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**NETWORK FOR AFRICAN NATIONAL HUMAN RIGHTS INSTITUTION (NANHRI) FORUM
ON THE MARGINS OF THE 81ST ORDINARY SESSION OF THE AFRICAN COMMISSION
ON HUMAN AND PEOPLES' RIGHTS**

***Theme: The role of African National Human Rights Institutions (NHRIs) in
strengthening accountability, promotion and protection of human rights in Africa***

***Part I: Thematic Discussions addressing Key Human Rights Issues: Prevention of
Torture, Socio-Economic Rights, and the Protection of Vulnerable Groups***

***Part II: Dialogue on Enhancing Synergy between African Parliamentarians and
NHRIs in the Implementation of SDG 16 and AU Agenda 2063 Goal 11***

13-16 October 2024

Venue: Banjul, Gambia

CONCEPT NOTE

1. INTRODUCTION

The Network of African National Human Rights Institutions (NANHRI) is a regional umbrella organization that brings together 47 African National Human Rights Institutions (NHRIs). NHRIs are independent bodies established by governments to promote and protect human rights within their respective jurisdictions. They carry out their mandate through activities such as handling complaints, conducting investigations, research, advocacy, and educational programs, all in alignment with the Paris Principles. NANHRI's mission is to support and strengthen NHRIs across Africa, fostering coordination and collaboration among them and with other key human rights actors at regional and international levels. Our vision is to build a continent with robust and effective NHRIs that contribute to a deepened human rights culture and justice for all Africans.

The African Commission on Human and Peoples' Rights (ACHPR) is a quasi-judicial body of the African Union, established under Article 30 of the African Charter on Human and Peoples' Rights. Its mandate includes promoting and protecting human and peoples' rights in Africa, interpreting the African Charter, and addressing individual complaints of violations of the Charter. ACHPR's collaboration with African NHRIs strengthens the role of these institutions as state-mandated yet independent bodies with broad constitutional or legal mandates to protect and promote human rights at the national level. In line with its institutional collaboration with ACHPR, NANHRI will convene its National Human Rights Institution Forum, a four-day event, on the margins of the 81st ordinary session of the ACHPR.



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2. A FORUM OF TWO PARTS

The NHRI Forum will be structured into two distinct parts:

- Part I: This two-day Dialogue will focus on enhancing synergy between African Parliamentarians and NHRIs in implementing Sustainable Development Goal 16 and Agenda 2063 Goal 11. The discussions will center on fostering collaboration to strengthen governance, justice, and human rights protections. The dialogue will involve a strategic partnership with the Secretariat of the Pan African Parliament.
- Part II: This segment will address critical thematic human rights issues relevant to African NHRIs. Topics will include the prevention of torture, promotion of socio-economic rights, such as the rights to education and health, and the protection of vulnerable groups, including transgender and intersex persons. These discussions will build on the outcomes of Part I, ensuring a comprehensive approach to human rights promotion and accountability across Africa.

3. FORUM THEME

The central theme for the NANHRI NHRI Forum during the 81st ordinary session of the ACHPR is “The Role of African National Human Rights Institutions in Strengthening Accountability, Promotion, and Protection of Human Rights in Africa.”

The forum will be divided into two key parts:

- Part I: Thematic Discussions addressing Key Human Rights Issues, including the Prevention of Torture, Promotion of Socio-Economic Rights, and the Protection of Vulnerable Groups.
- Part II: Dialogue on Enhancing Synergy between African Parliamentarians and NHRIs in the Implementation of SDG 16 and AU Agenda 2063 Goal 11.

This four-day forum will address two interrelated dimensions:

- Strengthening Accountability and Protection: Focusing on the role of NHRIs in advancing accountability, promoting human rights, and safeguarding human dignity across Africa.
- Enhancing Synergy: Emphasizing collaboration between African Parliamentarians and NHRIs to implement SDG 16 (Peace, Justice, and Strong Institutions) and Agenda 2063 Goal 11 (Democratic Values, Human Rights, and the Rule of Law).

