



SUMMARY REPORT

WORKSHOP FOR NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIs) IN NORTH AND WEST AFRICA ON REGIONAL AFRICAN HUMAN RIGHTS MECHANISMS

September 27-28, 2010

SAVANA HOTEL, DAKAR, SENEGAL



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List of Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Commission on Human and Peoples' Rights
ACJHR	African Court of Justice and Human Rights
ACrthPR	African Court on Human and Peoples' Rights
African Charter	African Charter on Human and Peoples' Rights
CEAC	Coalition for an Effective African Court for on Human and Peoples' Rights
CSDH	<i>Comité sénégalais des droits de l'homme</i>
ECOWAS Court of Justice	ECOWAS Community Court of Justice
IHRDA	Institute for Human Rights and Development in Africa
NANHRI	Network of African National Human Rights Institutions
NHRI	National Human Rights Institution
OHCHR	United Nations Office of the High Commissioner of Human Rights

SUMMARY

The workshop for National Human Rights Institutions (NHRIs) in North and West Africa on regional human rights mechanisms held from September 27 to 28, 2010 in Dakar, Senegal, was jointly organised by the Network of African National Human Rights Institutions (NANHRI) and the Institute for Human Rights and Development in Africa (IHRDA). Twenty five (25) participants from various NHRIs in North and West Africa as well as representatives of the African Commission on Human and Peoples' Rights (ACHPR), the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), the ECOWAS Community Court of Justice (ECOWAS Court of Justice) participated in the workshop.

The Dakar workshop was organised with a view to facilitating discussions among participants on challenges that hinder cooperation between NHRIs and African human rights mechanisms and ways and means of strengthening this collaboration. It is in light of the foregoing that the themes selected for deliberations took into account discussions on challenges and opportunities to bolster the cooperation between NHRIs and various African organs mandated to work on the protection of human rights. Beyond African human rights mechanisms, deliberations also focused on the challenges and opportunities in strengthening cooperation between NHRIs and the ECOWAS Court of Justice.

Participants identified a number of challenges that impede cooperation between NHRIs and African human rights mechanisms, including the following:

- Lack of knowledge by NHRIs on the procedures and operations of African human rights mechanisms ;
- Lack of information-sharing between NHRIs and the mechanisms;
- ACHPR's stringent criteria for granting affiliate status to NHRIs ;
- Absence of a focal point for NHRIs within the ACHPR ;
- Weak technical capacity of some NHRIs to effectively engage with African human rights mechanisms.

Concerning ways to strengthen the cooperation between NHRIs and African human rights mechanisms, many participants underscored the importance of:

- establishing an NHRI forum on the margins of the ACHPR sessions, similar to the NGO forum ;
- involving NHRIs in monitoring the implementation of ACHPR recommendations;
- participation of NHRIs in the preparation of periodic Member States' reports;
- sharing of NHRI activity reports with African human rights organs;

- representation of victims of human rights violations before African human rights mechanisms;
- organising joint activities between NHRIs and regional human rights mechanisms.

At the end of the meeting, workshop participants adopted the Dakar Declaration. In the Declaration, participants renewed their commitment of the respective institutions to promoting and protecting rights established by various African human rights instruments. Similarly, they advocated for direct communication between NHRIs and African human rights mechanisms through NANHRI. Lastly, the Dakar Declaration called upon NHRIs to participate in monitoring the implementation of regional human rights mechanisms' decisions.

1. Introduction

A workshop for Human Rights Institutions in North and West Africa on regional human rights mechanisms took place from September 27 to 28, 2010 in Dakar, Senegal. The said workshop was organised by IHRDA and NANHRI with financial and technical assistance from the Coalition for an Effective African Court on Human and Peoples' Rights (CEAC), the United Nations Office of the High Commissioner for Human Rights (OHCHR), the Commonwealth Secretariat and the *Organisation Internationale de la Francophonie* (OIF). The *Comité sénégalais des droits de l'homme* (CSDH) provided logistical support for the organisation of the workshop.

The workshop was opened by the Senegalese Minister responsible for Human Rights, Ms. Coumba Gaye and was closed by the Principal Secretary of the Minister of Justice, Mr Cheich Tidjane Sy.

This summary report will first give a background to the workshop, followed by highlights of activities over the two days.

2. Workshop Background and Objectives

The aim of the Dakar workshop was to strengthen and enhance effective interaction between NHRIs in North and West Africa with regional African human rights mechanisms. The workshop was part of a series of capacity building activities for NHRIs from various African sub-regions planned by IHRDA and NANHRI.

NANHRI, an entity whose membership is open to NHRIs, plays the role of capacity building, coordination and supervision of the latter. NANHRI's mandate consists of encouraging and supporting the establishment of strong and independent NHRIs in Africa. IHRDA is a Pan-African non-governmental organisation based in Banjul, Gambia, working towards strengthening the protection and promotion of human rights in Africa.¹ IHRDA collaborated with NANHRI to organise this workshop in its capacity as the NHRI focal point within the CEAC.

3. Workshop Methodology

The methodology used comprised of presentations by experts, group work as well as discussions in plenary. The first day of the workshop centred on discussions around the mandate of regional African human rights mechanisms, namely the ACHPR, the African Court on Human and Peoples' Rights (ACrHPR), African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and the ECOWAS Court of Justice. Discussions on the second day focused on possibilities of strengthening cooperation

¹ For more information on IHRDA's activities, visit www.ihrda.org.

between NHRIs and African human rights mechanisms with a view to defining a concrete plan of action to popularise and strengthen this cooperation.

4. Workshop Participants

The Dakar workshop was attended by twenty-five (25) participants representing various NHRIs in North and West Africa as well as international organisations. Countries whose NHRIs were represented include Algeria, Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea Bissau, Guinea Conakry, Mali, Mauritania, Morocco, Nigeria, Senegal, Sierra Leone and Tunisia.



