 25 avril 2018, les membres du Réseau des instructions nationales africaines sur les droits de l'homme (RINADH) commémoreront la Journée de la détention provisoire en Afrique. Cela se passe trois ans après que les Institutions Nationales Africaines des Droits de l'Homme (INDH) ont adopté la Déclaration de Yaoundé en octobre 2015 lors de la 10e Conférence biennale en Cameroun, dédiant officiellement le 25 avril de chaque année comme une journée de lutte contre les abus de détention provisoire.

La décision de réclamer une journée commémorative a été prise après qu'il a été établi que les suspects en attente de jugement étaient criminalisés et soumis à des conditions de condamnation pendant leur détention.

En effet, les statistiques¹ montrent que plus de 40% des détenus dans 21 pays d'Afrique attendent d'être jugés. Les données montrent que certains pays d'Afrique ont la plus forte proportion de la population carcérale totale en détention provisoire et en détention

préventive. La Libye, le Bénin, la RDC et le Nigéria comptent respectivement 90%, 75% et 73% et le Nigéria 72% des détenus en attente de jugement et en détention provisoire.

L'abus de la détention provisoire sur le continent a des retombées sur d'autres violations des droits de l'homme, les victimes étant aux mains des agents de sécurité, qui peuvent recourir à une force excessive lors des interrogatoires.

Les cellules de prison en Afrique se caractérisent par une congestion, une mauvaise hygiène, des services de santé et des aliments limités et des agressions sexuelles, entre autres mauvais traitements. Un système de justice amélioré réduirait les souffrances de ces détentions puisqu'elles fonctionneront dans la capacité requise.

Une incarcération prolongée sans procès conduit également à la perte d'emplois, portant ainsi atteinte aux droits économiques, sociaux et culturels des suspects, plongeant leurs familles dans la pauvreté.

Certains détenus peuvent être des contrevenants des infractions mineures dont les cas peuvent être déterminés en recourant à d'autres mécanismes de règlement des différends et lorsque des personnes sont jugées coupables et engagées dans le service communautaire. Les contrevenants peuvent également être condamnés à des rapports périodiques aux autorités ou être sous surveillance numérique. Ces peines et d'autres ne sont pas seulement bénéfiques pour la communauté, mais également viables pour réduire la pression sur le judiciaire. Cela permet également de soutenir leurs familles pendant qu'ils purgent des peines.

¹http://www.prisonstudies.org/sites/default/files/resources/downloads/wptribl_3rd_edition.pdf

Alors que le RINADH engage l'Union africaine pour la reconnaissance du 25 avril en tant que la Journée de la détention provisoire en Afrique au niveau régional, il incombe aux INDH de donner un sens à cette journée au niveau national. Cela peut être réalisé, entre autres, en dirigeant des enquêtes sur l'abus de la détention avant jugement et en visitant les zones de confinement à l'improviste pour obtenir des informations de première main.

Alors que pauvreté limitant l'accès à la liberté partielle par le biais des baux et des obligations, il incombe aux INDH d'offrir et de coordonner des services pro bono aux victimes issues de milieux défavorisés. De même, c'est aussi l'occasion de travailler avec les organisations de la société civile qui soutiennent les services juridiques aux personnes vulnérables.

Alors que nous célébrons la Journée de la détention provisoire en Afrique de cette année, le moment est venue d'évaluer les lacunes des lois existantes et de préconiser des réformes pour accélérer le traitement des affaires et d'assurer la responsabilité des systèmes judiciaires et de sécurité.

En conclusion, vous êtes tous les bienvenus pour engager les parties prenantes sur les médias sociaux avec le hashtag #JourneeDetentionProvisoireEnAfrique en partageant vos pensées ainsi que des images anecdotiques de vos activités.

Gilbert Sebihogo

Directeur Exécutif

Accueils des délégations des INDH de la Sierra Leone et du Liberia



Le Président de la CNDH-Maroc, M. Driss El Yazami (centre) dans une photo de groupe. Photo: CNDH-Maroc.

Par CNDH, Maroc

Du 8 au 12 janvier 2018, le CNDH a accueilli une délégation composée de membres des INDH de la Sierra Leone et du Libéria. La délégation a pu s'informer de l'expérience du CNDH dans l'exercice de son mandat (protection et promotion des droits de l'Homme, interactions avec les différents mécanismes internationaux et régionaux) et de la question des droits de l'Homme au Maroc dans sa globalité grâce à la rencontre de différents acteurs marocains (institutions, société civile).

