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**OPENING STATEMENT OF THE CHAIRPERSON OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

HONOURABLE COMMISSIONER SOLOMON AYELE DERSSO

**DELIVERED AT THE OPENING CEREMONY OF THE 68th ORDINARY
SESSION**

14 April 2021

His Excellency, Moussa Faki Mahamat, Chairperson of the African Union Commission ably represented by His Excellency Ambassador Bankole Adeoye, AU Commissioner for Political Affairs, Peace and Security;

Excellencies Representatives of States Parties to the African Charter and African Union Member States;

Her Excellency, Michele Bachelet, United Nations High Commissioner for Human Rights;

Distinguished President of the African Court on Human and Peoples' Rights;

Distinguished Representative of the African Committee of Experts on the Rights and Welfare of the Child;

Mr. Eamon Gilmore, European Union Special Representative for Human Rights;

Mr. Gilbert Sebihogo, Executive Director, Network of African National Human Rights Institutions;

Mrs. Hannah Forster, Representative of the NGO Steering Committee;

Representatives of National Human Rights Institutions;

Representatives of International and National Civil Society Organisations;

Distinguished invited Guests;

Ladies and Gentlemen;

May I start by wishing you all a very good morning or good afternoon from wherever you have joined us today.

It is my pleasure to welcome you all to this 68th Ordinary Session of the African Commission on Human and Peoples' Rights, which we are once again conducting virtually, despite the hope that I expressed to the contrary when we had our session late last year.

Excellencies, distinguished participants

I am cognizant of the fact that we are commencing this session at a time when the 27th commemoration of the genocide against the Tutsi is being observed. Accordingly, allow me to once again pay my respect for the nearly one million lives brutally killed during that most catastrophic tragedy in the history of the continent outside of the colonial era and the transatlantic slave trade. I also wish to once again extend the solidarity of our Commission with all the survivors.

The lessons from this tragedy requires us all to be vigilant and mobilize collectively against the ever-present threat of the occurrence the conditions that precipitate genocide or other forms of mass atrocities including the propagation hate, the dehumanization of certain members of society on account of their identity and the incitement of violence as well as the indiscriminate use of force.

As we complete the first quarter of the New Year, let us keep in mind that the fight against COVID19 is far from over. To the contrary, the fight is as fierce as it has been since the advent of the pandemic last year. Our beloved continent, which had been spared the full brunt of the pandemic during the early stages, is now experiencing it more acutely.

Today, the situation has become very alarming. The continent has to come to grips with new strains of the virus, which are more contagious and difficult to detect. As African countries face a second wave of the pandemic, there are clear warning signs that our already fragile health systems are becoming even more strained. In many countries, hospitals are filled and there is a shortage of ventilators.

While Africa's fatality rates from COVID 19 were previously lower than the global average, they are now well above the global average. In the month of January, the average fatality rate on the continent reached a peak of 3.7%, compared to the global average of 2.2% during the same time period. In the same month of January, there was also a 40% surge in the number of deaths, which has led to the unwelcomed milestone of the continent surpassing 100,000 total deaths from COVID 19. As death from COVID19 knocks on the doors of our communities, we are counting the untimely loss of our brothers and sisters, fathers and mothers and sons and daughters.

Ladies and gentlemen

While the primary effects of COVID 19 on the right to health and life has been clear for all to see, we must also remember that the pandemic continues to have other ramifications that impact on the enjoyment of a whole host of other fundamental human and peoples' rights.

The socio-economic effects of the pandemic have been costly. Approximately 80% of the continent's population, who are employed in the informal sector, have suffered greatly, as social distancing has often proved impossible or as lockdowns or similar measures disrupted or completely halted their work, with many facing risk slipping into extreme poverty. Reduction of international travel severely affects the economies of countries that depend significantly on the tourism sector. The loss of jobs and livelihoods as well as disruption in social services means that millions of people face sever erosion in the enjoyment of their socio-economic rights. With many unable to provide for themselves and their families, they struggle with food shortage and risks of starvation and malnutrition.

As the pandemic is still ongoing however, its full effects cannot be predicted with certainty at this stage, and much will depend on how quickly States are able to flatten

or curb the rates of infection. It however appears that the socio-economic effects of the pandemic will outlast the virus itself.