The workshop also saw the participation of the ACHPR, ACERWC and the ECOWAS Court of Justice. These institutions were respectively represented by Hon. Ms. Reine Alapini-Gansou, Chairperson of ACHPR, Hon. Commissioner Maryam Uwais, Member of the ACERWC and Hon. Justice Nana Daboya, Chairperson of the ECOWAS Court of Justice. The ACrthPR was not represented at the workshop as the Court was holding its 18th Ordinary Session in Dar es Salaam, Tanzania.

5. Opening of Workshop

The opening ceremony was facilitated by Mr. Gilbert Sebihogo, Executive Director of NANHRI. From the outset, the latter specified that the workshop had been organised by NANHRI and IHRDA and its main objective was to strengthen and promote effective engagement between NHRIs and African human rights mechanisms. Before giving the floor to personalities invited to make opening remarks on this occasion, Mr. Gilbert

Sebihogo expressed his gratitude to IHRDA, OHCHR, OIF, the Commonwealth Secretariat and CSDH whose continued support in multiple forms made the workshop possible.

In his opening speech at the workshop, Dr. Ahmed Herzenni, the NANHRI Chairperson praised the fact that the human rights situation on the African continent had improved in the last decade due to an increase in the number of African human rights institutions. He further reiterated the need to increase the commitment and effectiveness of NHRIs at the regional level through NANHRI whose fundamental mission consists of promoting the establishment of credible NHRIs in line with the international normative standards the *Paris Principles*. It is for this reason that a significant part of NANHRI's 2010-2011 action plan is dedicated to a series of activities aimed at fostering cooperation between NHRIs and African human rights mechanisms.

Dr Ahmed Herzenni concluded his opening remarks by noting that despite the affiliate status granted to NHRIs by the ACHPR, the level of cooperation between these two entities remains very low. The onus is on NHRIs to seize the opportunity offered by the workshop to reflect on possibilities to strengthen this cooperation while exploring possible benefits accruing from such collaboration.

The speech by the NANHRI Chairperson was followed by remarks made by Mr. Amadou Kane, the CEAC Vice Chairperson. Mr. Amadou Kane simply emphasized that although IHRDA and NANHRI had taken the initiative to organise the workshop for NHRIs, the latter needed to use the opportunity offered to discuss issues that hinder cooperation between themselves and the African human rights mechanisms.

Mr. Amadou Kane was followed by Mr Mahamane Cissé Gouro, the Regional OHCHR Representative for West Africa. Mr. Mahamane Cissé Gouro stated that the improved performance of NHRIs must be an objective sought after by all regional and international human rights institutions. It is only NHRIs that are in a position to overcome the political and social challenges they face.²

In addition, Mr. Mahamane Cissé Gouro revealed that in order to strengthen cooperation between NHRIs and mechanisms for the promotion of human rights, it is

² Mr Mahamane Cissé Gouro mentioned that in a report (Report of the Office of the United Nations High Commissioner for Human Rights on the international workshop on enhancing cooperation between international and regional mechanisms for the promotion and protection of human rights A/HRC/15/56) presented during the 15th session of the Human Rights Council, the OHCHR underscored the importance of the establishment of a cooperation system between NHRIs and regional and international human rights mechanisms. More concretely, the OHCHR recommended that « Mechanisms should be set up in order to increase cooperation between NHRIs and international and regional human rights mechanisms, in particular regarding raising awareness, capacity-building and monitoring activities, as well as on follow-up to decisions and recommendations emanating from both human rights mechanisms».

indispensable to count on independent and pluralistic NHRIs, in accordance with the Paris Principles. He added that his institution had a programme for the provision of technical assistance to NHRIs and was very keen on the workshop's outcomes. In conclusion, Mr. Mahamane Cissé Gouro urged participants to identify concrete ways to strengthen cooperation between NHRIs and regional and sub-regional human rights mechanisms, and then confirmed the OHCHR's readiness to accompany NHRIs in the process.

In his address, Mr. Allassane Tigri, the OIF representative, emphasized that the creation of NHRIs was not enough on its own to ensure the promotion of human rights at the national level; it is important to also strengthen their independence, technical capacity, as well as financial autonomy. He indicated that the workshop was a golden opportunity for NHRIs in North and West Africa to explore opportunities offered through collaboration with regional mechanisms in the struggle for the promotion and defence of human rights.

Mr. Allassane Tigri also noted that despite the fact the NHRIs had a national mandate, they needed to interact with regional human rights mechanisms in order to effectively relay the efforts of these mechanisms at the national level. However, for the synergy between NHRIs and regional mechanisms to become operational, it is necessary that NHRIs familiarize themselves with regional human rights mechanisms.

Hon. Reine Alapini-Gansou, the Chairperson of ACHPR, took the opportunity to welcome participants to the workshop and heartily congratulated NANHRI and IHRDA for the significant work accomplished in organising the workshop. Hon. Reine Alapini-Gansou noted that since the creation of the ACHPR 25 years ago, the Commission had designed various strategies to implement the provisions of the African Charter. These strategies include Resolution ACHPR/Res 31 (XXIV) 98 on the Granting of Affiliate Status to National Human Rights Institutions adopted by ACHPR with a view to promoting the implementation of the African Charter on Human and Peoples' Rights (the African Charter) at the national level.

Furthermore, Hon. Reine Alapini- Gansou, urged workshop participants to take stock of their work to enable them to define a very clear way forward and actions which are feasible in the short and medium term.

While declaring the workshop officially open, Hon. Coumba Gaye, the Senegalese Minister responsible for Human Rights, highlighted the issues of concern for participants. In her opinion, the issues were of great importance in the sense that the workshop would enable NHRIs to take ownership of African human rights mechanisms, both at national and regional levels. In addition, Hon. Coumba Gaye appreciated the fact that the African continent had an innovative human rights system

which makes a symbiosis between individual and collective rights, taking into account the specificity of African values.

Hon. Coumba Gaye specified that in the case of Senegal, the authorities are aware of the important role played by NHRIs in promoting and protecting human rights. It is against this backdrop that the CSDH was created by the law in March 10, 1997. Hon. Coumba Gaye thus encouraged participants to define specific strategies to strengthen cooperation between various African human rights protection bodies.