A l'issue de cette semaine d'échange, au cours de laquelle, le CNDH a également pu s'informer de l'expérience des INDH en visite, des pistes de coopération ont été discutées. Il a été question de l'échange des expériences respectives via l'Institut national de formation aux droits de l'Homme – Driss Benzekri (INFDH), l'entraide quant à l'élaboration de modules de formation relatifs au système africain des droits de l'Homme pour lesquelles le CNDH souhaite s'appuyer sur l'expérience des INDH africaines et le renforcement du travail réalisé en matière d'entreprises et droits de l'Homme et de migration dans le cadre notamment du RINADH.

Participation à la 24ème édition du Salon International de l'Édition et du Livre de Casablanca

À l'occasion de sa participation annuelle au Salon International de l'Édition et du Livre (SIEL) qui s'est tenu du 8 au 18 février 2018, le CNDH a pris part à la célébration du 70ème anniversaire de l'adoption par l'Assemblée générale des Nations unies de la Déclaration universelle des droits de l'Homme (DUDH). Grâce à une programmation diversifiée, l'espace du CNDH a abrité plus de 60 activités, accueilli plus de 2500 visiteurs et réuni nombre d'experts internationaux, de membres de la société civile et de représentants d'institutions gouvernementales. Ce fut notamment l'occasion de discuter avec Mme Fatou Bensouda, procureure de la Cour pénale internationale, des avancées et des défis de la justice pénale internationale, ou encore, de s'entretenir avec M. Hatem Essaiem, Commissaire à la Commission africaine des droits de l'Homme et des peuples, et M. Mabassa Fall, membre du Comité de pilotage du Forum des ONG auprès de cette Commission, des spécificités de la Charte africaine des droits de l'Homme et des peuples.

La Commission nationale de recours de la deuxième opération de régularisation assouplit les critères d'admission

Dans le cadre de la deuxième opération de régularisation des étrangers en situation administrative irrégulière, la Commission

nationale de suivi et de recours, présidée par M. Driss El Yazami, Président du Conseil national des droits de l'Homme (CNDH), a tenu sa deuxième réunion le 27 mars 2018 au siège du CNDH. Cette réunion a eu lieu en présence des représentants des ministères de l'Intérieur, des Affaires étrangères et de la Coopération internationale, des Marocains Résidant à l'Etranger et des Affaires de la migration, de la Santé, du ministère d'État aux droits de l'Homme et de neuf membres de la Commission représentant la société civile, dont des associations de migrants.

Pour rappel, la Commission nationale de suivi et de recours a pour mission de statuer, sur la base des Orientations de Sa Majesté le Roi, sur les demandes non satisfaites au niveau des commissions préfectorales et provinciales de régularisation.

A cet égard, 28.400 dossiers de régularisation représentant 113 nationalités, ont été déposés entre le 15 décembre 2016 et le 31 décembre 2017, date de la clôture de l'opération, au niveau de 83 préfectures et provinces.

Par ailleurs, dans le cadre de la philosophie pleinement humaniste de cette opération de régularisation et suite aux concertations entre le CNDH et les partenaires concernés, il a été décidé d'assouplir les critères d'éligibilité pour élargir le contingent des étrangers bénéficiaires de la régularisation.

Ainsi, et outre les personnes régularisées au niveau des commissions préfectorales et provinciales, les catégories suivantes d'étrangers vont bénéficier de l'opération de régularisation exceptionnelle :

- Les femmes et leurs enfants, indépendamment des critères initiaux de la circulaire ;
 - Les mineur-e-s non accompagné-e-s ;
 - Les étrangers pouvant justifier d'une activité professionnelle, mais démunis de contrat de travail ;
 - Les étrangers conjoints de ressortissant-e-s marocain-e-s ou d'étrangers en situation administrative régulière, sans critère de durée de mariage ;
 - Les étrangers n'ayant pas pu prouver 5

ans de résidence au Maroc mais qui disposent d'un niveau d'instruction équivalent au collègue.

