
African National Human Rights Institutions and the Regional Human Rights System



About NANHRI

The Network of African National Human Rights Institutions (NANHRI) is a not-for-profit-organization and regional umbrella body that brings together National Human Rights Institutions (NHRIs) in Africa. NANHRI's mission is to support, through national, regional and international cooperation, the establishment and strengthening of NHRIs to more effectively undertake their mandate of human rights promotion, protection, monitoring and advocacy in their national contexts.

This mandate has been reiterated together with the Department of Political Affairs of the African Union (AU) in 2016, resulting in a set of guidelines addressing the various stakeholders involved.

The *United Nations Paris Principles* provide the international benchmarks against which NHRIs are accredited by the Global Alliance of National Human Rights Institutions (GANHRI).

They require the NHRIs to meet six main criteria:

- **Mandate and competence: a broad mandate, based on universal human rights norms and standards**
- **Autonomy from Government;**
- **Independence guaranteed by statute or Constitution ;**
- **Pluralism;**
- **Adequate resources ; and**
- **Adequate powers of investigation.**

Depending on how compliant NHRIs are with these criteria, they are accredited with A-Status (fully compliant), B-Status (partially compliant) or Not-accredited.

About NHRIs

NHRIs are bodies established by states to support the promotion and protection of human rights through, for example, handling complaints, conducting research, advocacy and educational programmes at national level. In some countries, the Constitution provides for the establishment of an NHRI and in others, such institutions are created by legislation or decree.

Twenty-One African NHRIs have acquired "A-Status" under the Principles relating to the Status of National Institutions for the promotion and protection of human rights (the Paris Principles), meaning that they are fully compliant with the requirements stipulated thereunder.

About the African Human Rights System

The establishment of human rights bodies is a significant milestone in the evolution of initiatives to promote and protect human rights, justice and the rule of law all over the globe. The African System is the youngest of the three judicial regional human rights systems (next to the Inter-American and the European system) and was created under the auspices of the AU. It includes a Commission and a Court with complementary mandates as well as a specific body concerning children's rights. The African Commission on Human and Peoples' Rights (ACHPR) and African Court on Human Peoples' Rights (AfCHPR), are entitled to ensure a sound interpretation and application of the African Charter on Human and Peoples' Rights, which is also referred to as the Banjul Charter. Together with the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), they receive complaints on human rights violations. While the decisions and reports of the ACERWC and the ACHPR are only of recommendatory nature, the judgments of the AfCHPR are legally binding for the respective AU Member State.

The role of the NHRIs in the African Human Rights System

- NHRIs can seek for observer status at the ACHPR and can then attend the **sessions**, which allows them to propose specific items for the agenda and speak during the public sessions.
- NHRIs are encouraged to get involved in the **State Reporting** to the AU. Some States have established participatory mechanisms to enable consultation with NHRIs and Civil Society Organisations (CSOs) during the drafting process of the reports. Where no such mechanism exists, NHRIs themselves could initiate a reporting process at the national level and submit their own alternative reports to the AU organs.
- When AU organs undertake **country missions** to the member states, NHRIs could provide information about the current situation of human rights in the country.

Monitoring the implementation of decisions of regional human rights bodies

Monitoring the implementation of decisions taken by regional human rights bodies at the national level is a key responsibility of NHRIs. This is also reflected in the AU's Human Rights Strategy for Africa, which lists among its strategic objectives, the importance of 'ensuring effective implementation of human rights instruments and decisions.

Whether the decisions of AU organs are legally binding or not, a monitoring framework to follow-up on their implementation at national level is crucial to ensure a sound execution.

NHRI's can considerably contribute to this monitoring exercise by fulfilling a mediating role between the various stakeholders concerned. This includes:

- **Action Plans** – NHRIs could engage in developing action plans for implementation of the decisions together with governments, victims and relevant CSOs and other national actors.
- **Focal points** - Specialized units established within the NHRI could help to facilitate and

improve communication between the regional mechanisms and governmental bodies, including the sharing of best practices regarding the implementation of decisions.

- **Amicus curiae** briefs - During legal proceedings, NHRIs could consider submitting amicus curiae briefs before the AfCHPR.
- **Reports** - In their annual reports to national parliaments, NHRIs could include a section on implementation of the findings of the AU organs. In addition, reporting on the implementation to relevant AU and sub-regional bodies should also be considered.
- **Lobby work:** NHRIs could engage with parliamentary committees to establish a legal framework ensuring implementation. Engaging with the domestic judiciary could be of assistance when seeking enforcement of decisions.
- **Dialogue platform** - Consultations with CSOs as well as communication between the various domestic actors (e. g. victims, professional associations, NGOs) could be established on a systematic basis.
- **Media:** Awareness should be raised with an effective communications strategy and outreach towards journalists and media multipliers.

The role of NANHRI

- **Organisational Development** – NANHRI supports member institutions by equipping them with the necessary skills and knowledge to better perform their duties of promoting and protecting human rights.
Strengthen NHRIs' core functions: This encompasses notably assistance in the handling of complaints and investigations, awareness raising, education, training, and research (including national inquiries and campaigns), cooperation with civil society and engagement with regional and international bodies and mechanism