



CONCEPT NOTE

AFRICA HUMAN RIGHTS DAY

**“Fighting Corruption and Advancing Human Rights:
Our Collective Responsibility”**

21 OCTOBER 2018

DEPARTMENT OF POLITICAL AFFAIRS

AFRICAN UNION COMMISSION

ADDIS ABABA

ETHIOPIA

I: Background:

1. The Constitutive Act of the African Union (AU), in Article 3(h) provides a clear mandate on the promotion and protection of human and peoples' rights on the continent. This mandate, is further reinforced, by the continental human rights instruments, including, the African Charter on Human and Peoples' Rights and other national, regional and international human rights instruments.
2. Over the years, strong and convincing arguments have been advanced on the nexus between corruption and human rights violation. These arguments, amongst others, informed the decision of the Thirty-fourth Ordinary Session of the African Union Assembly of Heads of State and Government in June 1998 in Ouagadougou, Burkina Faso, to request the then Secretary General of the Organization of Africa Unity (OAU) to convene, in cooperation with the African Commission on Human and Peoples' Rights (ACHPR), a high level meeting of experts to consider ways and means of removing obstacles to the enjoyment of economic, social and cultural rights, including the fight against corruption and impunity and propose appropriate legislative and other measures. Some of the recommendations of the meeting included the adoption of the African Union Convention on Preventing and Combating Corruption and the establishment of the African Union Advisory Board on Corruption (AUABC).
3. It is in the context of the foregoing, that article 22 (5g) of the African Union Convention on Preventing and Combating Corruption provides for collaboration between the African Commission on Human and Peoples' Rights and the African Union Advisory Board on Corruption in the fight against corruption.
4. On its part, recognizing that that illicit capital flight undermines the capacity of State Parties to implement the African Charter on Human and Peoples' Rights and to attain the Millennium Development Goals (now Sustainable Development Goals) and that human rights cannot be fully achieved without the availability of resources, the ACHPR continues to interrogate the impact of illicit capital flight from Africa on human rights and to seek ways and means of contributing to the development of effective human rights-based measures and solutions to this challenge.
5. It was on this basis that it adopted Resolution 236 in 2013, in which it called on its Working Group on Economic, Social and Cultural Rights in Africa and its Working Group on Extractive Industries, Environment and Human Rights Violations in Africa to 'undertake an in-depth study on the impact of illicit capital flight on human rights in Africa', within the framework of its mandates to: within its mandate to undertake studies and researches on African

problems in the field of human and peoples' rights, and give its views or make recommendations to Governments as appropriate (Art. 45(1)(a)).

II. Corruption and Human Rights Violation:

6. Corruption has been identified as one of the major challenges to socio-economic transformation, peace, security and development. Although, corruption is a global phenomenon, its practice in Africa has become so endemic that if no radical measures are taken to immediately curb it, the continent may never achieve the development goals and vision as envisaged in Agenda 2063, and the people of Africa may not fully enjoy their human rights as deserved. The right to development is an inalienable right and every human being is entitled to enjoy economic, social, cultural and political rights. Since corruption is a threat to development, Africans may not fully realize the above rights if the scourge continues as it is today in Africa.
7. In 2002, the African Union's study estimated that corruption costs the continent roughly \$150 billion a year. Africa is currently losing between \$50 billion and \$80 billion a year to illicit financial outflows and \$148 billion are drained out of Africa through various corrupt activities, and the act represent about 25% of Africa's average GDP¹. The implication of these corrupt practices on enjoyment of human rights, particularly socio-economic rights in Africa remains a serious challenge. The large-scale corruption in Africa's resources and wealth has seriously hindered governments' ability to fulfil their human rights obligations, thereby preventing millions of access to their socio-economic rights. Corruption drains states and spur economic crisis, which, inevitably magnify hunger and violations of human and peoples' rights.
8. Corruption thus matters in human rights because it compromises the ability of Nation States to fulfill their obligation to uphold, respect and protect the human rights of individuals within their jurisdictions, and impedes the full realization of these rights by the beneficiaries. Corruption is therefore a structural obstacle to the enjoyment of human rights. More so, as human rights are indivisible and interdependent, the impacts of corruption are numerous and touch on all aspects of human rights i.e. the civil, political, economic, social and cultural rights, as well as the right to development.

¹ See presentation of Ms Vera Songwe, the Executive Secretary of the United Nations Economic Commission for Africa (UNECA) to the 32nd ordinary Session of the Executive Council of the African Union summit in Addis Ababa, Ethiopia, and the report of President Mbeki's high-level panel on illicit financial flows (IFF) for more details.

