



NANHRI RIGHTS REVIEW

Promoting Human Rights in Africa

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Message from the Executive Director to the Secretariat



National Human Rights Institutions are bodies set up by national governments to protect and monitor human rights in their respective jurisdictions. Their growth has been encouraged by the Office of the High Commissioner on Human Rights (OHCHR) which has provided advisory and support roles as well as facilitating access for NHRIs to the UN treaty bodies and other treaty bodies. NANHRI was set up to assist African NHRIs in their respective countries to promote human rights in their national jurisdictions.

The NANHRI Secretariat is an independent and permanent body that coordinates all activities of the Network of African NHRIs in supporting and strengthening National Human Rights Institutions in Africa. The Secretariat implements NANHRI's mandate and seeks to support NHRIs through, inter alia: planning, facilitating and encouraging regional activities, implementing and following up decisions taken by the Steering Committee, NHRI members, the International Coordinating Committee of NHRIs and other structures, facilitating co-operation between NHRIs themselves as well as between NHRIs and other regional, inter-governmental and non-governmental bodies and also capacity building for African NHRIs in particular.

The first half of 2012 saw the Secretariat undertake activities based on the quarterly work plans and achieved results using different strategies highlighted in the newly adopted Strategic Plan 2012-2014. The activities were supported by funds from members contributions, the Office of the UN High Commissioner for Human Rights, Konrad Adenauer Stiftung, Mac Arthur Foundation, and the Raoul Wallenberg Institute for Human Rights and Humanitarian Law. Though still faced by many challenges, the Secretariat can pride itself in having accomplished most of the objectives set out in the current workplan even as it continues to work towards the attainment of the objectives scheduled for the second half of 2012.

This newsletter seeks to share with NANHRI's key partners, relevant stakeholders and the public at large the goings on human rights front as realized by the member National Human Rights Institutions as well as by NANHRI as an organization as it seeks to attain its mandate of strengthening the capacity of its members institutions to promote and protect human rights in their respective jurisdictions.

Mr. Gilbert Sebihogo,
EXECUTIVE DIRECTOR.

NANHRI's Work

The Secretariat of the Network of African Human Rights Institutions (NANHRI) in an effort to achieve its mandate of ensuring that National Human Rights Institutions (NHRIs) conform to the *Paris Principles* has maintained its work of developing programmes and initiatives that bolster the work of NHRIs and, from this, deliver improved outcomes for various groups including vulnerable groups. In achieving its mandate, the Secretariat faces various challenges but this notwithstanding; it has been successful in implementing various programmes and participating in various activities in line with its mandate.

NANHRI Host Country Agreement Signed in Kenya

The Network's Secretariat put forward a request to the Government of Kenya for a hosting agreement to facilitate the establishment of the Permanent Secretariat of NANHRI in Kenya.

Following this request, the Kenyan Cabinet directed the Minister for Foreign Affairs to conclude a Headquarters' hosting Agreement between the Government of Kenya and the Network.



CVS Plaza located on Lenana Road, Nairobi, Kenya where NANHRI's Secretariat is currently based.

The permanent secretariat, headed by an Executive Director is responsible for the day-to-day running of NANHRI and it executes decisions of the decision making organs. This hosting agreement was concluded, signed and entered into force on 31st January, 2012.

The Network's Secretariat is currently hosted and has its established head office within the Kenyan National Commission on Human Rights (KNCHR) an

independent national human rights institution, and is located in Nairobi, Kenya.

Through this hosting agreement the NANHRI Secretariat is able to conduct its activities and meet its core objectives on a sound legal basis. NANHRI Secretariat has already submitted to the Government of Kenya its first report as per the requirements under the agreement.

Capacity Gaps Assessment of Uganda Human Rights Commission

NANHRI Secretariat participated and played a key role in the Capacity Gaps Assessment of the Uganda Human Rights Commission on 12th -16th March, 2012.

NANHRI's Programmes Manager shared experiences from previous capacity gaps assessments, role of the Network of African NHRIs as well as presentation on the role of NHRIs in the regional human rights system and cooperation with regional bodies. NANHRI also participated in various interviews with stakeholders including the Civil Society and Donor Community in Uganda.

Moreover, NANHRI got an opportunity to sell itself to the entire family of the UHRC and thus increasing the number of NHRIs that the NANHRI Secretariat can confidently say that it's role and existence is 'well known' and understood.