The Forum will provide a platform for exploring how NHRIs, as independent institutions, can enhance accountability mechanisms and address complex human rights challenges across the continent. It will also focus on how collaboration between NHRIs and Parliamentarians can contribute to achieving the goals of SDG 16 and Agenda 2063, particularly in advancing governance, justice, and the rule of law.



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Thematic discussions

The first two days of the forum will discuss contemporary thematic issues on the prevention of torture in Africa, the role of NHRIs in the promotion of socio-economic rights, sexual and reproductive health, and the protection of the rights of vulnerable of the groups.

2.1. Prevention of torture in Africa: the Kyiv-Copenhagen Declaration

Recent global crises, including worsening socio-economic inequalities, the COVID-19 pandemic, climate emergencies, and armed conflicts, have significantly increased the risks of torture and ill-treatment, particularly for vulnerable populations such as detainees, migrants, and refugees. The misuse of emergency powers and the breakdown of legal safeguards in conflict zones have further exposed these groups to human rights violations. Displacement and resource scarcity driven by environmental and economic factors have compounded these risks, creating an urgent need for a coordinated global response.

In response to these pressing concerns, NHRIs adopted the Kyiv-Copenhagen Declaration at the 14th International Conference of GANHRI in Copenhagen. The declaration underscores the critical role of NHRIs in preventing torture and ill-treatment by advocating for legal reforms that align with international human rights standards and ensuring their effective implementation. This includes efforts to combat impunity, improve access to justice, and strengthen oversight mechanisms through collaboration with international and regional bodies. NHRIs are also tasked with monitoring places of detention and raising public awareness about the issue.

The Kyiv-Copenhagen Declaration promotes international cooperation, victim-centered approaches, and consistent monitoring to prevent and respond to torture. It also highlights the importance of NHRIs engaging in capacity-building and sharing best practices, particularly with a focus on vulnerable groups. GANHRI and its regional networks are responsible for coordinating these efforts and fostering partnerships with international human rights mechanisms.

For African NHRIs, there is a pressing need to contextualize the Kyiv-Copenhagen Declaration to reflect the unique social, political, and institutional realities of the continent. This adaptation will enhance collaboration between African NHRIs, civil society, and regional and international bodies, fostering a unified approach to preventing torture. The NANHRI-NHRI Forum will provide a platform to discuss the localization of these principles, ensuring that African NHRIs contribute meaningfully to both regional and global efforts in the prevention of torture.



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2.2. The Role of National Human Rights Institutions in the Implementation of Socio-Economic Rights in National Development Plans: Opportunities, Challenges, and Pathways Forward

Socio-economic rights, encompassing essential human needs such as access to health, education, housing, and decent work, are vital to ensuring dignity, equality, and sustainable development. The integration of these rights into National Development Plans (NDPs) is crucial for aligning countries' development goals with their human rights obligations, including commitments to international frameworks like the International Covenant on Economic, Social and Cultural Rights (ICESCR), and regional frameworks such as the African Charter on Human and Peoples' Rights.

NHRIs play a pivotal role in ensuring that socio-economic rights are effectively embedded in NDPs and that governments are held accountable for their implementation. As independent institutions mandated to protect and promote human rights, NHRIs have the authority to monitor, report, and advocate for the realisation of socio-economic rights, ensuring that development policies reflect human rights obligations of states.

However, NHRIs in Africa face significant challenges in fulfilling this role. Political constraints often limit their ability to hold governments accountable for socio-economic rights violations, particularly where governments prioritize political agendas over human rights. Resource limitations and institutional capacity are additional barriers, with many NHRIs lacking the financial and technical support needed to carry out their monitoring roles effectively. Furthermore, many NHRIs struggle with the enforcement of their recommendations, especially when it comes to integrating international human rights recommendations from bodies like the United Nations or the African Commission on Human and Peoples' Rights into national development frameworks.