After the opening ceremony, the substantive part of the workshop began with presentations and discussions.

6. Presentations and Discussions

Presentation 1: The African Commission on Human and Peoples' Rights: Duties and Mandate and how NHRIs can better collaborate with the ACHPR.

This presentation marked the first workshop session and was made by Hon. Reine Alapini-Gansou, the Chairperson of ACHPR.

In her presentation on ACHPR's duties and mandate and ways in which NHRIs can collaborate with ACHPR, Hon. Reine Alapini Gansou noted that the ACHPR is the implementing body of the African Charter and its position in the architecture of African human rights mechanisms is special. According to Hon. Gansou, despite the fact that the ACHPR is a quasi-judicial body operating on an ad hoc basis, it plays a significant role in protecting human rights on the continent. The ACHPR discharges its mandate of protecting human rights during two sessions held annually and the creation of the ACrtHPR does not take away ACHPR's protection mandate.

Since the establishment of the ACHPR, the Commission has ensured that its two sessions are effective and in terms of collaboration with non-State actors, there is an NGO Forum that takes place prior to the ACHPR sessions. For years, the NGO Forum has become a platform to be reckoned with and all themes discussed during the forum are addressed during ACHPR sessions. ACHPR is willing to work with NHRIs in the same manner in which it engages with NGOs.

Hon. Reine Alapini-Gansou pointed out that in order to better organise its work, the ACHPR had developed 12 special procedures, including a mechanism on human rights defenders. It is true that this mechanism does not explicitly refer to persons under the employ of NHRIs, but the reality is that it also caters for the latter since NHRI staff are human rights defenders, and consequently, need protection. According to her, NHRIs are key institutions in the protection of human rights at national level, and as a result,

the ACHPR adopted the resolution on granting affiliate status to NHRIs³. The affiliate status granted to NHRIs implies that everything done at the ACHPR level must also be reflected at the NHRI level.

For Hon. Reine Alapini-Gansou, the fact that currently 22 NHRIs have been granted affiliate status by the ACHPR is of concern considering that the number does not constitute even half of the total of existing NHRIs on the continent. In addition to the affiliation required by ACHPR of NHRIs, the Commission recommends that NHRIs report back on-site, when participants return. NHRIs should get into the habit of sending reports of their activities to ACHPR and by so doing, they will not only give the ACHPR an idea of what is happening in States Parties to the African Charter, but will also give an impetus to strengthened cooperation between them and the ACHPR. Guidelines should be developed to assist NHRIs to submit more substantive reports. On the other hand, the ACHPR needs to also seek ways and means to share as much information as possible on NHRIs' activities.

The most important point that came out during discussions is the possibility of NHRIs to create a forum similar to the NGO Forum, on the sidelines of the ACHPR sessions and those of other African human rights mechanisms. Some participants felt that instead of NHRIs creating their own forum, they should simply join the NGO Forum since they have the same objectives. Discussions led to the conclusion that NHRIs and NGOs are created using different procedures and therefore, it would be more appropriate for NHRIs to have their own forum, which is more suited to their working environment.

Presentation 2: Experiences and Challenges for NHRIs to collaborate with the African Commission on Human and Peoples' Rights.

This theme was presented by Mr. Mabassa Fall. From the outset, he recalled that discussions on experiences and challenges faced by NHRIs in working with the ACHPR were timely given that the ACHPR was in the process of undergoing a transformation with the adoption of new rules of procedure.

In his presentation, Mr. Mabassa Fall indicated that the ACHPR resolution on affiliate status had been overtaken by current realities. It was adopted over ten years ago, more specifically in 1998, at a time when cooperation between NHRIs and the ACHPR was almost inexistent and consequently, it needs to be reviewed by the ACHPR in order to tailor it to the current human rights dynamics. Some NHRIs would like to have the affiliate status, but cannot make an application due to the stringent criteria

³ ACHPR/Res. 31(XXIV): Resolution on the status of National Human Rights Institutions at the National Human Rights Commission.

for the granting of affiliate status. The complexity in reviewing applications by NHRIs for affiliate status was also raised by Mr. Mambassa Fall.

Mr. Mabassa emphasized that the new rules of procedure, particularly Rule 74, offers a vast range of opportunities for collaboration between NHRIs and the ACHPR. This rule constitutes a niche for NHRIs; the latter should create their own forum, similar to the NGO Forum, but prior to the creation of such a platform, it is important that NHRIs actively participate in the NGO Forum to draw from the experience of these organisations.

Discussions enabled participants to underscore the urgent need for NHRIs to be more proactive in order to strengthen their cooperation with the ACHPR. NHRIs can contribute towards fostering this cooperation by:

- replicating ACHPR's work at the national level,
- soliciting, when necessary, for provisional measures for victims of human rights violations,
- soliciting interpretation of provisions of the African Charter,
- contributing to the implementation of ACHPR's decisions.

Conversely, the ACHPR would gain a lot by going to NHRIs through NANHRI and, particularly, by appointing a Commissioner as the NHRI focal point. Participants noted that one of the key obstacles to cooperation between NHRIs and the ACHPR was the low number of credible NHRIs. Regarding strategies, the ACHPR should work more to ensure the establishment of independent and credible NHRIs. Once this objective is achieved, it is crucial to think of defining the role of NHRIs, in the medium term, in following up the implementation of ACHPR recommendations.

Presentation 3 : The African Court on Human and Peoples' Rights (ACrHPR) and the Potential Role of NHRIs

In his presentation, Mr. Amadou Kane, the CEAC Vice Chairperson, dwelt on the genesis of the creation of the ACrHPR and its mandate, before addressing the potential role of NHRIs in this institution. He mentioned that the origins of the ACrHPR dated back to the OAU Summit of 1994 and its creation was in response to numerous criticisms levelled against the ACrHPR, in particular, the non-binding nature of its decisions.

