



Statement of the Network of African National Human Rights Institutions

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Website: www.nanhri.org

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The African Commission on Human and Peoples' Rights (ACHPR)

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4th – 18th November, 2015

Your Excellency, Representative of the Government of The Gambia;
Your Excellency, Representative of the African Union;
Your Excellency, Chairperson of the African Commission on Human and Peoples' Rights;
Your Excellency State Delegates;
Honourable Members of the African Commission on Human and Peoples' Rights;
Honourable Representative of the UN High Commissioner for Human Rights
Honourable Members of the Diplomatic Corps accredited to The Gambia;
Honourable Representative of National Human Rights Institutions
Honourable Representative of the NGO Forum and dear friends;
Distinguished Guests

Thank you for this opportunity to address you on behalf of the Network of African National Human Rights Institutions, during this auspicious occasion of the 57th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR). We extend our sincere gratitude to the Government and the people of The Republic of The Gambia for their hospitality.

Your Excellencies,

Ladies and gentlemen,

On 21 October 2016 we will be celebrating 30 years since the great African Charter on Human and Peoples' Rights (the Charter) entered into force. The Charter enshrines principles, standards, fundamental rights and values to be implemented for the individual and collective wellbeing of people across the African continent. Since then States have also written and agreed to a range of strong regional instruments and mechanisms, to establish in binding law the principles of human rights. They are a distillation of all human experience, all the warnings and screams of our combined human history.

The African Commission on Human and Peoples Rights is the main body which is mandated by the African Charter on Human and Peoples' Rights with the promotion and protection of human

rights and it is also charged with interpreting the African Charter on Human and Peoples' Rights.

The work of the African Commission on Human and Peoples' Rights is critical to the advancement and protection of all human rights for all. It is an institution that sets human rights standards in Africa and monitors their implementation.

African citizens have entrusted the African Commission with the protection of the greatest good known to mankind, a good that is so susceptible to injury. The Commission provides a venue where specific and sometimes controversial issues are addressed in the event that people's basic rights are violated.

Therefore as one of the key institutions on the African continent which enables accountability for human rights situations, there is a need for the commission to function with a high level of skill, integrity and independence and to ensure that its own rules of procedure are known, respected and adhered to by itself and by others, including states and other AU organs. This will enhance its credibility and effectiveness in dealing with human rights concerns in the continent.

NANHRI, as the umbrella body of African NHRIs appreciates its relationship with the African Commission. This relationship is continuously strengthening and provides many opportunities to promote and protect human rights on the continent within international, regional and domestic fora. This has been evident in the recent activities NANHRI has undertaken in partnership with the commission. We recognize the fact that the independence of the African Commission in its operations and functions will go a long way in strengthening its credibility and legitimacy among key human rights stakeholders in the region including NHRI.

We therefore urge all stakeholders including States Parties to the Charter, to refrain from interfering with the Commission's independence and to help in strengthening the commission's work to better promote and protect human rights of all on the continent.

Your Excellencies,

Ladies and gentlemen,

We are happy to announce to you today that two weeks ago the network held its 10th Biennial Conference in Yaoundé- Cameroon, whose theme was 'Prohibition and Prevention of Torture in Africa, Opportunities, Challenges: The Role of NHRIs'. The conference was held in line with the network's Constitution that mandates it to hold a conference for its members every two years. The conference attracted over forty national human rights institutions from across the continent and other partners and stakeholders. Among the issues that we deliberated on included also emerging human rights concerns in the continent in particular terrorism and migration crises.

The outcome of the conference was the Yaoundé Declaration where participants committed themselves on a number of issues. The declaration will be shared with you in a separate document.

The conference was preceded by the General Assembly meeting which adopted various documents, proposals and recommendations.

Your Excellencies,

Ladies and gentlemen,

As you may be already aware, members of the network had earlier on developed draft Guidelines on Monitoring the Implementation of Decisions and Recommendations of the African Commission on Human and Peoples' Rights. I am happy to report that, the General Assembly meeting of the Network unanimously adopted the Guidelines; this was an important step because the Guidelines will go a long way in helping NHRIs to better contribute to monitoring the implementation of the decisions of the African Commission at national level.

