



**A STATEMENT OF**  
**THE NETWORK OF AFRICAN NATIONAL HUMAN RIGHTS INSTITUTIONS**  
**(NANHRI)**  
**DURING THE 71<sup>ST</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON**  
**HUMAN AND PEOPLES' RIGHTS**

**Presented by NANHRI Chairperson**  
**Dr. Elasto Hilarious Mugwadi**

**April 2022**

**The Chairperson of the African Commission on Human and Peoples' Rights Honourable Remy Ngoy Lumbu;**

**Distinguished Representatives of AU Member States;**

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

**Representatives of the African National Human Rights Institutions;**

**Representatives of CSOs, NGOs and other actors;**

**Distinguished Guests;**

**Ladies and Gentlemen;**

On behalf of the Network of African National Human Rights Institutions, it is with profound pleasure that I address this auspicious occasion of the 71<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights.

As critical human rights actors, the 71<sup>st</sup> Ordinary Session offers us a platform to retrospect into the human rights situation on the continent with a view to consolidating our efforts towards serving the citizens of Africa better.

The Session is also taking place a few days after Africa commenced the 28<sup>th</sup> Anniversary of the Genocide Against the Tutsis in Rwanda, which annihilated more than 800,000 people in 100 days. This session therefore, presents us with yet another opportunity to reflect on the importance of conflict prevention, resolution and sustainable peace.

### **Honourable Commissioners and Distinguished Delegates**

Mentioning the loss of thousands of lives in Rwanda in 1994 sparks fear in most of us when we see prolonged armed conflicts and civil unrests in Africa. We do not rhetorically speaking, fear that we will lose lives; we do not fear that property will be destroyed; we do not fear that many people are uprooted from their homes and the firm African social fabric of warmth and unity is torn into shreds- we bitterly fear that we do not learn from the past.

Our actions come rather too late to deter deterioration of delicate situations. I say this because in a number of occasions we have addressed this august sitting, we have called for swift actions from the national and regional actors to prevent possible violent conflicts. But such situations continue to ravage

our countries, several decades after independence. Allow me to highlight the situation in the Republic of Sudan, which has been fragile since 2019. To date, the country is being foraged and mangled by political, economic and social instability.

Other violent conflicts, such as in Cameroon, the Democratic Republic of the Congo, South Sudan, Somalia, Sahel region, among others, are seemingly ignored or allowed to continue until self-resolution or immolation.

The continent has also witnessed umpteen and attempted coups in a number of countries, with the West Africa sub-region being the most recently affected. It is even more worrying that the regional and international actors are condemning the coups while the citizens seem to be in support of these unconstitutional changes of government. The big question is, are the democratic structures failing the people?

As we collectively reflect on these matters, it is with a heavy heart that I specifically implore the African Union to lead the process of resolving these simmering conflicts and avert possible genocides.

After the genocide in Rwanda, we cannot afford another annual continental commemoration of mass loss of lives.

### **Ladies and Gentlemen**

For the third year now, the African Commission has been hosting its sessions virtually because of COVID-19. Although we are not yet safe from the pandemic, I want to acknowledge that collaboration and coordination have helped us in various ways to remain relatively safe, having survived since February 2020- when the first case was reported in Africa.

While this is commendable, the economic impact of the pandemic continues to ravenously ravage the continent, with life becoming increasingly unaffordable for millions of people across the continent.

Through discussions and consultations between and among State and non-State actors, various plans have been put in place to revive the economies. The revival plans, however, are faced by a number of other external factors - a factor that calls for more multi-stakeholder collaboration to a steady trajectory to sustainable recovery.

In addition, it is paramount for the States to establish mechanisms of preventing further collapse of the economies, which are already in precarious states due to COVID-19.

As the end of the fight and the persistent threat of the emerging strains of the pandemic remain unknown, strategic food, medical and other essential reserves, frugality and other precautionary measures must be taken to avert human rights and humanitarian crises in case the situation deteriorates further.

