



The 14th Biennial Conference of the Network of African National Human Rights Institutions (NANHRI)

Theme:

Nurturing responsible business conduct and respect for human rights in Africa

“The role of African National Human Rights Institutions in centering human and people’s rights in the context of business operations, and the African Continental Free Trade Area Agreement”

ACCRA DECLARATION AND CALL TO ACTION

CONTEXT

1. Pursuant to Article 56 of the NANHRI Constitution, the Network of African NHRIs convenes a conference every two years, during which the General Assembly takes place. The biennial conference addresses issues of concern in the region as agreed by the membership, and often culminates in the adoption of declarations and action plans for implementation at the national and regional levels.
2. The 14th NANHRI Biennial Conference was held, physically, on October 18-20, 2023 in Accra, Ghana, in collaboration with the Commission on Human Rights and Administrative Justice (CHRAJ), with financial support from: The Office of the High Commissioner for Human Rights (OHCHR), The Danish Institute for Human Rights (DIHR), Meta, Oxfam, the National Human Rights Council of Morocco, The Royal Norwegian Embassy in Ghana, UNDP Ghana, Friedrich Ebert Stiftung
3. The participants in the 14th Biennial Conference entitled *Nurturing responsible business conduct and respect for human rights in Africa*, included representatives of the African National Human Rights Institutions (NHRIs), the African Union organs, The Vice President of the Republic of Ghana and other government authorities, relevant UN entities, civil society organisations (CSOs) and private actors as well as subject matter experts, academia, human rights defenders and



development partners.

PREAMBLE

We, African NHRIs participating in the 14th Biennial Conference, adopt the Accra declaration and call to action *on the role of African National Human Rights Institutions in centering human and people's rights in the context of business operations, and the African Continental Free Trade Area Agreement*:

4. **CONSIDERING** the obligations that African Union Member States have subscribed to under the 1981 African Charter on Human and Peoples' Rights (African Charter) and the confirmation of their responsibility in the 2000 AU Constitutive Act to promote and protect human and peoples' rights in the African Continent;
5. **RECALLING** Resolution 148 of 2009 of the African Commission on Human and Peoples' Rights (ACHPR) on the Establishment of a Working Group on Extractive Industries, Environment and Human Rights Violations in Africa that tasked the Working Group to formulate recommendations and proposals on appropriate measures and activities for the prevention and reparation of violations of human and peoples' rights by extractive industries in Africa;
6. **RECOGNISING** the United Nations Guiding Principles on Business and Human Rights (UNGPs) endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011 which provides a protect, respect and remedy framework;
7. **NOTING THAT** both the Agenda 2030, and the African Union Agenda 2063 recognize that human rights are paramount to achieve the Agenda 2030 and 2063 goals and aspirations;
8. **CONSIDERING** the 75th anniversary of the Universal Declaration of Human Rights and the 30th anniversary of the *Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights* (the Paris Principles) and their importance as guidelines for the establishment and operationalisation of NHRIs;
9. **RECOGNISING** the critical role of business operations in society, and the need to mainstream human rights in all businesses in line with the United Nations Guiding Principles on business and human rights for the achievement of Agenda 2030 and 2063 goals;
10. **RE-AFFIRMING** the critical role that NHRIs play in promoting and protecting human rights in their respective countries, including, in the context of business



operations, by advising governments and monitoring the implementation of their human rights international, regional and national obligations;

11. **ACKNOWLEDGING** that the African Continental Free Trade Area Agreement (AfCFTA), a flagship project of the African Union, stands as a catalyst for achieving agenda 2030 and 2063 through increasing intra-Africa business and trade, if adopting and mainstreaming a human rights-based approach while acknowledging that the AfCFTA also has potential to ignite and exacerbate conflict and negatively impact the enjoyment of human rights;
12. **APPRECIATING** the African Commission on Human and People's Rights for adopting Resolution on Business and Human Rights in Africa¹ and Resolution on a Human Rights-Based approach to the Implementation and Monitoring of the African Continental Free Trade Area Agreement²;
13. **REITERATING** that sustainable development, human rights and respect for the environment are intertwined; therefore, it is important to emphasise the need for respect for and protection of human rights by business in line with the United Nations Guiding Principles on Business and Human Rights;
14. **APPRECIATING** the growing engagement of African NHRIs since the adoption of the 2011 Yaoundé Declaration following the adoption of the UNGPs, across their different mandate areas on business and human rights;
15. **NOTING** the efforts at national, regional and international level towards legally binding instruments on Business and Human Rights
16. **COGNISANT** of the persistent human rights abuses in a range of economic sectors, and the disproportionate impacts on vulnerable individuals and groups, in contravention of core clauses of international, regional³ and national instruments
17. **FUTHER NOTING** the serious human rights abuses connected to business activities conducted in conflict areas

¹ <https://achpr.au.int/en/adopted-resolutions/550-resolution-business-and-human-rights-africa-achprres550-lxxiv-2023>

² <https://achpr.au.int/en/adopted-resolutions/resolution-human-rights-based-approach-implementation-monitoring-achprres551>

³ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, and the African Charter on the Rights and Welfare of the Child among others



