



Network of African National Human Rights Institutions (NANHRI) Statement at the 62nd Ordinary Session of the African Commission on Human and People's Rights from April 25th, 2017 to May 9th in Nouakchott, Mauritania

By: Gilbert Sebihogo, Executive Director, NANHRI.

Your Excellency, Mohamed Ould Abdel Aziz, President of the Islamic Republic of Mauritania

Honourable Madame Soyata Maiga, Chairperson of the African Commission on Human and People's Rights,

Honourable Commissioners of the African Commission on Human and People's Rights,

Dr. Khabele Matlosa, Representative of the African Union Commission,

Honourable Representatives of the African Union Member States,

Esteemed Guests,

Fellow Colleagues, Ladies and Gentlemen,

I am very pleased to address this august gathering of the African Commission on behalf of the Network of African National Human Rights Institutions - some of which are represented here today.

Allow me first of all to express our sincere gratitude to the authorities and the people of the Islamic Republic of Mauritania for the warm welcome since we arrive in this beautiful African city.

Your Excellency,

Ladies and Gentlemen,

NANHRI, which is the umbrella body for the National Human Rights Institutions (NHRIs) established in African States, wants to take this moment to recognize and appreciate the continued collaboration and initiative of the African Commission and other organs of the African Union. NHRIs in Africa continue to play a vital role in the promotion and protection of human rights on the continent. From holding actors accountable to human rights violations to guiding and setting standards for upholding human rights in their respective countries, NHRIs actively pursue ambitious agendas to improve the livelihoods of their constituents.

It has been recognized that a formidable gap exists between the decisions and judgments adopted by the African Commission and Court on Human and Peoples' Rights and the efforts made by States at the national level to implement them. NHRIs play a role in coordinating and strengthening national efforts to implement decisions. Therefore, the collective collaboration of the African Commission on Human and Peoples' Rights (African Commission) with independent NHRIs can assist in building a culture of human rights in Africa. Significantly, I commend NHRIs in Kenya, Ivory Coast, Sierra Leone, and South Africa for monitoring state compliance with implementation of decisions rendered

by the Commission as a means of safeguarding the African Commission and Court's legitimacy and authority.

These are but a few examples of the many outstanding contributions made by NHRIs to human rights protection and promotion in Africa, and although we have much to celebrate, we cannot allow these successes to overshadow the constant need for us to improve.

Thanks to the adept work of the African Commission, victims of human rights violations and those representing them can seek remedies through legal proceedings, and even collaborate with relevant actors in the pursuit of long-term solutions to chronic human rights issues.

To this end, we must also recognize the valiant efforts of the many actors, NHRIs, government bodies, and NGOs who are working to ensure that the decisions of the African Commission and the African Court are implemented fully and without delay. This kind of follow-through is precisely what separates ineffective mechanisms from their effective counterparts.

Taking cognizance of Action Plan of the Human and Peoples' Rights Decade in Africa (the Plan) aiming at implementing 10 goals and 10 years for human rights in Africa in line with Agenda 2063, is a move in the positive direction. 2018 marks the 2nd year of the African Human Rights Decade, initiated by the Assembly of Heads of State and Government in July 2016, and there is no better time than the present to critically evaluate our progress this far, giving credit where it is due, and to continue to push for an enhanced human rights culture in Africa.

Your Excellency,

Ladies and Gentlemen,

From 2017 to 2018, much has changed on our beloved continent. As our cities and populations grow at increasingly high rates, opportunities for the improvement *and* for the deterioration of overall quality of life are abundant. In March 2018, over 40 African governments came together and signed their support for a continental free trade agreement, aimed at boosting intra-African trade and encouraging growth.¹ This kind of unity and collaboration is precisely the kind of cohesion we need when it comes to addressing the nexus between business and human rights. We must protect the livelihoods and rights of our lowest-earning workers as vigorously as we protect our national treasures and economic prospects in an increasingly globalized economy. These efforts must be highly proactive, as the tasks we have at hand are already daunting – keeping pace with the growth of business in Africa and ensuring its adherence to international human rights standards will prove challenging, but must not be ignored.