The pandemic has furthermore exasperated existing inequalities and has disproportionately affected vulnerable groups within our societies, such as persons with disabilities, older persons, migrants, refugees, asylum seekers, homeless persons, and incarcerated persons, among others. During the pandemic, we have also witnessed an unprecedented rise in sexual and gender-based violence, highlighting the pervasiveness of gender oppression across the continent. At this juncture, I wish to once again highlight the nine (9) thematic Press Statements released by the Commission providing guidance to member states on compliance with their obligations under the African Charter.¹

On behalf of the Commission, I also wish to call on States to respect the principles and values espoused in **449 Resolution on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts – ACHPR/Res. 449 (LXVI) 2020**, which provides comprehensive standards and principles on how States ensure that their responses to the pandemic are guided by and respectful of the rights and freedoms enshrined in the African Charter.

Ladies and gentlemen

It is evident that the threat of COVID 19 can only be fully addressed when equitable distribution and access to vaccines is guaranteed. The sad reality is that our continent represents less than 2% of the total number of vaccine doses administered globally. Africa, left completely behind in access to the vaccine, is paying dearly in so many ways including with the lives of its already very scarce medical work force. A media report that came out yesterday, carrying the pleading of Sudan's health workers for COVID19 vaccines, cited sources from Sudan ministry of health that more than 200 Sudanese doctors, nurses and medical workers have died from COVID19 pandemic.²

Africa, like much of the developing world, is left behind due to the 'artificial scarcity' that the twine conditions of vaccine nationalism and market-based approach to the

¹ Press Release by the Special Rapporteur on Freedom of Expression and Access to Information in Africa on the Importance of Access to the Internet in Responding to the COVID-19 Pandemic; Press Release of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa on the Release of Prisoners during the COVID-19 Pandemic; Press Release of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa on Reports of Excessive use of Force by the Police during the COVID-19 Pandemic; Press Release on the Impact of the COVID-19 Virus on Indigenous Populations/Communities in Africa; Press Release of the Special Rapporteur on the Rights of Women in Africa on violation of women's rights during the COVID-19 Pandemic; Press release of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa on the protection of Human Rights Defenders during the COVID-19 pandemic; Press release on mutiny at lome prison due to COVID-19, May 12, 2020; Press Statement of the African Commission on Human and Peoples' Rights on the human rights of mine workers and mining affected communities during the COVID-19 pandemic in South Africa; Press release on the impact of the COVID-19 pandemic on economic, social and cultural rights in Africa.

² <https://www.theguardian.com/global-development/2021/apr/13/we-will-lose-more-doctors-sudans-health-workers-plead-for-covid-jobs>

production and distribution of the vaccine have created.³ As we pointed out as far back as August 2020 in our Commission's **Resolution 449**, a more reliable way forward in order to end this artificial scarcity is to ensure "arrangements are made for the production and distribution of the vaccine on the continent".

This obviously requires that specific measures are taken to have the COVID19 vaccine declared a global public good, that know-how and technology on the production of the vaccine is shared with all countries and the capacities of countries on the continent for manufacturing of the vaccine is used and enhanced.

In this context I wish to welcome the decision of the 34th Assembly of the AU held in February 2021 calling for a waiver from the obligations of the TRIPs agreement specifically for the prevention, containment and treatment of COVID19. I also applaud the AU for the convening of a high-level meeting during the past two days on the development and manufacturing of vaccines by Africa.

Excellencies, fellow Africans, sisters and brothers

Since the last Ordinary Session of the Commission, the Commission has continued to monitor the situation of human rights on the continent, and has been seized with concerning human rights situations.

We at the African Commission are deeply concerned about events that exhibit the utter lack of regard to the sanctity of human life. The recent attack in Palma town by a terrorist group operating in the Cabo Delgado province of Mozambique is but only one such example where many fellow Africans lost their irreplaceable lives needlessly and so brutally.

Our Commission condemns such barbaric acts in the strongest terms possible.

It is with a heavy heart that we also learned the violence in Cabo Delgado has displaced nearly a million people, among whom the overwhelming majority facing severe hunger.

In my other capacity as the Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations, I cannot help but also note the link between resources and conflict that is playing out in Cabo Delgado, where extremists have taken advantage of local grievances, including frustrations about the inability of the locals to fully benefit from gas exploration off Cabo Delgado's coast.

We also express grave concern about the increasing frequency, spread and brutality of these terrorist violence in Cabo Delgado, heightening the responsibility of the Mozambique State, working in concert with countries in the region, the AU and the UN, for addressing the increasing threat this situation poses to the lives and wellbeing

³ <https://mg.co.za/africa/2021-02-10-african-union-wants-vaccine-patent-waiver/>

of people in the affected region through not only enhanced security measures but also comprehensive social, economic and governance interventions.