18. **NOTING** that only three African states (Kenya, Uganda and Nigeria), have adopted National Action Plans on Business and Human Rights;
19. **ACKNOWLEDGING** the draft AU Policy framework on business and human rights, contextualising at a continental level the protection and respect of human rights as well as remedy for abuses in the context of business operations as inspired by the United Nations Guiding Principles on Business and Human Rights towards the promotion and operationalisation of sustainable development in Africa;
20. **SHOWING** concern that the AU policy framework on business and human rights is still in draft form;
21. **NOTING** the growing transformations in digital technological innovation and development, with significant consequences for the equitable exercise and enjoyment of human rights;

National Human Rights Institutions shall:

- a) Engage with the African Commission to accelerate implementation of the recommendations of Resolutions 550 and 551 on Business and Human Rights in Africa as well as African Continental Free Trade Area Agreement, respectively;
- b) Assess, document and monitor the human rights impacts of business activities (domestic, multinational, private or state-owned) and economic policies with a focus on those individuals and groups that are most vulnerable to abuses, and monitor how businesses and states are discharging their respective responsibilities and obligations;
- c) Advise States on adequate regulatory, policy and institutional frameworks, and in particular to develop, adopt, implement National Action Plans on Business and Human Rights to accelerate the implementation of UNGPs in Africa; monitor the extent to which these tools (particularly NAPs and National Baseline Assessments) have been useful in advancing the business and human rights agenda and what lessons can be learned from these; Engage with legislative bodies on adoption and implementation of business and human rights frameworks compliant with national, regional and international standards including the UNGPs, human rights impact assessments and due diligence;
- d) Call on States to adopt a human rights-based approach to the implementation of the AfCFTA Agreement as enshrined in international, regional and national human rights instruments;
- e) Urge States to meet their reporting obligations under article 62 of the African Charter and highlighting the Guidelines on state reporting under articles 21 and 24 of the African Charter;

- f) Periodically review the progress made by States in the region in developing comprehensive and effective national business and human rights regulatory, policy and institutional frameworks;
- g) Report on the progress in the area of business and human rights and the AfCFTA before national, regional and international human rights mechanisms;
- h) Actively participate and collaborate towards a continental platform of support for peer-learning and knowledge exchange among NHRIs and pursue collaboration with other NHRIs and their networks globally;
- i) Advocate for the finalisation and adoption of the African Union Policy Framework on Business and Human Rights which is still under development;
- j) Effectively cooperate with the AU organs and all relevant actors to identify opportunities, implications and challenges in implementing human rights due diligence in Africa;
- k) Provide capacity strengthening support and platforms to the business sector, right holders, and other actors to strengthen understanding of the corporate responsibility to respect and of how to conduct human rights due diligence;
- l) Effectively facilitate access to remedy through their broad protection and promotion mandate for affected communities and individuals when their human rights have been adversely impacted through business operations through inter alia handling complaints, conducting investigations and inquiries, carrying out mediation, fulfilling preventive actions, meaningfully engaging with different remedy mechanisms (judicial, state based judicial, state based non- judicial) and advocating for legal frameworks for protection of witnesses, victims and whistle blowers;
- m) In partnership with relevant national, regulatory bodies and international organisations and partners, develop expertise and capacity of NHRIs on handling business-related human rights issues with a particular focus on digital transitions, and the nexus between business conduct and environment (for example, Environmental Impact Assessments and Audits), climate and human rights.
- n) Continue to actively engage in efforts aimed at addressing actual and potential adverse impacts of businesses in particular, in the energy and the extractive sector, digital and technology, the blue economy, agriculture, and step up efforts to combat the adverse effects of climate change, and ensure that a human rights-based approach is underpinned in all climate action strategies and initiatives.
- o) Encourage Governments and other stakeholders to make national pledges under the 'Human Rights 75 Initiative', and beyond principles enshrined in the Universal Declaration of Human Rights and the Paris Principles to bring about concrete changes towards the greater enjoyment of human rights for all including human rights in the context of business.

Call for States to:



- a) Conduct National Baseline Assessments and subsequently adopt and implement National Action Plans on BHR, that are in line with the guidance of the United Nations Working Group on BHR;
- b) Fastrack the adoption and implementation of the AU draft policy framework on Business and Human Rights;
- c) Provide NHRIs with adequate resources to undertake BHR activities, especially those involving specific groups such as women, migrants and children;
- d) Provide NHRIs with necessary legislative frameworks, allowing for independent determination of their policies and strategic priorities, including in conducting work on BHR;
- f. Ratify and domesticate all the pending treaties and supportive protocols that give life to the AfCFTA, and adopt a human rights-based approach to the implementation of these.

Call for Civil Society actors and academia to:

- a) Work with NHRIs to undertake evidence-based research, document, monitor different themes under Business and Human Rights;
- b) Participate and contribute to joint advocacy efforts on entrenching responsible business conduct in Africa;
- c) Collaborate with NHRIs on awareness creation and capacity building with a view to advocate for policy and legislative changes.

Call for businesses operating in Africa to:

- a) Adopt human rights policies, design and implement human rights due diligence across their operations and cooperate in remediating adverse impacts;
- b) Collaborate with human rights actors including National Human Rights Institutions.

Call for Development partners to:

- a) Increase donor, scientific and technical support on BHR as a theme and to provide additional funding of NHRIs as the safeguards of human rights in a country;
- b) Allocate adequate resources, prioritise and facilitate opportunities for NHRI capacity building on BHR;
- c) Urging financial institutions to prioritise and strengthen the human rights due diligence in rendering financial support to projects.

We the NANHRI members agree to host the next Biennial Conference in Yaounde Cameroon in 2025 on a date to be determined.



Done and adopted in Accra Ghana, on 20 October, 2023