Workshop for African NHRIs on Reporting Process to the African Regional Human Rights Mechanisms.

The NANHRI Secretariat with the financial assistance from the MacArthur Foundation and the Office of the High Commissioner for Human Rights (OHCHR) held a regional workshop on 16th - 17th April, 2012 for African NHRIs on reporting process to the ACHPR and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) in Banjul, the Gambia at the margins of the 51st Session of the ACHPR.

The workshop aimed at enhancing the institutional capacity of African National Human Rights Institutions (NHRIs) on reporting process to African regional human rights mechanisms and, was part of a series of capacity building activities for NHRIs from various African sub-regions planned by NANHRI. It was opened by the Chairperson of the African Commission on Human and Peoples' Rights (ACHPR) Hon. Dupe Atoki.

From the workshop, there is still a lot of work needed to be done to build on and strengthen the relationship between the African regional human rights mechanisms and African NHRIs. Despite many challenges that confront NHRIs as they engage in their work, their participation demonstrated that there was commitment on their part to achieve and realize their noble goals and objectives.

The NANHRI Chairperson, Adv. Lawrence Mushwana also expressed that NHRIs have to claim their pride of space at a regional and national level and through exercising the powers that have been bestowed on them through law, continue to champion the cause of human rights in a manner that results in tangible and positive benefits for those who are poor and marginalized.

It was recommended that NANHRI should continue to organize such forums with the financial assistance from the African Union as well as provide capacity building support to NHRIs for purposes of giving effect to the conclusions of the Workshop.

Forty-seven (47) participants drawn from African NHRIs, OHCHR, ACHPR as well as international organizations attended.

Stakeholders International Conference on Corruption and Human Rights



Participants drawn from African NHRIs, government institutions, anti-corruption agencies, civil society among others pose for a group photo.

The Secretariat also participated in a Stakeholders International Conference on Corruption and Human Rights on 24th -27th April, 2012 in Lusaka, Zambia.

The conference was built on the deliberations of the previous Gaborone conference by seeking to institutionalize the fight against corruption within the confines of promotion and protection of human rights by strengthening relations of relevant state agencies and NHRIs.

The stakeholders' conference in Gaborone, Botswana held on March 2011, sought to promote and strengthen collaborative measures by state and non-state actors geared towards the attainment of effective engagement in the prevention and fight against corruption.

The conference's objectives were to strengthen the relationship between anti-corruption agencies, National Human Rights Institutions, Civil Society Organizations and the media in the fight against corruption and to advocate for legislative frameworks to curb corruption.

In addition, the conference helped to elevate awareness among key stakeholders by highlighting the link between corruption and human rights, thereby diminishing public tolerance of corruption and strengthening public support for anti-

UN Human Rights Council Adopts Resolution on NHRIs

At the 20th Session of the UN Human Rights Council, a number of developments in relation to human rights issues were achieved. With regard to National Human Rights Institutions, a resolution was adopted by consensus on NHRIs. It focuses on the relationship between NHRIs and the UN, while encouraging states to establish independent NHRIs and encouraging NHRIs to play an active role in combating all violations of human rights. The resolution also recommends that the General Assembly explore how it could enable the effective participation of NHRIs in its work.

News From African NHRIs

Cameroon's NCHRF Hosts 12th Ordinary Session

Courtesy of NCHRF

Members of the Cameroon Commission assembled at the Yaoundé Conference Centre for their twelfth ordinary session on 27th June, 2012, presided by its Chairperson, Dr. Chemuta Divine BANDA. The Secretary General, Mr Barthélemy OBONGONO EYE'E presented the proposed agenda that was then adopted by the members present.

The Chairperson in his opening address pointed out some major activities carried out since the last session stating that the Commission had networked with national, regional and international institutions in the promotion and protection of human rights including the Network of African National Human Rights Institutions (NANHRI), the Commonwealth Forum of NHRIs, the Association of Francophone NHRIs, the African Commission on Human and People's Rights and the International Coordinating Committee of NHRIs. The Commission participated in meetings held at Geneva, Arusha, Banjul, Bujumbura and Libreville.

Further, the Commission witnessed increased number of complaints on human rights violations; this is in addition to visiting detention centres, in the East, Centre and Littoral regions respectively.