According to Mr. Kane, Heads of State and Government of the OAU, the organisation on whose ashes the African Union (AU) was founded, in 1994 at the Tunis Summit decided to establish the ACrHPR in order to fill in the gaps of the ACHPR, especially the non-binding nature of its recommendations. During the OAU 1998 Summit in Ouagadougou, the Protocol on the Creation of the ACrHPR was adopted and on

December 15, 2003, following the depositing of the 15th ratification instrument by the Union of Comoros, the Protocol came into force.

Concerning the potential role of NHRIs in the work of the ACrthPR, Mr. Amadou Kane noted that the fundamental problem is that NHRIs cannot directly access the Court although this obstacle does not completely cut off the possibility of NHRIs engaging with the Court. NHRIs can, for example, play an important role in the implementation of decisions of the ACrthPR by making the public aware of its decisions or sensitizing the public on the existence of this institution. According to Mr. Amadou Kane, for NHRIs to effectively collaborate with the ACrthPR, it is vital that they are independent and have a strong legitimacy, in other words, they should be created through the Constitution or legislation, and not via a decree. Similarly, NHRIs should be managed by independent personalities, rather than State officials who are answerable to a higher authority.

In her remarks, Ms. Sheila Keetharuth, the IHRDA Executive Director, requested participants not to lose sight of the fact that NHRIs will be able to go before the future African Court of Justice and Human Rights (ACJHR) on behalf of victims of human rights violations.

During discussions, some participants mooted the idea that NHRIs engage with the ACrthPR through NANHRI, which would be an effective approach since it is difficult for each NHRI to work individually.

It was also observed that NHRIs are the link between NGOs and government institutions, but this should not be perceived as a barrier since some African mechanisms do not clearly provide for NHRIs to submit matters to them, although some NHRIs had dared to do so. A case in point is the Chadian National Commission on Human Rights and Freedoms which submitted a communication to the ACHPR and gained international acclaim. This is an example that other NHRIs can emulate.⁴

Lastly, it was suggested that NHRIs working under the umbrella of NANHRI submit a complaint to the ACrthPR to test the *locus standi* jurisprudence before the latter. In this regard, Mr. Amadou Kane affirmed that the battle on the capacity of NHRIs to go to court on behalf of victims of human rights violations needs to be fought at regional level as well as national level, where most times, NHRIs do not have the powers to appear before courts and tribunals.

Presentation 4 : The African Committee of Experts on the Rights and Welfare of the Child (ACERWC) : Duties, Mandate and how NHRIs can assist in protecting the African Child

⁴ 74/92 National Commission on Human Rights and Freedoms of Chad, 9th ACHPR Annual Activity Report

Hon. Maryam Uwais, a commissioner at the ACERWC expressed how honoured she was to have received an invitation by the workshop organisers and took the opportunity to present ACERWC, its creation, mandate and difficulties faced by the institution in accomplishing its mission. On ACERWC challenges, Hon. Maryam Uwais, spoke about the difficulties that the ACERWC encountered in seeking relevant information on violations of children's rights.

She subsequently placed this challenge in the context of the need to foster cooperation between NHRIs and African human rights mechanisms, including the ACERWC, noting that the involvement of NHRIs in ACERWC's work could assist the latter collect appropriate information on the ground.

Hon. Maryam Uwais formally declared that one of the ways that the ACERWC can fulfil its mission effectively is by working in partnership with NHRIs which are on the ground. She also posited that it is important for NHRIs to be involved in the examination by the ACERWC of periodic state reports since often information provided by governments does not tally with the reality on the ground.

The various interventions made by participants after Hon. Maryam Uwais presentation highlighted the need for the ACERWC to enhance its visibility so that it is known by NHRIs and this would go a long way in facilitating the establishment of an effective cooperation framework between itself and NHRIs.

Presentation 5 : The ECOWAS Community Court : Duties, Mandate and Possibilities for Collaboration with the Network of ECOWAS NHRIs

This presentation was made by Hon. Justice Hadja Awa Nana Daboya, President of the ECOWAS Court of Justice. Mr. Alioune Ndiaye, the CSDH Coordinator moderated the discussions.

Hon. Justice Hadja Awa Nana Daboya's presentation indicated that according to the initial Protocol establishing the ECOWAS Court of Justice, only States could institute cases before the Court, and from the time the Court was established in 2001 to 2004, it was never seized of any matter. Following the suit filed by a Nigerian businessman Oladije Afolabi whose goods perished due to a border dispute between Benin and his country of origin, Nigeria, advocacy began to ensure access of legal and natural persons to the Court. This advocacy resulted in the amendment of the Protocol in 2005, after which individuals were allowed to have a standing before the Court. Ever since, the Court has received a significant number of cases that has allowed it to set legal precedents.

In the area of cooperation between NHRIs and regional human rights mechanisms, including the ECOWAS Court of Justice, Ms. Hadja Awa Nana Daboya, presented five ways to revitalise this cooperation. The first is sharing of information and data bases

which, in the short and medium term, will facilitate experience-sharing and the coordination of synergies. The second is the organisation of joint activities that will promote the *rapprochement* between NHRIs and regional and sub-regional human rights mechanisms.

The establishment of a chain of work between NHRIs and regional and sub-regional human rights mechanisms is another suggestion made by Hon. Justice Hadja Awa Nana Daboya as part of strengthening cooperation between both entities. In the chain of work, at the upper level, NHRIs can collect applications and complaints that individuals would like to refer to regional mechanisms and submit them on their behalf. On the contrary, at the lower level, NHRI scan assist in the implementation of decisions by regional and sub-regional mechanisms through advocacy and awareness-raising. The fourth cooperation possibility proposed by the the Hon Justice is the application of international jurisprudence at national level by NHRIs who are competent to examine applications; this will make NHRIs take interest in the work of regional and sub-regional human rights mechanisms.

The salient point that came out of the discussions following Hon. Justice Hadja Awa Nana Daboya's presentation is that one of the main areas of collaboration between NHRIs and regional and sub-regional human rights mechanisms consists of implementing decisions made by the said mechanisms.