Atelier de formation sur l'accréditation des INDH

L'Association francophone des commissions nationales des droits de l'Homme (AFCNDH), en coopération avec le Conseil national des droits de l'Homme (CNDH), la Commission nationale consultative des droits de l'Homme de France (CNCDH) et l'Organisation internationale de la Francophonie (OIF) organise les 3 et 4 avril 2018 à l'Institut national de formation aux droits de l'Homme – Driss Benzekri à Rabat, un atelier de formation sur l'accréditation internationale des INDH.

Cet atelier vise à apporter une assistance technique aux INDH dans leur processus d'accréditation auprès du Sous-comité d'accréditation (SCA) de l'Alliance globale des institutions nationales des droits de l'Homme (GANHRI), notamment lors de la constitution des dossiers pour la déclaration de conformité, de leur entretien téléphonique avec le SCA, ou pour le suivi et la mise en œuvre des recommandations formulées par le SCA.

L'atelier se déroulera en quatre phases : la première sera consacrée à la présentation du processus de l'accréditation ; la deuxième à la phase écrite autour de cas pratiques ; la troisième sera articulée autour de simulations d'entretiens téléphoniques ; et la dernière sera consacrée à la mise en œuvre des recommandations du SCA.

Prendront part à cet atelier les INDH de Belgique, du Burkina Faso, du Djibouti, du Madagascar, du Mali et de la République démocratique du Congo en présence du Haut-commissariat aux droits de l'Homme des Nations unies.

LIBERTÉ DE MANIFESTATION AU NIGER

La CNDH organise une table ronde pour une meilleure application des textes



Des représentants de la société civile discutent de la loi et la liberté à une table ronde au Niger. Photo: CNDH - Niger.

Comment concilier l'exercice de la liberté de manifestation sur la voie publique et la nécessité de préserver l'ordre public, la paix et la tranquillité sociale? C'est l'objectif principal d'une table ronde organisée par la Commission Nationale des Droits Humains (CNDH) le samedi 6 janvier 2018 à son siège.

Cette table ronde a regroupée les représentants des Organisations de la Société Civile (OSC), de l'Union des Scolaires Nigériens (USN), des Forces de Défense et de Sécurité (FDS), de la Délégation Spéciale de la Ville de Niamey, du Barreau, du Syndicat Autonome des Magistrats du Niger (SAMAN), de l'Association des Jeunes Avocats, des partis politiques non affiliés, des partis politiques de l'Opposition, du Directeur de Cabinet du ministre de la Justice, Garde du Sceaux et les responsables de la CNDH. Dans son mot introductif, le Président de la CNDH a expliqué les objectifs de cette rencontre et les résultats attendus. Pr. Khalid Ikhiri a indiqué que « nous devons faire justice à l'Etat car il s'est donné un outil que tous les citoyens doivent respecter afin

que la vie en société se déroule normalement. En effet lorsqu'il y a un déséquilibre par rapport à cet outil que nous avons mis en place, on assiste à des dérapages qui ne vont pas dans le sens souhaité : l'instabilité et la violence ». Il a invité tous les acteurs à donner le meilleur d'eux-mêmes pour que cette loi puisse être respectée par tous en vue d'une meilleure cohésion sociale et surtout pour le renforcement de notre jeune démocratie.

Dans les débats très riches qui ont eu lieu, les participants ont salué l'initiative de la CNDH qui cadre parfaitement avec ses actions de promotion et de protection des droits l'homme. Sur la question de la loi déterminant le régime de manifestations sur la voie publique, les intervenants ont recommandé la relecture de cette loi, le renforcement de l'indépendance de la Justice, de saisir la justice en cas d'interdiction d'une manifestation, d'éviter les abus des forces de maintien de l'ordre ou des autorités et la nécessité de dialoguer et de perpétuer ce genre de rencontre.

Ibrahim Abdou Tikiré- DC/RP CNDH-Niger

Les droits des détenus et prisonniers de plus en plus respectés



La Commission a fait le monitoring du respect des droits de la personne dans les lieux de détention (Photo: CNDP, 2018)

Par la CNDP-RWANDA

Référence faite à l'article 139 de la Constitution de la République Rwandaise de 2003 révisée en 2015 qui prévoit la mise en place de la Commission Nationale des Droits de la Personne, et l'article 42 qui lui confère la mission particulière de promotion des droits de la personne, dans le courant du mois de Mars 2018, la Commission a visité les prisons, les cachots des stations de Police, les Centres de Transit et les Centres de Réhabilitation. C'était dans le cadre de faire le monitoring du respect des droits des détenus et prisonniers.