To address these challenges, a panel session will be held at the upcoming NHRI Forum, focusing on how NHRIs can enhance their role in ensuring the implementation of socio-economic rights in national development plans. The session will explore strategies to overcome barriers, such as political constraints and resource limitations, and will highlight best practices from NHRIs that have successfully advocated for the integration of socio-economic rights into development frameworks.

2.3. Comprehensive Sexuality Education and the Right to Education

Education is universally recognized as a fundamental human right, essential for preparing individuals for life, work, and responsible citizenship. Comprehensive Sexuality Education (CSE) plays a critical role in fulfilling this right, equipping learners with the knowledge and skills necessary to understand their bodies, health, relationships, and sexual and reproductive rights. This education is vital to fostering informed, healthy, and empowered individuals who can fully participate in society.



However, significant challenges hinder the integration of CSE into school curricula across Africa. Cultural and religious resistance remains one of the most significant obstacles, with concerns that CSE promotes promiscuity or undermines traditional values. This leads to reluctance among parents, educators, and policymakers. Additionally, many education systems lack adequately trained teachers to deliver CSE effectively, resulting in incomplete or biased instruction, further depriving students of their right to comprehensive and accurate information. Insufficient policies and resources exacerbate disparities in access to CSE, leaving many vulnerable populations without critical education.

A key barrier to CSE implementation is the reservation by many African states to Article 14(2)(c) of the Maputo Protocol, which protects reproductive rights, including access to medical abortion in specific circumstances. Despite 51 African Union member states signing the Protocol, only 42 have ratified it, and just 11 have submitted reports to the African Commission on Human and Peoples' Rights. This lack of engagement and full implementation, particularly regarding Article 14(2), undermines progress toward gender equality and reproductive health rights, perpetuating harmful cultural practices and gender inequality.

To fully realize the right to education, especially through CSE, African states must lift reservations to Article 14(2)(c) of the Maputo Protocol and engage more actively with its provisions. This is crucial for ensuring access to reproductive health information, combating harmful cultural norms, and advancing gender equality. In line with the African Union's theme on the right to education, NANHRI will host a panel session during the NHRI Forum to address the challenges African states face in integrating CSE into their education systems. The panel will explore strategies to overcome these barriers and ensure the successful realization of the right to education, with a particular focus on CSE.

2.4. Vagrancy laws and decriminalisation of petty offences in Africa

In Africa, vagrancy laws often criminalize poverty, disproportionately targeting vulnerable individuals and violating their fundamental rights. Many arrests related to vagrancy are conducted arbitrarily, often without reasonable grounds or warrants, infringing upon the right to liberty. Additionally, these laws undermine the presumption of innocence, frequently compelling individuals to provide self-incriminating information.

In Advisory Opinion No. 001/2018, the African Court on Human and Peoples' Rights assessed the compatibility of vagrancy laws with the African Charter on Human and Peoples' Rights and other relevant human rights instruments. The Court found that current vagrancy laws violate several provisions of the African Charter, the African Charter on the Rights and Welfare of the Child, and the Protocol on the Rights of Women in Africa, including rights to non-discrimination, equality, dignity, liberty, a fair trial, and freedom of movement. It condemned the discriminatory, arbitrary, and inhumane



enforcement of these laws, calling for their repeal or significant reform to align with international human rights standards.

The Luanda Guidelines and Principles on the Decriminalization of Petty Offences in Africa, developed by the African Commission on Human and Peoples' Rights, provide a framework for African states to decriminalize petty offences that disproportionately affect marginalized communities, especially the poor. The guidelines emphasize the importance of adhering to human rights standards outlined in the African Charter and other regional and international human rights instruments. Similarly, the Model Police Law for Africa, developed by the Pan-African Parliament (PAP), offers a comprehensive legislative framework to guide the reform of police services across African Union member states. This model law seeks to enhance democratic governance, uphold the rule of law, and protect human rights in policing, in alignment with the African Charter and international standards.

While these initiatives by key African Union Institutions represent significant efforts to mitigate the negative impacts of petty offences within the criminal justice system, vulnerable groups across the continent continue to suffer due to the lack of compliance by many African states with these directives regarding the decriminalization of petty offences.

