



DECLARATION AND ACTION PLAN OF THE THIRD NHRIs FORUM

'40 years of implementing the African Charter on human and people's rights: harnessing our collective experiences towards the Africa we want'

11-12 November 2021 (Virtually)

1. The third National Human Rights Institutions' (NHRIs) Forum was held within the margins of the 69th Ordinary Session of the African Commission on Human and Peoples' Rights (African Commission), virtually on 11 and 12 November 2021. It was co-hosted by the Network of National Human Rights Institutions (NANHRI), in cooperation with the African Commission and the United Nations Office of the High Commissioner for Human Rights, with the financial support of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and Sweden Sverige.
2. The Forum marked 40 years of the adoption of the African Charter and adopted the theme of the 69th session of the African Commission on ***'40 years of implementing the African Charter on human and people's rights: harnessing our collective experiences towards the Africa we want'***.
3. The Forum focused on three key thematic areas namely the non-implementation of the decisions/recommendations of the African Commission, Resolution 275 of 2014 on the Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity (Resolution 275) and business and human rights.

The NHRIs participating in the third Forum declare the following:

4. We take note of articles 26 and 45(1)(c) of the African Charter that require states to establish and improve 'appropriate national institutions entrusted with the promotion and protection of the rights and freedoms' and for such institutions to cooperate with the African Commission.
5. We reiterate Resolution 31(XXIX)1998 of the African Commission on the Granting of Observer Status to National Human Rights Institutions in Africa, as replaced by Resolution 370 of 2017 of the African Commission on the Granting of Affiliate Status to National Human Rights Institutions and Specialized Human Rights Institutions in Africa that emphasize on the complementary affiliate status of national human rights institutions in the implementation of the rights in the African Charter.



6. We appreciate that while states have the primary responsibility for implementing the obligations in the African Charter, NHRIs have an important role in promoting and protecting human rights, including follow-up of the implementation of the decisions/recommendations of the African Commission, Resolution 275 and issues around business and human rights.

7. On the basis of all this and taking inspirations from NHRIs' lessons and good practices exchanged during the Forum, we resolve to undertake the following actions to ensure a better implementation of the decisions/recommendations of the African Commission, Resolution 275 and human rights in the context of business.

| Thematic area | Action |
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| Affiliate Status | <ul style="list-style-type: none"> • Application for Affiliate Status for the NHRIs without the same; • NHRIs with Affiliate Status will: <ul style="list-style-type: none"> - Submit activity reports to the African Commission every two years; - Submit alternative reports to the African Commission when their country's state reports are under examination; - Participate in the preparation of state reports of their respective countries; and - Actively participate in the ordinary sessions and activities of the African Commission. |
| Implementation of and follow-up on recommendations of the African Commission | <ul style="list-style-type: none"> • Identify relevant stakeholders including the government, Attorney Generals' offices, civil society organizations and the media for implementation of decisions/recommendations of the African Commission, and adopt implementation framework for each decision/recommendation; • Popularize the decisions and recommendations of the African Commission to the public; • Undertake studies and surveys to assess the extent to which a decision of the African Commission has been implemented; and • Engage with the African Commission on the extent to which decisions have been implemented at the domestic level. |
| Implementation of Resolution 275 | <ul style="list-style-type: none"> • Collaborate with the government to adopt a plan of action for the implementation and popularization of Resolution 275, including its translation into the local language; |



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| | <ul style="list-style-type: none"> • Investigate cases of violence against LGBTIQ+ persons and provide concrete recommendations to the State; • Conduct country studies with the view of mapping the national protection systems for LGBTIQ+ and the gaps in the legislative framework; and • Build partnerships with other stakeholders to organize sensitization, awareness raising and advocacy campaigns on the issue of LGBTIQ+. |
| <p>Business and human rights and Sustainable Development Goals/Sustainable Oceans</p> | <ul style="list-style-type: none"> • Translate into the local language and popularize the United Nations Guiding Principles on Business and Human Rights, Sustainable Development Goal 14 and Agenda 2063; • Collaborate with the government to ensure that while operating under the African Continental Free Trade Area, they adopt inclusive and equitable agreements that are in line with human rights, and that such agreements are debated in the public before adoption; • Engage with the African Commission Working Group on Extractive Industries, Environment and Human Rights and the African Coalition for Corporate Accountability on issues around free, prior and informed consent; and • Conduct studies on the extent to which business activities are affecting human rights in the country. • Popularize the AU Policy on Business and Human Rights |

8. In addition to the above, we undertake to:

(a) Exchange information, good practices and lessons learnt; and

(b) Collaborate with NANHRI, GANHRI and the African Commission on activities related to the three themes.