All response measures have to be in full compliance with human rights or else risk total failure. The Commission while calling for investigations into alleged violations perpetrated by security personnel in their attempts to contain the insurgency, including arbitrary arrests, torture and summary executions urges that security personnel operate within the bounds of human rights law and international humanitarian law, paying particular attention to the Commission's **Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa**.

It is also disheartening that there has been increase in violence in many parts of the continent with disastrous consequences to the lives and wellbeing of many people. These include the recurrent and spreading terrorist violence in the Sahel and Lake Chad Basin region as well as in Somalia. In all these situations, it is very distressing that the vast majority of victims of these acts of terrorist violence are civilians, including children.

Our Commission is also deeply concerned about other situations of violence witnessed in Cameroon, the Democratic Republic of Congo, Ethiopia, Mali, Niger, Nigeria, South Sudan and Sudan.⁴ In Ethiopia, the Commission continues to express its deep concern about the conflict in Tigray and the accompanying human rights violations including reports of sexual violence including rape, arbitrary and extrajudicial executions of civilians, mass displacement, lack of access to basic necessities for large number of civilian population and the destruction of civilian infrastructure. The Commission also expresses its concern about recent events of violence that led to the loss of many lives in other parts of the country particularly Oromia, Benshangul Gumuz, Afar-Somali regions and Wolo. The Commission reiterates its condemnation of all the human rights violations and its call for the need for addressing through political means the conditions precipitating these violations.

The Commission is also alarmed by the escalation of violence in the Darfur region of Sudan. The ongoing violence has left many dead and forced more people to cross the border into Eastern Chad. The latest episode of violence started in West Darfur Province on 15 January and spilled into the South Darfur Province, costing the lives of 250 people, including three humanitarian workers.

The Commission is also concerned by the use of excessive force in Senegal and South Africa to disperse protests that took place on the 3rd and 15th of March respectively, which has led to injuries and deaths. The Commission also condemns the attack on two journalists by Ugandan security personnel on 17 February and commends the Government of Uganda for holding the perpetrators accountable. The Commission also remains concerned by the spate of kidnappings in Northern Nigeria, with the latest being the abduction of over 300 school girls from a boarding school in Zamfara State. This persistent threat makes it harder for children to fully benefit from their right to education.

⁴ <https://mg.co.za/africa/2021-02-01-africa-the-only-continent-where-political-violence-increased-in-2020/>

The Commission is also concerned about the constitutional crisis in Somalia and the ensuing increasing political tension resulting from the lack of consensus among Somalia's political leaders on the convening of elections within the framework of the 17 September 2020 agreement. Unless this situation is resolved peacefully, it stands to gravely endanger the relative peace and stability achieved over the course of the past several years and the example Somalia had set in peaceful transfer of power for the Horn of Africa region.

Your Excellencies, Ladies and Gentlemen

Despite the many challenges we face during the early parts of this New Year, there are also positive development to highlight and celebrate.

We welcome the decision of the Republic of South Sudan to establish Transitional Justice Institutions, in accordance with Chapter 5 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), namely, the Hybrid Court, The Commission for Truth, Reconciliation, and Healing, and, the Compensation and Reparation Authority. The Commission further urges the Government of South Sudan to immediately take practical steps to realize the establishment of these important institutions.

We welcome peace processes in the State of Libya, including the signing of a ceasefire agreement by the opposing parties and the formation of an interim unity government (The Government of National Unity) to lead the country until elections are held on 24 December 2021. We encourage the parties to abide by the terms of their agreement and sustain peace in Libya.

We also welcome the decision of the Republic of Kenya to grant citizenship to 1,670 members of the Shona community and 1,300 stateless people of Rwandan origin. The Commission further urges the Government of Kenya to extend the same legal status to other groups who may find themselves in a similar situation or are at risk of being stateless.

We furthermore congratulate the Republic of Niger for its first peaceful transfer of power and strongly condemn the attempted coup two days before the swearing in of the new President, H.E Mohamed Bazoum. The Commission also notes the peaceful conduct of elections in the Republic of Djibouti, the Republic of Benin and the Republic of Chad. We also commend the peaceful transfer of power in Tanzania following the demise of the former President of that country.

I also wish to join Ambassador Bankole in welcoming the establishment and operationalization of the National Human Rights Commission of The Gambia. As the African Commission, we look forward to welcoming the Gambia's Commission to the family of human rights institutions with affiliate status before the African Commission.

Dear friends, as there is much to do during this year, I take this opportunity to encourage the Commission, the African Court on Human and Peoples' Rights and the African Committee on the Rights and Welfare of the Child to remain steadfast in their commitment to discharge their noble responsibilities firmly, without fear or favor. I also wish to call on NHRIs and CSOs to enhance their role in the fight for the promotion and protection of human rights on our continent.