9. In order to address the above challenge(s) in Africa, the African Union Policy Organs in Decision *Ex.Cl.Decision 951 (XXX)* declared 2018 as the Africa Anti-Corruption Year- with the theme “*Winning the Fight Against Corruption: A Sustainable Path to Africa’s Transformation*”. In addition, different programs have been embarked upon to operationalize aspiration 3 of Agenda 2063, which calls for an Africa of good governance, democracy, respect for human rights, justice and the rule of law to, among other things, combat corruption in Africa.
10. In view of the foregoing and considering the negative effects of corruption on access to and development of human rights on the continent, the African Union and its member states will commemorate the 2018 Africa Human Rights Day across the continent to re-energize its resolve to curb corruption.

III. The African Human Rights Day:

11. The African Charter on Human and Peoples’ Rights was adopted in Nairobi, Kenya on 28 June 1981. It entered into force on 21 October 1986. The instrument forms the normative framework on which the African human rights system is anchored. During its fifth (5th) Ordinary Session held in Benghazi, Libya in 1989, the ACHPR adopted Resolution *ACHPR /Res.1 (V) 89* on the celebration of an African Day of Human and Peoples Rights. It is for this reason that Member States of the African Union commemorate 21 October of each year as the African Human Rights Day to reflect and recommit to the solemn declaration by the African leaders and the African peoples to promote and protect human and people’s rights on the Continent.

IV. Commemoration of the 2018 African Human Rights Day: Theme and Justification.

12. The theme of the 2018 African Human Right Day is “*Fighting Corruption and Advancing Human Rights: Our Collective Responsibility*”. Over the years, experience in the fight against corruption has shown that one single anti-corruption measure is not enough to successfully deal with the scourge. Multiple initiatives from different angles are needed to successfully win the fight. This explains why the fight against corruption must be approached from both vertical and horizontal angles; meaning that, the fight against corruption will be more successful when the government combines its anti-corruption initiatives with that of other stakeholders, including the civil society.

Such multi-dimensional approach to anti-corruption also applies to human rights promotion and protection. The citizens, civil society organizations,

corporate organizations and States must work together in the fight against corruption, and the promotion and protection of human and peoples' rights, as no one entity can singlehandedly fight corruption and human rights violations. It is in this context, coupled with the fact that the theme of the African Union for 2018 is *Winning the fights Against Corruption: a Sustainable Path to Africa's Transformation*, and as well as in view of the established linkages between corruption and human rights violation that the African Union has decided to dedicate the 2018 African Human Rights Day to "*Fighting Corruption and Advancing Human Rights: Our Collective Responsibility*". The African Union venue for this year's commemoration will be Banjul, The Gambia, being the headquarters of the ACHPR.

V. Goal and Objectives:

13. The overall goal of the commemoration is to deepen the commitment of the African Union, the Regional Economic Communities, AU member States and African citizens to the fight against corruption and within the context of the Human and Peoples' Rights Decade in Africa 2017-2026², to invest in the promotion and protection of human and people's rights on the continent.

VI. Specific Objectives are to:

1. Establish the nexus between corruption and human rights violation and to sensitize the public in this regard;
2. Raise awareness on the danger and effects of corruption on human rights enjoyment;
3. Promote AU Member States' commitment to the fight against corruption as one of the mechanisms for realizing human rights in Africa;
4. Encourage the commitment of National Human Rights Institutions, African Civil Society Organizations and other stakeholders to the fight against corruption, promotion of accountability, and advancement of human and people's rights;
5. Establish a common understanding that the fight against corruption and the promotion and protection of Human and Peoples' Rights is a collective responsibility of both all stakeholders;
6. Provide a platform for initiating discussions about strategies to enhance

² Declaration of the Assembly on the Theme of the Year, Assembly/AU/Decl.1(XXVII) Rev.1, 17-18 July 2016.

complementarity, partnership and dialogue between the ACHPR and AUABC as envisioned by the African Union Convention on Preventing and Combating Corruption.

VII. Expected Outcomes:

1. Deepened Culture of Human Rights, Transparency and Accountability in Africa
2. Report/Publication of Presentations and proceedings of the 2018 African Human Rights Day
3. Recommendations, concrete strategies and innovative ideas on combating corruption so as to positively human and peoples' rights in Africa

VIII: Methodology:

The celebration of the 2018 Human Rights Day will comprise the presentation of a keynote paper on the theme of the Day followed by panel discussion; as well as rallies and awareness creation in the media. Meanwhile, all the AU Member States are to adopt the most suitable/appropriate methodologies that best suit their respective contexts.

IX: Venue:

The Commemoration will take place at the Headquarters of the ACHPR in Banjul, The Gambia, and in all the African Union Member States.

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