La Commission a fait le monitoring du respect des droits de la personne dans les lieux de détention (Photo: CNDP, 2018)

L'objectif de ce monitoring était non seulement de visiter ces lieux de détention, mais aussi de faire des investigations sur les allégations, de s'enquérir sur les statistiques des détenus et prisonniers, tout cela dans le cadre de faire le monitoring du respect de leurs droits notamment aux bien-être et à la justice et de consulter leurs dossiers.

En dates du 5 au 9 Mars 2018, la Commission a examiné les allégations des détenus et prisonniers et a poursuivi le monitoring dans les lieux de détention dans les Districts des Provinces du Sud

et de l'Ouest et dans ceux du District de Musanze, dans la Province du Nord.

Du 12 au 16 Mars 2018, la Commission a poursuivi l'examen des allégations et le monitoring, cette fois-ci dans les Districts de la Province de l'Est et dans ceux du District de Nyamagabe, dans la Province du Sud.

La Commission a en même temps fait le monitoring des lieux de détention dans les Districts de la Ville de Kigali. L'objectif était d'évaluer la situation générale des droits de la personne sur base de l'Ensemble des règles minima pour le traitement des détenus. Le respect des droits des vulnérables, notamment les femmes, les enfants et les vieillards, a également fait objet de ce monitoring.

La Commission s'est entretenue avec l'autorité responsable de ces différents lieux de détention pour discuter ensemble et trouver des solutions aux problèmes identifiés, dans le but d'améliorer le respect de l'Ensemble des règles minima pour le traitement des détenus.

La Commission a constaté la diminution des problèmes liés au respect des droits de la personne dans les lieux de détention par rapport aux recommandations qu'elle a émises lors des précédentes visites. On peut citer notamment les cas concernant leurs dossiers, leur bien-être et autres dispositions prévues par la réglementation de chaque catégorie des détenus et prisonniers.

La Commission Nationale des Droits de la Personne a particulièrement donné des recommandations visant à améliorer le respect des droits de la personne dans les Centres de Transit et de Réhabilitation, pour que leur gestion respecte leur réglementation.

La Commission Nationale des Droits de la Personne poursuivra sa mission de monitoring dans les lieux de détention, mais également elle formulera des recommandations de ce qui doit être corrigé là où il peut s'avérer nécessaire, afin que les droits des détenus et prisonniers soient toujours respectés et protégés.

La CNDH de la République Démocratique du Congo demande au gouvernement de mettre en oeuvre ses recommandations



Le Président de la CNDH, Mwamba Mushikonke, reconnaît les soldats. Photo: CNDH-RDC

La Commission Nationale des droits de l'homme CNDH, a ouvert ce mardi 13 février au palais du peuple, sa première session ordinaire de l'année 2018. Cette session est convoquée conformément à l'article 31 du règlement intérieur de cette institution d'appui à la démocratie.

Dans son allocution d'ouverture, le Président de la CNDH, Mwamba Mushikonke a rappelé la mission de promotion et de protection des droits de l'homme assignée à son institution. Il a ensuite dressé le bilan des activités réalisées par la CNDH depuis sa mise en place, parmi lesquels plusieurs enquêtes menées sur les violations des droits de l'homme sur le territoire de la RDC, notamment à l'Est du pays dans le Nord-Kivu sur les massacres de Beni ; à Kananga dans le Kasai Central en rapport avec les groupes terroristes « Kamuena Nsapu » ; à Kalemie dans le Tanganyika sur les violations consécutives au conflits

communautaires « Pygmées- Bantous » dont la présence des déplacés internes ; et à Kinshasa sur les violations consécutives à la marche des organisée par les laïcs catholiques du 31 décembre 2017, du 21 janvier 2018 et du 25 février 2018.

Toutes ces enquêtes ont fait l'objet des rapports assortis des recommandations adressées aux institutions publiques. Selon la CNDH, sur 229 recommandations, 20 seulement ont été mises en oeuvre.



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