Presentation 6 : Role of the Office of the High Commissioner of Human Rights in facilitation and interaction between NHRIs and Regional Mechanisms

In his presentation, Mr. Mahamane Cissé Gouro, the Regional OHCHR Representative for West Africa, gave a brief overview of the OHCHR's work before highlighting the various areas of cooperation between his organisation and NHRIs. He affirmed that the mandate of the OHCHR, which is the protection and promotion of human rights in the world is similar to that of regional and sub-regional human rights mechanisms. He observed that NHRIs are key partners of the OHCHR considering that they do the groundwork and play a capital role in the protection and promotion of human rights at the national level. However, he noted that for an NHRI to adequately carry out its mission, it must comply with the Paris Principles which to date are the instrument that govern NHRIs' structure and operations. He specified that the OHCHR has always worked in partnership with NHRIs to build their capacities and in reality, the role of the OHCHR when dealing with NHRIs consists of accompanying, supporting and advising them.

Mr. Mahamane Cissé Gouro further added that is was not a coincidence that the OHCHR Unit in charge of National Human Rights Institutions had changed its name to the OHCHR National Institutions and Regional Mechanisms Section. The change in name underscores the interest manifested by the OHCHR in the cooperation between

NHRIs and regional human rights mechanisms. He urged participants to also reflect on the African human rights strategy being developed by the African Union in order to explore how the strategy can take into account collaboration between NHRIs and regional human rights mechanisms.

Mr. Gilbert Sebihogo, the session's facilitator, while inviting interventions from participants, noted that during various meetings organised by the OHCHR, not all NHRIs were represented since invitations were sent out on the basis of compliance with the Paris Principles. The workshop offered a unique opportunity to NHRIs to discuss possibilities of collaboration with the OHCHR through its representative Mr. Mahamane Cissé.

During discussions, a participant highlighted the importance of the OHCHR intervening in the process of the establishment of the NHRI in Guinea given the context of transition where authorities are still not very open to human rights issues. In response to the concern, Mr. Mahamane Cissé affirmed that the NANHRI Strategic Plan, provides for accompanying emerging NHRIs in order to assist them to comply with the Paris Principles. He added that the OHCHR was exploring the possibility of working with NANHRI so that newly created NHRIs, like the one in Guinea, can get technical assistance.

It emerged from discussions that the OHCHR played a very important role in assisting NHRIs, particularly in the establishment of NANHRI. Participants recognised that one of the reasons for which some NHRIs did not benefit from the OHCHR's support was related to the fact that they were not aware of the existence of the technical assistance programme to NHRIs within the OHCHR. It is therefore crucial to raise awareness about the OHCHR, and specifically its technical assistance programme.

After this presentation, participants worked in groups to come up with guidelines that would feed into preparation of the Action Plan to promote and strengthen cooperation between NHRIs and regional human rights mechanisms.

7. Group Work

For logistical reasons, it was decided that the first working group be bilingual, that is composed of English and French-speaking participants, while the second group be monolingual, comprising French-speaking participants.



Results of the two working groups are presented below.

Francophone Group

The Francophone group made two sets of recommendations: recommendations on cooperation opportunities between NHRIs and all human rights protection mechanisms in general, and proposals pertaining to cooperation between NHRIs and each African mechanism for the protection of human rights.

The Francophone group made the following recommendations for all African human rights mechanisms:

- Sharing of data and information between NHRIs and regional mechanisms ;
- Involvement of NHRIs in monitoring the implementation of recommendations by African human rights mechanisms;
- NHRIs should serve as sources of information on human rights violations to regional mechanisms ;
- Submission of cases before regional human rights mechanisms on behalf of victims of human rights violations ;
- Awareness-raising by NHRIs on African mechanisms for the protection of human rights.

The Francophone group formulated the following specific recommendations to African human rights mechanisms:

Cooperation between NHRIs and the ACHPR

- Advocacy by NHRIs for a more flexible interpretation by the ACHPR of the Resolution on NHRIs' affiliation status ;
- Advocacy for ACHPR to touch up the resolution on NHRIs' affiliate status;
- Advocacy for the ACHPR to grant NANHRI affiliate status ;

- Preparation and presentation of credible activity reports by NHRIs to the ACHPR ;
- Involvement of NHRIs in ACHPR's working groups ;
- Advocacy for the appointment of a focal point by ACHPR to work with NHRIs

Cooperation between NHRIs and the African Committee of Experts on the Rights and Welfare of the Child

- Awareness-raising activities by NHRIs on the African Charter on the Rights and Welfare of the Child and ACERWC ;
- Technical support by NHRIs to the ACERWC Secretariat;
- Advocacy by NHRIs for ratification of the African Charter on the Rights and Welfare of the Child;
- Participation of NHRIs in the preparation of periodic reports to be submitted within the framework of the African Charter on the Rights and Welfare of the Child;
- Involvement of NHRIs in monitoring the implementation of the African Charter on the Rights and Welfare of the Child;
- Participation of NHRIs in ACERWC's identification of NGOs specialising in issues related to children's rights.

Cooperation between NHRIs and the ACrTHPR

- Submission of cases by NHRIs to the ACrTHPR in order for the latter to make a ruling on the ability of NHRIs to refer cases to it;
- Advocacy by NHRIs for the ratification of the Protocol on the merger of the African Court on Human and Peoples' Rights and the Court of Justice of the African Union.

Cooperation between NHRIs and the ECOWAS Court of Justice

- Information sharing through the submission of NHRI activity reports to the ECOWAS Court of Justice;
- Organisation of joint activities;
- Transmission of information by NHRIs to the ECOWAS Court of Justice;
- Representation of victims of human rights violations before the ECOWAS Court of Justice.

Bilingual French and English-Speaking Group

The bilingual group made the following recommendations:

Cooperation between NHRIs and the African Court

- Advocacy by NHRIs for the amendment of the Protocol establishing the African Court in order to ensure that individuals can get a standing before it;
- Submission of complaints by NHRIs to the ACrTHPR through NANHRI.