### **Distinguished Delegates**

Allow me to also register our concerns on migration within and beyond the continent. While we have been calling for programmatic approaches to ending the migration crisis in Africa, we are still losing thousands of youths who drown in the seas as they seek better fortunes abroad. In 2021 alone, at least 641 youths<sup>1</sup>- almost two youths per day- perished in the Mediterranean Sea. We have not talked about the thousands who are in detention camps, in Africa and Europe; we have not talked about those who die in the tumultuous journey through the Sahara Desert; we have not talked about those who are captured and sold as slaves in the northern frontiers of the continent; we have not talked about those who are said to be forced to donate organs for the black market.

With the economic downturns of the continent and the globe biting more due to the aforementioned factors, urgent and deliberate moves must be taken to arrest the situation before it turns calamitous.

It is also time to evaluate the steps being taken by various stakeholders in implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM), which was adopted in 2018 ahead of the Review Forum in May, 2022.

As NHRIs, through the NANHRI Working Group on Migration, we are also evaluating our performance against the commitment we made during the 12<sup>th</sup> Biennial Conference in Cairo, Egypt, in supporting implementation of the GCM. Reflections from this process will help strengthen our collective approach to sustainable migration.

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<sup>1</sup> <https://www.statista.com/statistics/1095359/number-of-recorded-deaths-of-migrants-in-the-mediterranean-sea-by-origin/>

## **Honorable Commissioners, Ladies and Gentlemen**

While the youths are taking dangerous journeys to other continents with the hope of better jobs and life, the lucky ones working here are not any better. Indeed, the [NANHRI Member Survey on Business and Human Rights and Sustainable Oceans](#) of 2021 shows that labour rights are at the forefront in business and human rights violations.

Data on complaints lodged with the National Human Rights Institutions (NHRIs) in Africa revealed that gender-based discrimination was at the top, at 60 percent while poor pay and unsafe working conditions ranked 58 and 45 percent respectively. Data collected on business and human rights covered the period 2014-2021 while information on sustainable oceans focused on 2016-2021 in line with the Sustainable Development Goals (SDGs).

This trend should worry everyone who is concerned about the tomorrow of the continent.

This is especially important now that the continent has also embarked on implementation of the Africa Continental Free Trade Area (AfCTA) agreement, which is envisioned to spur trade within the region.

Direct investment into Africa through multinational companies and other sources has been growing with the continent registering at least US\$23billion<sup>2</sup> in 2021 despite the pandemic.

## **Distinguished Participants**

Such a positive show of interest in investment in Africa, however, comes with the challenges highlighted in our survey. This is one of the reasons the Fourth National Human Rights Institutions Forum (NHRIs Forum) was held on April 12-13, 2022 in Banjul, the Gambia, ahead of the 71<sup>st</sup> Ordinary Session of the African Commission on Human and Peoples' Rights under the theme:

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<sup>2</sup> <https://live.worldbank.org/driving-foreign-direct-investment-to-africa>

*Integrating a Protect, Respect, and Remedy Approach to Business and Human Rights in Africa, as a Lever towards the Acceleration of Human, Social, and Economic Capital Development.*

Among other issues, the NHRIs Forum was concerned that despite the continent being the economic hub of today and tomorrow, weak structural policies impede inclusion of a human rights-based approach to development.

One of the biggest concerns was the delayed adoption of the African Union Policy of Business and Human Rights, which is supposed to guide on the adoption of a legally binding instrument on businesses in Africa.

It was further noted that despite the UN Guiding Principles on Business and Human Rights being adopted in 2011, only two countries, Kenya and Uganda have developed national action plans paving the way for implementation.

The Forum developed and adopted a resolution, which has been shared with the African Commission on Human and Peoples' Rights for consideration.

**Honorable Commissioners, Distinguished Delegates, Ladies and Gentlemen**

In conclusion, the African NHRIs, are ready to support the African Commission on Human and Peoples' Rights and all other stakeholders in ensuring the continent moves to the next level of the **#AfricaWeWant** where **#NoOneisLeftBehind**.

On this note, allow me to wish you very fruitful deliberations and expect actions from the 71<sup>st</sup> Ordinary Session.

**I Thank you!**