The Chair also noted that the construction of the Head Office building would soon begin soon, and that regional branches will be opened in the Far



Dr. Banda addressing members of the National Commission on Human Rights & Freedoms (NCHRF) at the Twelfth Ordinary Session.

North and South Regions.

During deliberations, various resolutions and recommendations were adopted, with regards to: The improvement of the quality of human rights awareness tools; The 2011 activity report and the report on the state on human rights in Cameroon in 2011 whose publication is programmed for the third quarter of this year; The study of ways of giving more impact to the action of the institution vis-à-vis individuals who do not respect NCHRF summonses and those administrations that do not react to the Commission's letters, and, drawing the attention of some press organs on the respect for deontology and professional ethics.

Finally, the Chairperson urged members to actively contribute in achieving human rights objectives by 2035.

Repositioning the Nigeria National Human Rights Commission (NHRC)

Courtesy of NHRC

The mandate of the NHRC was expanded and additional responsibilities conferred on it through the *National Human Rights Commission (Amendment) Act of 2010* which became operational in February, 2011.

Its four major highlights are: Independence of the Commission in terms of security of tenure of the Governing Council and general conduct of the affairs of the Commission; Fund of the Commission that is now a direct charge on the Consolidated Revenue Fund of the Federation; Establishment of the Human Rights Fund; Recognition and enforcement of the awards and recommendation of the Commission as decisions of the High Courts.

The Governing Council under Section 2 (3) should consist of members or persons from specific organizations who have roles to play in the promotion and protection of human rights in addition to having the requisite skills, knowledge and experience. The Act also stipulates the appointment of two women representatives so as to ensure gender balance in the Council membership.

The Act has many provisions aimed at ensuring effective promotion, protection and fulfillment of human rights, and to assist the Commission in the realization of its mandate.

The new Executive Secretary, Prof. Bem Angwe assumed duty on the 5th January, 2012 and has taken some bold strides, namely:

Restructuring of departments and creation of more units for effective discharge of the Commission's mandate; Four (4)-year Strategic Action Plan which is results-based; Institutional Restructuring through improved partnership with stakeholders, staff motivation and participatory governance; Complaints Information Management for prompt and responsive provision of access to remedies for victims of human rights violations, and also becoming ICT compliant by ensuring that systems and procedures are automated and Capacity Development of Staff.

Trainings that have been held or are in the pipeline are Investigation and Fact-finding Techniques which include ADR Methods; Civil and Public Interest Litigation; Project Development and Management; Increasing accessibility to the services of the Commission through the establishment of state offices in all the Nigerian states of which five have already been established and additional twelve state offices will be in place by the end of 2012.

Challenges facing the commission are inadequate human and financial resources. There are also external environmental factors which may inhibit effective performance. These challenges are however being addressed in the Commission's Strategic Action Plan.

South Africa: Linking Complaints to Campaigns- An Example of Good Practice

Courtesy of SAHRC

The South African Human Rights Commission (SAHRC) is mandated to promote the protection, development and attainment of human rights in South Africa. It provides leadership on human rights through its investigation of complaints, research, education and advocacy.

In addition, the Constitution requires that state organs report to the SAHRC on socio-economic rights. The SAHRC is currently using its status and mandate to convene dialogues and campaigns to put pressure on Government to accelerate the provision of clean water and sanitation to people and communities in dire need and to educate them about the importance of socio-economic rights. These dialogues and campaigns also incorporate the gendered impact of poor water and sanitation, and facilitate the participation by women and other vulnerable groups.

In 2010, the SAHRC received two complaints about the provision of unenclosed toilets by municipalities. SAHRC found that in both cases, the municipalities had violated peoples' right to dignity, privacy and a clean environment.

The SAHRC rulings linked the local complaints to the right to water and



An unenclosed toilet in Makhaza

sanitation across South Africa by demanding national responsibility. Thus, the Ministry of Human Settlements had to report on progress in relation to eradicating the bucket system and the Department of Monitoring and Evaluation had to provide a comprehensive report on the right to sanitation across the country and indicate Government's plans to address the backlog.

In addition, the SAHRC embarked on its own campaign which involved special meetings, investigations, site visits, education, awareness-raising, research, case-studies and hearings designed to encourage engagement, accountability and people's participation. The SAHRC is also scrutinizing the human rights impact and accountability of the private sector in relation to water usage and provision of water and sanitation services.