Similarly, the General Assembly meeting adopted the network's proposal for setting aside 25 April as the Day of Pre-trial Detention in Africa, the day (25 April 2015) the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa were officially launched to be commemorated and celebrated as a Day of Pre-trial Detention in Africa.

This commemorative day will provides an effective and cost effective means, as a focal and rallying point, to promote the observance of the Guidelines. It will also offer additional opportunity for the Network to sustain continental focus on many of its core interest areas which resonate closely with the misuse of pre-trial detention such as in its efforts in the prevention of torture.

The day will present an opportunity for all stakeholders in Criminal Justice System, including Member States, non-governmental organizations and international entities, to reflect on issues affecting Pre-trial Detainees in the region and profile the gains made.

The commemoration of the African Day of Pre-trial Detention will be an occasion for recommitment to the cause of human rights and fundamental rights of Pre-trial Detainees on the Continent and to advocate for reforms in the continent's criminal justice system.

We therefore urge the African Commission to pass a resolution on this effect and together with the entire African Union family to adopt this day and commemorate it annually in its Member States.

In addition, the meeting deliberated at length on the participation of national human Rights institutions in the 2016 Year of Human Rights in Africa with special focus on Women's rights as proposed by the African Union Commission and unanimously agreed to play a vital role in the implementation of the activities of The 2016 project at the continental and national levels.

Your Excellencies,

Ladies and gentlemen,

When we last addressed the 56th session, the cruelty and moral bankruptcy of violent extremists was at its peak. Regrettably, the horrors they perpetrate have continued since then, unabated.

The conference could not afford not to talk about this serious issue; therefore it was among items to be discussed on the agenda as an emerging human rights issue that needed the urgent attention of NHRIs.

The Conference condemned in the strongest terms the gross abuses of international human rights law and violations of international humanitarian law perpetrated by terrorist groups. The conference noted that it was time for a sustainable response to terrorism that goes beyond its manifestations in order to address the root causes and to quash the allure of terrorist groups.

It urged African States to take up joint strategies to combat terrorism, due to the fact that its consequences are not limited to one country. Thus it is important to reduce inequalities, poverty and marginalization in order to increase the participation of everyone and reduce chances of radicalization and recruitment by extremist ideologies.

We also call upon the affected countries as they use counter-terrorism measures not to give up their human rights obligations. We remind them of their primary responsibility to uphold respect for human rights and to provide protection and humanitarian assistance to those within their borders.

Your Excellencies,

Ladies and gentlemen,

For many years we have known that the story of migration has been the story of humanity. But today the story is different and is that of failure, deaths at sea and extreme violence, closed borders, ever higher fences, and families torn apart tell a story of failure. The international community, Africa being part has largely failed to prevent the causes of forced movement in the first place. It is the failure to protect the most vulnerable migrants as they move.

In these insecure flows, most of the movements are rarely 'voluntary'. Refugees fleeing persecution and conflict journey together with migrants fleeing poverty, discrimination and despair. These are not two different kinds of people; 'deserving' and 'undeserving'. They are all human beings.

Your Excellencies,

Ladies and gentlemen,

We challenge the African leaders to show compassion, and above all, honesty in defining a rights-based agenda for migration in the 21st century. This agenda must acknowledge the humanity and the human rights of all migrants, regardless of their status, and fulfill the obligations of international law.

The recently adopted Sustainable Development Goals (SDG) promise to govern migration in full respect for human rights and to 'leave no one behind'.

NANHRI takes that matter of migration seriously as an emerging human rights issue that needs urgent attention. NANHRI will work with other stakeholders towards contributing to the SDG agenda promise on governing migration.

Your Excellencies,

Ladies and gentlemen,

In conclusion, NANHRI urges the African Commission to continue its support to the work of the NANHRI. By fostering our relationship and ensuring strong independent national human rights institutions in Africa, respect for human rights, democracy and the rule of law will be entrenched.

Thank you for your kind attention.