I also wish to encourage ordinary Africans, whose indomitable spirit still shines despite the difficulties they face every day including by being failed by their own governments, to continue with renewed strength in their efforts to exercise their rights and freedoms and hold power accountable throughout this New Year.

For purposes of our session, I wish to commend and welcome the submission of the State Reports of Niger, Benin and Malawi which will be reviewed during the course of this session. I wish to use this opportunity for calling on other states parties to fulfil their reporting obligations under Article 62 of the African Charter, Article 26 of the Maputo Protocol and Article 14 of the Kampala Convention.

Ladies and gentlemen, distinguished participants

This year is a special year. It is a year that marks the 40th Anniversary of the adoption of the African Charter on Human and Peoples' Rights, a unique normative instrument that underpins the entire African human rights system, and an instrument that has made important contributions to a greater expansion and understanding of human rights both on the continent and at the global level.

Dear Friends, the African Charter is the holy book of the African human rights system, a founding legal instrument, borne out of our history and reflecting our values. Our Charter promises every person and all peoples on the continent comprehensive set of rights and freedoms, although this promise remains far from reality. We all have to rise to the challenge that this presents to us to ensure that that everyone on our continent, without discrimination and on an equal basis, enjoys the rights and freedoms enshrined in this our founding treaty.

I therefore wish to call on States Parties, African Court and African Committee of Experts, NHRIs and CSOs to use this 40th anniversary as an opportunity for organizing events for drawing attention to steps that should be taken for bridging the gap between the promise of the African Charter and the lived realities of the peoples of our continent.

Excellencies, dear sisters and brothers

This year is also "The AU Year of the Arts, Culture and Heritage: Levers for Building the Africa We Want".

The theme draws attention to fundamental issues that we often take for granted. Culture, arts and heritage are not simply matters that concern only cultural institutions, artists and those working in the field of archology, anthropology and

history. Culture, arts and heritage relate to the tangible and intangible cultural, aesthetic, religious expressions and work including natural sites of cultural and spiritual significance that serve as resources for the development of individuals and communities. These are sources of reference through which individuals and communities define and choose what is meaningful and good in life, hence exercise their freedom.

Culture, arts and heritage give content to our essence as human beings and serve as fundamental source of inspiration for scientific, artistic and development innovations and creativity of all societies as well as for addressing challenges facing societies, including the COVID19 pandemic and the pressing human rights challenges of our time including deepening inequalities, widespread poverty, gender oppression, racism, the democratic governance deficit and the climate emergency.

Indeed, how can there be dignity, freedom, and equality outside of the culture and heritage of individuals and their societies? How can there be human centred development and democracy and overall progress that is not inspired by and founded on the culture and heritage of any human rights respecting society?

The protection and promotion of the culture, heritage and arts of a society is accordingly a pre-requisite both for enjoying all human rights and freedoms and for access to, participation in, and enjoyment of the right to culture by individuals and communities. That is why the threat to the culture and heritage of a person and a community is at its core a threat to the very being of the person and the community, a threat whose occurrence leads to the diminishing of not only the very being such person and community but also the national society and indeed the entire human family. That is why we should be outraged about the threat of extinction facing various languages, cultures and heritage on our continent particularly of minorities and indigenous peoples. That is why we should all condemn the theft and destruction of historical sites, artifacts, cultural and religious institutions. That is why the call for the return of African cultural, religious, and artistic artifacts and heritage stolen during the colonial era is a matter of human rights of Africans. That is why we all should join and champion this call as part of the promotion and restoration of the right of Africans for access to and enjoyment of their cultural and historical heritages.

Your Excellencies, ladies and gentlemen

As I conclude my opening remark, it will be remiss of me if I don't take the opportunity for commending CSOs for the convening of the NGO Forum and NANHRI for holding the 2nd forum of NHRIs on participation in the ACHPR. I cannot emphasize enough the role that NHRIs and CSOs play and the importance of these forums.

At this point, I wish to extend a warm invitation for the active participation states delegates, NHRIs and CSOs at this 68th Ordinary Session for the success of this session.

I also wish to commend the hard work put into the preparation of this virtual Session, and sincerely thank all my colleagues for their collaboration and diligence.

Last but never least may I take this opportunity to wish my Muslim sisters and brothers Ramadan Kareem and to wish us all to have the blessings of this holy month of Ramadan to conduct and conclude our session productively.

I now have the singular honour of declaring this 68th ordinary session of the ACHPR officially open.

I thank you for your kind attention.

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