The Role of A Human Rights Lawyer In Tanzania

Courtesy of CHRAGG

Many in Tanzania take the practice of law as simply a means of earning a living. They are enjoined to think so because of the tradition, legislation, our social conscience, and a sense of responsibility that arises from the privilege they have of appearing before the Courts of Law (section 66 of the Advocates Act, Cap. 341).

Lawyers do forget that they play a broader role in upholding justice, protecting and promoting human rights. They need to take a stand even in controversial issues, provided that they have a public concern.

Some guidance is found in the *Basic Principles on the Role of Lawyers* adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offences (the UN Principles) in 27th of September 1990 and intended to assist member states. Among these internationally recognized principles are: *Duties of lawyers include advising, acting for their clients, and also upholding human rights and fundamental freedoms; Persons, particularly those facing arrest or detention for a criminal offence, must have access to lawyers and legal services; The Government must ensure that lawyers are able to perform their functions without intimidation, hindrance, harassment or improper interference.*

Tanzania has approximately 2,000 registered legal practitioners. Accessing them is a critical component of access to justice, promotion and protection of human rights.

Tanzania's concern about low promotion and protection of human rights via lawyers is not without basis. Getting legal representation is a significant problem for the indigent despite existing legal aid schemes.

The Government established the Commission for Human Rights and Good Governance (CHRAGG) in 2001 under the Commission for Human Rights and Good Governance Act to make access to justice easier. The procedure for filling a complaint provided in the Act is less rigid. As per section 22 (1), complaints to the Commission may be made orally or in writing.

Under Section 23 (1), any individual or body of persons may make the complaint. It states that advocates and *any other person suitable to represent the complainant*. It has been argued that the procedure made easy to access the Commission as apart from accepting oral complaints it also accepts simple letters which are addressed to the Commission. The procedure also allows interested individuals, corporate, unincorporated and Non Governmental Organization to pursue their own rights or *the rights of any other individual*.

Pursuant to section 18 of the Act, proceedings during an inquiry before the Commission are conducted in public which presupposes adversarial dispute settlements method. This also means that evidence and contradictory debate get public exposure.

Uganda Human Rights Commission hosts a Sub-Regional Capacity Building Workshop on Business and Human Rights

Courtesy of UHRC

The Institute for Human Rights and Business (IHRB) in cooperation with the United Nations Office of High Commissioner for Human Rights (OHCHR) and the Uganda Human Rights Commission (UHRC) organized a two-day workshop for NHRIs from East Africa, Malawi, Ghana and Southern Sudan in Kampala Serena Hotel between January 25th and 26th 2012.

It was meant to support the empowerment of NHRIs to deliver on their mandate on business and human rights.

The workshop aimed to first, familiarize participants with recent developments in the field of business and human rights, especially how NHRIs can work with the new UN Guiding Principles on Business and Human Rights. Secondly, to assist participating NHRIs in developing their own strategies for addressing business and human rights issues at the national level, including through reflection on priorities identified by the African Network of NHRIs.

Being the first of its kind, it provided an opportunity for the NHRIs to reflect on lessons learned, share experiences and identify areas of potential future work in this area. Participants discussed various options NHRIs could pursue, including seizing upon relevant opportunities and approaches to dialogue with impacted communities and other relevant stakeholders to address adverse human rights impacts involving company activities as well as developing initiatives aimed at maximizing positive contributions by busi-

ness to human rights enjoyment; including by engaging with government, industry associations, civil society and other key actors.

A summary of the types of initiatives and plans that were discussed and will be developed further in the time ahead include areas like:

Making business and human rights a focal area of concentration by setting up units to coordinate and lead this work; Building internal capacity on business and human rights; Identifying key businesses and industry sectors and planning training on the UN Guiding Principles as a way of popularizing the Principles amongst companies; Monitoring more systematically the impact of business activities on human rights such as labour, trade agreements, land acquisition, oil exploration, and environment.

Further, establishing stronger working relations with CSOs, Regulatory Authorities and other relevant government ministries domestically and with institutions such as IHRB, the Danish Institute for Human Rights and OHCHR internationally.

Moreover, engaging in the review of investment policies, land related Bills, regulations and existing laws and providing advisories with a view to integrating the UN Guiding Principles in domestic frameworks; and, ensuring that business and human rights issues are included in submissions such as NHRI Annual Reports, UN Treaty Reports, and the UN Human Rights Council Universal Periodic Review process.