Cooperation between NHRIs and the ACHPR

- Advocacy for the adoption of general comments by ACHPR on the affiliate status granted to NHRIs ;
- Advocacy for the adoption of a new resolution by ACHPR on the affiliate status granted to NHRIs;
- Creation of an NHRI Forum similar to the NGO Forum ;
- Elaboration of guidelines to assist NHRIs to submit quality reports to ACHPR.

Cooperation between NHRIs and the ACERWC

- Advocacy by NHRIs in countries such as Tunisia and the Central African Republic, etc. for the ratification of the African Charter on the Rights of the Child;
- Submission of applications of NHRIs for observer status at the ACERWC;
- Support by NHRIs to the ACERWC through sharing of information ;
- Participation of NHRIs at ACERWC sessions;
- Advocacy to encourage the sharing of ACERWC activity reports with NHRIs.

Cooperation with the ECOWAS Court of Justice

- Submission of cases by NHRIs on behalf of victims of human rights violations before the ECOWAS Court of Justice ;
- Contribution of NHRIs in monitoring and implementing decisions of the ECOWAS Court of Justice ;
- Establishment of an information-sharing mechanism between NHRIs and the ECOWAS Court of Justice.

8. Workshop Action Plan

Working group results facilitated the development of the action plan below:

Short-Term

- Submission of an application by NANHRI to the ACHPR for granting of observer status ;
- Advocacy through a declaration during the 48th ACHPR session for the appointment of an NHRI focal point with ACHPR;
- Development of guidelines for the preparation of substantive activity reports to be submitted to ACHPR;
- Awareness-raising activities targeting NHRIs on the existence of African human rights mechanisms;
- Advocacy for the adoption by ACHPR of another Resolution on the Affiliate Status of NHRIs.

Medium Term

- Representation of victims of human rights violations before African human rights mechanisms ;
- Development of strategies to enable NHRIs to be effectively involved in the follow-up of the implementation of decisions by African human rights mechanisms ;
- Involvement of NHRIs in ACHPR working groups ;
- Awareness-raising among NHRIs on the need to apply for observer status with the ACERWC.

Long Term

- Organisation of joint activities with regional human rights mechanisms ;
- Creation of an NHRI forum on the sidelines of ACHPR sessions.

9. Closing of Workshop

The workshop's closing ceremony was presided over by the Principal Secretary of the Minister of Justice of Senegal, Mr. Cheich Tidjane Sy.

The first closing speech was made by Mr. Djibril Badiane, the CEAC Focal Point for West Africa, who first thanked participants for having honoured the workshop with their presence as well as the Government of Senegal for actively participating in the opening ceremony. Mr. Djibril Badiane noted that although the workshop was very rich in terms of information-sharing and discussions, it is only through feedback that the objectives set out could be achieved. One of the main points that Mr. Djibril highlighted in his speech was the need for NHRIs to take "ownership" of African human rights mechanisms. According to him, "ownership" is the most effective way to ensure the respect of human rights in Africa.

Mr. Djibril Badiane was followed by Dr. Ahmed Herzenni, the NANHRI Chairperson. The latter first expressed satisfaction that during the workshop fruitful discussions were held despite the intense agenda. He then affirmed that the final declaration reflected various concerns raised throughout the proceedings. Dr. Ahmed Herzenni also made two comments to the workshop participants. Firstly, he urged participants not to perceive the relationship between NGOs and NHRIs as competition since both entities were conducting the same work and it was therefore important to create synergies. For Dr. Herzenni, the human rights cause was a symphony and for the symphony to work, it was crucial that several stakeholders should be involved. Lastly, Dr. Ahmed Herzenni underscored the need to never de-contextualise discussions on human rights in Africa. He acknowledged that NHRIs operate in a very difficult context but needed to face this reality head-on in order to better evaluate their actions.

« The harvest has lived up to its promise ». This was the saying that Ms. Reine Alapini-Gansou, ACHPR Chairperson, used to begin her closing remarks in reference to the full success of the workshop. For Ms. Reine Alapini-Gansou, the workshop theme Cooperation between NHRIs and African Human Rights Mechanisms was pertinent, especially at present when one of the key obstacles to ensuring that human rights take root on the continent was the lack of cooperation between NHRIs and the above mechanisms. She concluded by expressing her desire to see other countries follow the example of Senegal that was one of the few African countries willing to discuss human rights issues.

The last closing speech was made by Mr Cheich Tidjane Sy, the Principal Secretary of the Minister of Justice of Senegal, who expressed his sincere gratitude to the workshop organisers for the invitation addressed to the Government of Senegal. He then reiterated that Senegal accorded great importance to the respect for human rights. The proof was that issues related to human rights were tackled head-on by his country's authorities.

Mr. Cheich Tidjane Sy took the opportunity to thank all workshop participants and renewed Senegal's commitment to work with NHRIs and other human rights actors. In addition, he affirmed that Senegal's highest authorities would be informed of the workshop's outcomes and that no efforts would be spared in implementing recommendations formulated by participants. Mr. Cheich Tidjane Sy also thanked the personalities from ACHPR, ACERWC and the ECOWAS Court of Justice for their contributions to the proceedings, as well as all partners who made it possible to hold the workshop. He declared the workshop officially closed.

10. Conclusion

The Dakar workshop was a success not just in terms of participation, but also discussions. The main objective which was to provide a discussion framework on challenges hindering cooperation between NHRIs and African human rights mechanisms was achieved. The Action Plan developed on the basis of recommendations formulated by participants takes into account these challenges and its implementation will strengthen cooperation between NHRIs and African human rights mechanisms. At the end of the workshop, participants adopted the Dakar Declaration.

It is important to note that the *Organisation internationale de la Francophonie* (OIF), the United Nations Office of the High Commissioner of Human Rights (OHCHR) and the Senegalese Ministry of Human Rights took part in the opening ceremony. These partners were represented by Mr. Alassani Tigri, Mr Mahamane Cissé Gouro and Ms. Coumba Gaye respectively.