In response to these ongoing challenges, NANHRI will host a panel session during the NHRI Forum to explore the impact of vagrancy laws and the decriminalization of petty offences in Africa. The session will focus on strategies for aligning national laws with international human rights standards and addressing the continued marginalization of vulnerable communities.

2.5. Commemoration of 10 years of Resolution 275 and launch of report on the status of transgender and intersex persons

The preamble of the African Charter on Human and Peoples' Rights affirms that "freedom, equality, justice, and dignity are essential objectives for achieving the legitimate aspirations of the African peoples" and that "fundamental rights stem from the attributes of human beings." In line with these principles, the adoption of the Resolution on Protection against Violence and Other Human Rights Violations against Persons on the Basis of Their Real or Imputed Sexual Orientation or Gender Identity was a landmark achievement. This resolution draws on Articles 2, 3, 4, and 5 of the African Charter, which guarantee freedom from discrimination, equality, the right to life, and the right to dignity. It condemns violence, persecution, and other human rights violations against individuals based on their sexual orientation or gender identity, calling on states to take decisive action to end such abuses. The resolution marked a significant step in protecting individuals from violence and human rights violations based on actual or perceived sexual orientation and gender identity.



In its continued commitment to promoting the rights of all individuals without discrimination, NANHRI has recently completed a report on the Status of Transgender and Intersex Persons and Resolution 552. This report provides insights into the lived experiences of transgender and intersex individuals across nine African countries and aims to strengthen advocacy around the newly adopted Resolution 552 on the protection and promotion of intersex persons. It identifies key areas for advocacy to enhance the protection of transgender and intersex individuals in Africa and highlights the critical role that National Human Rights Institutions (NHRIs) can play in safeguarding the rights of minority groups. The launch of the report will feature panel discussions on its findings and emphasize its role as a valuable advocacy tool.

To commemorate the 10th anniversary of the adoption of Resolution 275, the NHRI Forum will host a panel session focused on the protection of individuals whose rights are violated based on their real or perceived sexual orientation or gender identity. This session will include insights from LGBTI civil society organizations, NHRIs, and other experts, who will share their experiences with implementing Resolution 275, identify gaps, and strategize on how to overcome challenges to better meet state obligations. The recommendations from the report will serve as the foundation for outcomes aimed at enhancing protections for individuals based on gender identity. Additionally, NANHRI will officially launch the report on the Status of Transgender and Intersex Persons and Resolution 552 during the Forum.

2.6. Collaboration between African Parliamentarians and NHRIs in the Implementation of SDG 16 and Agenda 2063 Goal 11

The last two days of the NHRI Forum will focus on enhancing synergy between African Parliamentarians and NHRIs in the implementation of SDG 16 (Peace, Justice, and Strong Institutions) and Agenda 2063 Goal 11 (Democratic Values, Human Rights, Justice, and the Rule of Law). This two-day Dialogue will serve as Part I of the Forum.

African Parliamentarians play a crucial role in ensuring that national laws and policies align with global and continental frameworks like SDG 16 and Agenda 2063, while NHRIs are key actors in monitoring and ensuring accountability for human rights obligations. By fostering collaboration between these two institutions, the discussion will focus on:

- Strengthening governance and justice systems to align with SDG 16 and Goal 11.
- Promoting accountability through legislative oversight and monitoring by NHRIs.
- Sharing best practices and challenges in aligning national frameworks with international and regional human rights standards.

The two-day session will provide an opportunity for NHRIs and Parliamentarians to explore practical pathways for collaboration to:

- Enhance peace, justice, and institutional integrity.
- Embed human rights principles into national laws and policies.
- Support the mutual goals of SDG 16 and Agenda 2063 in achieving democratic governance and rule of law.



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Part II of the NHRI Forum will feature panel discussions, interactive dialogues, and the development of actionable recommendations to strengthen collaboration between African Parliamentarians and NHRIs. These outcomes will feed into the broader human rights discussions of Part I of the Forum, ensuring a holistic approach to governance and human rights accountability.

