



**THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS
STATEMENT AT THE 69TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS**

PRESENTED BY:

Commissioner Joseph Whittal, NANHRI Vice-Chairperson

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The Chairperson of the African Commission on Human and Peoples' Rights Dr. Solomon Dersso;

Distinguished Representatives of AU Member States;

Honourable Members of the African Commission on Human and Peoples' Rights;

Distinguished Guests;

Ladies and Gentlemen;

On behalf of the Network of African National Human Rights Institutions, I am greatly honoured to address this 69th Ordinary Session of the African Commission on Human and Peoples' Rights.

Although we call it Ordinary Session, to us, it is an extraordinary session as it gives us an opportunity to reflect on the milestones we have made over the last 40 years since the adoption of one of the African Charter on Human and Peoples' Rights.

Today, the African Charter, not only enjoys at least 54 ratifications in Africa but has also positively informed constitution making processes and jurisprudence at national level. As an overriding framework, the African Charter has filled legal lacunas in national laws, as it becomes the next reference.

The Charter designates the African Commission on Human and Peoples' Rights as its custodian, and over the years, the regional body has provided an alternative upon exhaustion or unavailability of local remedies of dealing with human rights violations at national level. These decisions, have given the hope to the rightsholders across the continent that beyond the national level, there are mechanisms of securing their rights.

Distinguished Guests, Ladies and Gentlemen;

While we acknowledge the progress made in advancing human rights in Africa as enshrined in the African Charter, we also take note of the challenges the African Commission and the sister bodies have faced in fulfilling their mandate to the rights holders.

I what can be linked to the ground-shaking decisions- which mostly are out of favour with the States, the African Commission, the African Committee of Experts on the Welfare and of the Rights of the Child and the African Court on Human and Peoples' Rights have faced reprisals in form of underfunding, disregard and lack of implementation of the decisions, political interference among others. The African Court has particularly faced withdrawals of Member States who feel aggrieved by the decisions.

While these agencies are established with a human rights mandate, the obligation of preserving human rights lies in the States. The regional bodies are, therefore, established to support the States in fulfilling their mandates as required by the national, regional and international law and other legal frameworks.

It is, therefore, the duty of the African States to strengthen the regional bodies; which will conversely reduce and even end interventions from the international mechanisms like the International Criminal Court. Africa is mature enough to decide on its fate.

At NANHRI, we have developed joint publications and hosted a raft of workshops and trainings for our members to help them in supporting the States in not only ratifying but also implementing the decisions of the regional bodies.

Distinguished Guests, Ladies and Gentlemen;

Furthermore, riding on our memorandum of understanding with the African Union Commission, we have been implementing projects and programmes aimed at influencing policy. In partnership with the African Union Commission, we convened the 5th Annual Policy Dialogue Forum on November 8-9, 2021 on the State of African NHRIs, under the theme of ***“The Role of the African NHRIs in Promoting Arts, Culture and Heritage as Catalysts for Socio-Economic Transformation”***. The topic was in tandem with African Union theme of 2021: ***“The AU Year of the Arts, Culture and Heritage: Levers for Building the Africa We Want”***.

As we celebrate the 40th anniversary of the African Charter, we also hosted the third NHRIs Forum on November 11-12, 2021 and discussed the ***“40 years of implementing the African Charter on human and people’s rights: harnessing our collective experiences towards the Africa we want.”***

Each of the two activities culminated in the adoption of a Declaration and an Action Plan. The two documents will be shared with the African Commission in due course.

Distinguished Guests, Ladies and Gentlemen;

While the founders of the African Charter envisioned an Africa where the human rights culture flourishes, it is, however, disheartening that a number of countries in Africa are wallowing in a sea of violations four decades later.

I am particularly, shattered by the escalating conflict in Ethiopia. The conflict between the Federal Government Forces of Ethiopia and the Tigray Defence Forces has resulted in grievous violations of human rights. Hundreds of lives have been lost; thousands have been displaced; property worth millions of US Dollars has been destroyed as the crisis turned violent since November 2020. The panic that gripped the country, which is the diplomatic headquarters of Africa, has triggered evacuation of staff and families of foreign missions from Ethiopia.

While this is in the best interest of the countries, we cannot forget that the Ethiopians do not have another country to run to. We cannot forget that a place they have called home for centuries is no longer habitable. We cannot forget the vulnerabilities of women, children, the elderly, among others who cannot defend themselves. Ethiopians are looking at us to offer an African solution to the situation.

It should also worry us on why we still have guns blazing in Mozambique, Chad, Somalia, Mali, Guinea, Sudan, South Sudan, Eswatini, the Central African Republic, the Democratic Republic of the Congo Northern Nigeria and the Sahel region in general.

Besides, the institutions and mechanisms established under the Constitutive Act of the African Union and the African Charter on Democracy, Elections, and Governance need to be activated now and we as NHRIs, will fully support them.

On that note the African Peace and Security Architecture (APSA) comprising the Peace and Security Council (PCS), the Panel of the Wise, the Continental Early Warning System, the African Standby Force including the five regional brigades, and the Peace Fund must be fully operationalized.

Distinguished Guests, Ladies and Gentlemen,

Today, we are meeting virtually because of COVID-19. With less than 5% Africans vaccinated¹, recovery from the pandemic may take longer, as the global north prioritises their citizens.

As part of the recovery strategies from the negative impact of the pandemic, NANHRI hosted the 13th Biennial Conference on November 3-5, 2021. The conference culminated in the adoption of the Harare Declaration and Plan of Action of African NHRIs in supporting a human rights-based approach to sustainable recovery during and beyond the pandemic.

In this regard, we also call on States, led by the African Union to invest and accelerate local production of the vaccines to bridge the supply gaps.

Distinguished Guests, Ladies and Gentlemen;

As we march into the next decade of the African Charter, we re-affirm our commitment to deepening our partnership with the African Commission and the other organs of the AU towards an Africa where the rights of all are a solid reality rather than an illusory vision.

I Thank you!

¹ <https://www.unicef.org/press-releases/g20-members-have-received-15-times-more-covid-19-vaccine-doses-capita-sub-saharan>