¹ <https://www.africanlawbusiness.com/news/8116-leaders-call-for-free-trade-for-africa>

Your Excellency,

Ladies and Gentlemen,

I would like to take a moment to commend the African Commission for their consistency in developing and adopting extremely pertinent and forward-thinking guidelines for States, NHRIs, and NGOs alike to work off of in our collective efforts to promote and protect human rights, the most recent of which being Principles on the Declassification and Decriminalization of Petty Offences in Africa. These instruments play a crucial role in providing actors with well-researched information regarding pressing human rights issues which require action by States and NHRIs. On the topic of criminal justice reform, NANHRI would like to congratulate the many NHRIs, and NGOs which made an effort to commemorate the Annual Africa Pre-Trial Detention Day which takes place today. This day was adopted by African NHRIs in October 2015 based on the Luanda Guidelines and since it has been commemorated by NHRIs. To this end, we must all do our part, as States, NHRIs, and NGOs, to promote this kind of work, honouring both those who have fought hard to implement these initiatives and those who are affected by unlawful pre-trial detention. NANHRI invites AU member States to adopt and commemorate this day as we take great pleasure in promoting your work around human rights.

Your Excellency,

Ladies and Gentlemen,

I'd like to express some concerns regarding conflicts in Africa, some of which have spanned decades, and their impact on human rights. Although much work has been done to institute mechanisms through which the African Union can intervene to address gross human rights violations on the continent, a provision termed "non-indifference" in the Constitutive Act of the AU, these mechanisms have been sorely underutilized. While our collective commitment to protect and uphold fundamental human rights is routinely expressed in writing and in our discussions, this commitment must also be reflected in our actions.

While acknowledging the good work being done by the Peace and Security Council, more interventions requires to be done towards the achievement of the African Union's goal of silencing the guns by 2020.

By the same token, we must not allow ourselves to fall into complacency by slowly becoming desensitized to many of the urgent human rights crises which may come to feel less urgent. Africa is singlehandedly home to the most countries which threaten human rights defenders, with some countries enforcing these laws with the death penalty, lifelong prison sentences, torture, and other forms of forcible persecution. The National Human Rights Council of Morocco (CNDH) will host the GANHRI International Conference on October 10, 11 and 12, 2018, on "HR defenders with a focus on women".

Your Excellency,

Ladies and Gentlemen,

Effective NHRIs require not only adequate support from States to enable them to fulfil their mandates, in compliance with the Paris Principles, but also a commitment from States to uphold regional and international human rights norms and standards. Such commitments must extend beyond mere rhetoric and promises - they need to be supported by the ratification of key regional human rights instruments and the accompanying actions which would bring States in compliance with these instruments.

Your Excellency,

Ladies and Gentlemen,

Despite the African Union's valiant and continued efforts to seek lasting solutions to the **problem of migration in Africa**, human rights remain a key concern in this issue. Hundreds of thousands of migrants and asylum seekers, including children en route to Europe, experience torture, sexual assault and forced labour at the hands of prison guards, members of the coast guard forces and smugglers. Human traffickers profit of this vulnerability and exploit impoverished women and children from countries across our continent every day. We want to recognize the efforts made by States to curb these human rights abuses, but there is nonetheless a great need for enhanced efforts to control migration, particularly in the Northern countries such as Libya.

To this end, Morocco will host the International Conference on Migration (ICM 2018) on 10 and 11 December 2018 in Marrakech. The aim is to adopt the Global Compact for Safe, Orderly and Regular Migration.

Your Excellency,

Ladies and Gentlemen,

In conclusion, NANHRI is calling on all AU member states to capitalize on the incredible work done by many national, international, and regional actors, including AU organs, NHRIs, and NGOs, to advance an ambitious agenda of human rights protection and promotion. Whether this means ratifying human rights instruments, collaborating with neighbouring States to protect vulnerable groups, or working towards the implementation of progressive legislation in your own contexts, what is certain is that we have an abundance of opportunities for improvement and progress. Let us ensure that our commitments are action-oriented and results-based, rather than eloquent and superficial; let us ensure that we do not sit idle in the face of grave human rights violations in our own countries and those of our neighbours; and let us truly give life to the African Human Rights Decade by pressing forward like none of our predecessors previously have.

Thank you for your attention.