Zimbabwe Human Rights Commission Preparing For A Take Off

Courtesy of ZHRC

The Zimbabwe Human Rights Commission (ZHRC) was created by Constitutional Amendment 19 to the 1980 Constitution of Zimbabwe, in February 2009.

In part, it was a consequence of the Global Political Agreement (GPA) brokered by the Southern African Development Community (SADC) between the three main parties contesting the controversial harmonized elections in 2008, a decade of serious allegations of human rights abuse and a deeply polarized political environment. Against this background, the ZHRC's substantive functions, powers and promotional and protective mandate still have to become operational and implementable.

In March 2010, in accordance with Constitutional provisions, nine (9) Commissioners who had been proposed by a Select Committee of Parliament after a rigorous interview process, were selected and sworn in by H.E. President Mugabe, of whom four were women. The Chairperson and Deputy were appointed by the President. They are: Professor Reg. Austin (Chairperson); Dr. Ellen Sithole (Deputy Chair); Ms. Ona Kwanele Jirira; Dr. Joseph Kurebwa; Ms. Sheila Matindike; Mr. Elasto Mugwadi, Mr. Jacob F. Mudenda; Mr. Japhet Ndabeni-Ncube and Ms. Noma Nesen.

Section 100R of the Constitution requires Parliament to enact a Human Rights Commission Act to bring the Commission into operation. In its absence, the Commission consists of only nine Commissioners with no state funding, no staff and no office.

The Ministry of Justice and Legal Affairs, tasked to bring the ZHRC into effect, has so far acquired a suitable building which requires refurbishment to be occupied and functional.

In August 2010, the Commissioners decided to find a way to actively prepare for their responsibilities, and, with the assistance from OHCHR in Geneva and UNDP - Pretoria and the Zimbabwe offices, they developed a project to prepare ZHRC to become a functioning reality in relation to the *Paris Principles*.

This proved important during the development of the ZHRC Bill. The Commissioners' raised their concerns about the Bill; Unlimited ministerial discretion to control the ZHRC's access to non-state funding; and attempts to require the ZHRC to deal with historic (that is, pre-February 2009) human rights issues and delete the present provision in the draft excluding these from its mandate. In this regard the Commissioners being in total agreement with the Ministry's draft, that these are a matter for the Organ on National Healing and Reconciliation - another new institution created by the GPA, and this has been a major source of disagreement in Parliament thus delaying the enactment of the ZHRC Act.

Through the support of partners, the commissioners have been able to initiate regular interaction with Parliamentarians, especially the Assembly's Select Committee on Legal Affairs and the Senate Human Rights Committee, as well as with relevant civil society organizations.

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The Commissioners have also undertaken study visits to the Kenyan and South African Human Rights Commissions, attended African Human and Peoples Rights Commission's meetings to develop initial networking contacts, meetings relating to the establishment of the African Human Rights Court as well as NANHRI events.

More recently, the UN High Commissioner for Human Rights visited Zimbabwe and held fruitful discussions with the Commissioners and Assembly's Select Committee on Legal Affairs and the Senate Human Rights Committee. The discussions also centered on the on-going feed-back of Zimbabwe's Universal Periodic Review (UPR) in Geneva which commenced in 2010.

All these experiences are valuable to the Commissioners as they prepare to take office soon!

NANHRI Secretariat Trains its Staff

The Secretariat in conjunction with the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, conducted a Results Based Management Training of its staff members on 2nd - 4th April, 2012 in Naivasha, Kenya.

The training was facilitated by a consultant from *IBP Solutions* Mr. Eddie Borup. This was very useful to the NANHRI Secretariat as it enabled the team to relook at the recently adopted NANHRI Strategic Plan with a view to making it more results oriented.

Upcoming Events

- √ **NANHRI Sub-regional workshop for Francophone African NHRIS in Dakar, Senegal, 24th—26th September 2012.**

- √ **Capacity Gap Assessment Comité sénégalais des droits de l’homme (CSDH), 27th September - 5th October, 2012.**

- √ **11th International Conference on NHRIs in Amman, Jordan , 4th - 7th November, 2012.**

- √ **NHRIs Regional Workshop in Namibia , November 2012.**

Feedback

*We would like your feedback on this Newsletter ,
Send your comments , questions or suggestions to ;*

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