11. Dakar Declaration

National Human Rights Institutions (NHRIs) in North and West Africa renewed their commitment to work with African and international human rights mechanisms during a workshop held in Dakar, Senegal, on 27 and 28 September 2010. The workshop was attended by **21** high-ranking officials from NHRIs in the two sub-regions.⁵

NHRIs are crucial at national, regional and international levels in protecting human rights. While domestically they deal with core human rights issues, they also interact with regional and international human rights mechanisms. They thus serve as a channel to domesticate regional and international human rights norms on the one hand, and raise key human rights concerns at national level to regional and international levels on another.

Workshop participants recognized that the establishment of regional human rights mechanisms represented a significant milestone in the evolution of initiatives to promote and protect human rights, justice and the rule of law in Africa. Participants were exposed to the crucial role played by the African Commission on Human and Peoples' Rights, the Committee of Experts on the Rights and Welfare of the Child, the African Court on Human and Peoples' Rights and the Court of Justice of the Economic Community for West African States. Participants agreed that it was a rare advantage to be able to actively engage and interact with representatives⁶ of these institutions to increase their involvement and effectiveness at the regional level.

During the two-day workshop, participants endeavoured to familiarize themselves with the African regional human rights mechanisms and their different mandates and modes of implementation. They also shared experiences, challenges and good practices on the work of the above-stated bodies, while interacting with their representatives. Finally, the workshop provided the opportunity to explore areas and strategies for greater involvement and engagement of NHRIs with these human rights mechanisms.

The need to enhance the strategic partnership between NHRIs and African human rights mechanism was greatly felt. Mutual benefit could be derived, among others, through:

- Ratification of relevant human rights instruments;

⁵ List of NHRIs attending: **Algeria, Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Ghana, Guinea Bissau, Guinea Conakry, Mali, Mauritania, Morocco, Nigeria, Senegal, Sierra Leone, Tunisia.**

⁶ No representative from the African Court on Human and Peoples' Right attended because the Court is currently holding its 18th session in Dar es salaam, Tanzania, from 20.09.10.

- Monitoring implementation of recommendations and decisions of regional human rights mechanisms;
- Engaging with State Parties to present their initial and periodic reports;
- Providing assistance during fact-finding missions;
- Conducting advocacy for the promotion and protection of charter-based rights; and
- Opening direct lines of communications between NHRIs and African Human Rights Mechanisms through NANHRI.

Workshop participants expressed their sincere thanks to the African Committee of Experts on the Rights and Welfare of the Child, to the African Commission on Human and Peoples' Rights and to the Court of Justice of the Economic Community of West African States for having made the journey to participate to the Dakar workshop. They also expressed their appreciation to the Office of the High Commissioner for Human Rights, the Commonwealth Secretariat, the *Organisation internationale de la francophonie* and the Coalition for an Effective African Court on Human and Peoples' Rights which provided financial and technical support for the organization of the workshop. The Dakar workshop participants also expressed their gratitude to the government of Senegal through the minister holding the human rights portfolio who chaired the opening ceremony, as well as the minister of justice who was represented at the closing ceremony by his chief of staff. At the end of the workshop, participants defined the broad lines for the Plan of Action intended to reinforce the cooperation between the NHRIs and the African human rights mechanisms.

Background

The overall objective of the Dakar workshop was to enhance and promote effective engagement of NHRIs in north and west Africa with the African regional human rights mechanisms. The workshop organizers were the Network of African Human Rights Institutions (NANHRI) and the Institute for Human Rights and Development in Africa (IHRDA). Being a membership body with an oversight role, NANHRI has a mandate to encourage and support the establishment of strong and independent NHRIs in Africa. IHRDA is pan-African human rights NGO based in Banjul, The Gambia, working to strengthen human rights protection and promotion in Africa by offering *pro bono* legal counsel for victims of human right abuses, conducting training and disseminating information on the African human rights system. IHRDA partnered with NANHRI in its capacity as the focal point for NHRIs with the Coalition for an Effective African Court (CEAC). The Office of the High Commissioner for Human Rights (OHCHR), the Commonwealth Secretariat, *l'Organisation Internationale de la Francophonie* (OIF) and CEAC provided technical and financial support. The workshop host, the **Comité Sénégalais des Droits de l'Homme**, provided logistical support.

Adopted on the 28th September 2010 in Dakar, Senegal

11.2 Participants' List

Sn	Name	Organization	Email Address
1.	Cohen Zelinda	Comissao Nacional Rara os Direitos Humanos e a Cidadania (CNDHC), Praia, Cape Verde	zelinda.cohen@cndhc.gov.cv
2.	Sangaré Coulibaly Kadidia	<i>Commission Nationale des Droits de l'Homme</i> (CNDH), Bamako, Mali	skadidia_1@yahoo.fr
3.	Yameogo Thierry Donald Armel	<i>Commission Nationale des Droits Humains du Burkina</i> , Burkina Faso, Ouagadougou	cndhburkina@yahoo.fr ou tayd17@gmail.com
4.	Aida Costa Injai Fernandez	<i>Commission Nationale des Droits de l'Homme</i> (CNDH), Bissau, Guinea Bissau	aidyfer@yahoo.com.br
5.	Barry Mamadou Aliou	<i>Observatoire National de la Democratie et des droits l'Homme</i> (ONDH), Conakry, Guinea Conakry	barryaliou1@hotmail.fr
6.	Moussouvikpo Kuessi Antonin	<i>Commission Béninoise des Droits de l'Homme</i> , Cotonou, Benin	m.azandegbe@yahoo.fr
7.	Merdjana Abdelouahab	Nationale Consultative de Promotion et de Protection, des droits l'Homme Algeria, Algeria	Merjana2000@yahoo.fr merdjana2000@yahoo.fr
8.	Mr. Moctar KANE	<i>Commission Nationale des Droits</i>	bkoita2000@yahoo.fr