3. OBJECTIVES OF THE FORUM

The NHRI Forum aims to achieve the following objectives:

- 3.1. Strengthen collaboration between African Parliamentarians and NHRIs to enhance the implementation of SDG 16 and Agenda 2063 Goal 11, particularly in advancing governance, justice, and human rights protections.
- 3.2. Enhance the role of African NHRIs in promoting and protecting human rights by holding states accountable for violations and ensuring alignment with regional and global human rights frameworks.
- 3.3. Advance the protection of human rights across the continent by equipping NHRIs with tools, strategies, and best practices to address emerging challenges, such as socio-economic rights, prevention of torture, and protection of vulnerable groups.
- 3.4. Foster stronger partnerships between African NHRIs, the African Commission on Human and Peoples' Rights, and other regional bodies to promote a unified approach to human rights and governance in Africa.
- 3.5. Promote knowledge sharing and capacity building among NHRIs on best practices in human rights protection, ensuring the transfer of skills and experiences across the continent.
- 3.6. Contribute to the Plenary of the 81st Ordinary Session of the African Commission, by providing actionable recommendations and insights from the forum to inform regional human rights mechanisms and interventions.

4. TARGET AUDIENCE

The forum is designed to engage a broad spectrum of stakeholders, including:

- 4.1. National Human Rights Institutions
- 4.2. African Parliamentarians and Secretariat of the Pan African Parliament
- 4.3. Members of the African Commission on Human and Peoples' Rights and its Secretariat
- 4.4. Civil Society Organisations
- 4.5. Government Representatives and Policy Makers
- 4.6. Human Rights Experts and Scholars

5. METHODOLOGY

The Forum will employ the following methods to facilitate discussions, collaboration, and knowledge sharing:



5.1. Panel Discussions

- **Part I:** Panellists from the African Commission, NHRIs, civil society, and regional experts will lead discussions on key thematic human rights issues, such as the prevention of torture, promotion of socio-economic rights, and the protection of vulnerable groups, fostering an exchange of experiences and best practices.
- **Part II:** Panellists will include representatives from African Parliamentarians, NHRIs, civil society organizations, and African states. These discussions will focus on enhancing collaboration between Parliamentarians and NHRIs to advance SDG 16 and Agenda 2063 Goal 11, fostering interactive dialogue on governance, accountability, and human rights.

5.2. Report Launch and Commemoration Session

- The Forum will also feature the launch of the report on the Status of Transgender and Intersex Persons in Africa, accompanied by a commemoration of the 10th anniversary of Resolution 275. This session will include presentations and discussions on the findings of the report, followed by recommendations for improving the protection of minority groups in Africa.

6. EXPECTED OUTCOMES

The Forum aims to produce the following key outcomes:

6.1. Outcome Document

A comprehensive document summarizing key recommendations and actionable points from the forum discussions. This document will serve as a reference for NHRIs, Parliamentarians, civil society, and other stakeholders in advancing human rights and governance across Africa.

6.2. Sessional Reports

Brief reports outlining key recommendations and action points from each session. These reports will inform interventions during the plenary session of the African Commission and other regional human rights mechanisms.

6.3. Proceedings Report (Part II: Thematic Discussions)

A final report prepared by the Rapporteur, capturing key highlights, discussions, and outcomes from Part II of the Forum, which addresses thematic human rights issues such as the prevention of torture, promotion of socio-economic rights, and the protection of vulnerable groups.



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6.4. Proceedings Report (Part I: Dialogue)

A final report prepared by the Rapporteur, capturing key highlights, discussions, and outcomes from Part I of the Forum, focused on the collaboration between African Parliamentarians and NHRIs in implementing SDG 16 and Agenda 2063 Goal 11.

7. DATE

The forum will take place on 13-16 October 2024.

8. VENUE

The venue for the forum is To Be Confirmed (TBC).

9. FOCAL POINTS

9.1. Foluso Adegalu

Programs Officer, Regional Mechanisms & SDGs (NANHRI)
fadegalu@nanhri.org