		<i>de l'Homme de Mauritanie</i>	
9.	DELBE Zirignon Constant	<i>Commission Nationale des Droits de l'Homme de Côte d'Ivoire</i>	delbe_constant@yahoo.fr
10.	Mr Slaheddine Khlifi	<i>Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales , Tunisie</i>	hcdh@email.ati.tn khlifi.slaheddine@yahoo.fr
11.	Ms Sonia Kabba	<i>Commission Nationale des Droits de l'Homme du Sierra Leone</i>	sonniapple@yahoo.com
12.	Divine Akosua Adade	Commission of Human Rights and Administration of Justice of Ghana	esiakovi@yahoo.com
13.	Mr Yakubu Abdulhaman Ayinde	National Human Rights Commission, Nigeria	nhrcnigeria@yahoo.com
14.	Mme Reine Alapini-Gansou	Chairperson of the African Commission on Human and People's Rights	alapinireine@yahoo.fr
15.	Mme Maryam Uwais	Member of the African Committee of Experts on the Rights and Welfare of the Child	maryamu@wali-uwais.com maryamu@leapafrika.org
16.	Saka Azimazi	Executive Secretary of the Network of National Human Rights Institutions /ECOWAS, Abuja, Nigeria	azimazi@yahoo.com

17.	Amadou Kane	CEAC	amalika@hotmail.com
18.	Mr Djibril Badiane	CEAC	aabadiane@yahoo.fr
19.	Dr. Ahmed HERZENNI	Chair of the NANHRI, Morocco	mdalilam@yahoo.fr ghizlanetrad@gmail.com
20.	Hon. Justice Nana Daboya	President of the ECOWAS Court	hadjaawa@yahoo.fr
21.	Hon. Ms Coumba Gaye	Minister of Justice, Republic of Senegal	
22.	Mr. Alasani Tigri	OIF Representative	
23.	Sheila B. Keetharuth	IHRDA	sbkeetharuth@ihrda.org
24.	Angela Naggaga	IHRDA	anaggaga@ihrda.org
25.	Ndiaye Alione	CSDH	csdh@orange.org
26.	Neldjingaye Kameldy	IHRDA	kameldy@yahoo.fr
27.	Gilbert Sebihogo	NANHRI	gsebihogo@nanhri.org
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31.	Aboubacry Mbodji	Ministry in Charge of Human Rights	ambodji@yahoo.fr

10.3 Workshop Programme

Day 1	Monday 27 September 2010
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09:00 – 09:30 **Registration**

09:30 – 09:45 **Introduction of resource persons and participants**

09:45 – 10:30 **Opening**

- a. Dr. Ahmed Herzenni, NANHRI Chairperson
- b. IHRDA/CEAC Representative, Amadou Kane
- c. Mahamane Cisse Gouro, OHCHR Representative
- d. Mr. Alassane Tigri, OIF Representative
- e. Hon. Ms. Reine Alapini Gansou, ACHPR Chairperson
- f. Hon. Ms Coumba Gaye, Minister of Justice, Republic of Senegal.

10:30 – 10:45 **Coffee break**

Session 1: OVERVIEW OF REGIONAL HUMAN RIGHTS MECHANISMS

10:45 – 11:45 **The African Commission on Human and Peoples’ Rights: Its functions and Mandate and how can NHRIs collaborate better with the Commission**

- a. Chairperson – Gilbert Sebihogo
- b. Resource Person –Hon. Reine Alapini Gansou, Chairperson ACHPR

11:45 – 12:45 *Experiences of NHRIs interacting with the African Commission*

- a. Chairperson – Gilbert Sebihogo
- b. Resource person – Mabassa Fall

12:45 – 14:00 **Lunch**

14:00 – 15:00 **African Court on Human and Peoples’ Rights and NHRIs potential role**

The enforcement of the African Human Rights Mechanisms recommendations and decisions at the national level

- a. Chairperson – Sheila Keetharuth, Executive Director, IHRDA
- b. Personne ressource – Amadou Kane, CEAC

15:00-16:00 **African Committee of Experts on the Welfare of the Child Its functions and mandate and how can NHRIs assist in protecting the African child**

- a. Chairperson – Sheila B. Keetharuth
- b. Resource person –Hon. Maryam UWAIS

16:00 – 16:15 **Coffee Break**

16:15 – 17:15 **The ECOWAS Community Court, its mandate & Function and opportunities of collaboration with the Network of NHRIs of the ECOWAS member states**

- a. Chairperson – Alioune Ndiaye
- b. Resource person –Hon. Justice Nana Daboya, ECOWAS Court President

17:15-17:45 **Overview of Day One**

- a. Chairperson – Gilbert Sebihogo
- b. Resource person – Sheila B. Keetharuth

Day 2	Tuesday, 28 September 2010
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Session 2 ROLE OF OHCHR

9:00-10:30 *Role of OHCHR in facilitating the interaction between NHRIs and Regional Mechanisms*

- a. Chairperson – Gilbert Sebihogo
- b. Resource person - Mahammane Cisse

10:30 – 11:00 **Coffee Break**

Session 3: GROUP WORK

11:00 – 12:30 *Strategies for Action Plan*

- a. Chairperson – Alioune NDIAYE
- b. Resource person – Sheila B. Keetharuth

12:30 – 14:00 **Lunch**

Session 4: COMMITMENT AND ACTION PLAN

14:00 – 16:00 *Opportunities for NHRIs Cooperation with regional mechanisms
Draft Resolutions and Action Plan*

- a. Chairperson – Hon. Reine Alapini Gansou, Chairperson ACHPR
- b. Resource person – NANHRI

16:00 – 16:30 **Coffee Break**

16:30 – 17:00 **Workshop Closure**

- a. NANHRI
- b. Djibril Badiane, CEAC, Focal Point for West Africa

- c. Hon. Reine Alapini Gansou, Chairperson ACHPR
- d. Hon. Coumba Gaye, Minister of Justice and Human Rights, Senegal