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CLOSING STATEMENT OF THE CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES RIGHTS

Commissioner Solomon Ayele Dersso

delivered at the closing ceremony of the 65th ordinary session

BANJUL, THE GAMBIA

10 NOVEMBER 2019

Honourable Ebrima Sillah, Minister of Information and Communication Infrastructure of the Republic of The Gambia;
Distinguished representatives of African Union Member States;
Distinguished Members of the Diplomatic and Consular Corps accredited to the Republic of The Gambia;
Distinguished Inspector General of Police of the Gambia;
Distinguished Representatives of National Human Rights Institutions and Non-Governmental Organizations;
Honourable colleagues, Members of the African Commission on Human and Peoples;
Dear colleagues at the secretariat;
Ladies and Gentlemen;
A very good afternoon.

It is my honour this afternoon, to address you all, standing at the beginning of my term as Chairperson of the African Commission on Human and Peoples' Rights (African Commission). I wish to thank my colleagues for the trust that they have placed in me to lead this distinguished institution. While aware of the weight of this responsibility, I am confident that with the support of my Vice-Chairperson, Commissioner Remy Ngoy Lumbu, other Members of the Commission and colleagues at the Secretariat, as well as all the stakeholders and friends of the Commission, we will be able to deliver on the mandate entrusted to us and take the work of the Commission to a higher level.

As the new human rights chief of Africa, standing on the accomplishments of my predecessors, I would also like to pay tribute to the two distinguished women that have held the position of Chairperson before me, since the beginning of my mandate as Commissioner – the outgoing chairperson Commissioner Soyata Maiga and her predecessor Advocate Pansy Tlakula – whose leadership, together with the outgoing Vice Chairperson Lawrence Mute, has not only brought the Commission to where it is today, but also contributed to my own understanding of what it takes to lead an institution of this nature.

As we conclude the 65th Ordinary Session after 21 days of intense and fruitful deliberations first during the Public Session involving all of you representatives of States, National Human Rights Institutions (NHRIs) and Civil Society Organizations (CSOs) and subsequently during the closed session by the Commission, we need to take stock particularly of what our deliberations inform us about the state of human and peoples' rights in our beloved continent.

Before going further on this stock taking review, I wish to commend the Republic of Chad and the Republic of Zimbabwe for fulfilling one of their obligations under African Charter and for Zimbabwe under Maputo Protocol by submitting their Periodic Reports. Their Reports have enabled us to engage in more robust and in-depth review of the human rights situation in the two countries.

Like its other Ordinary Sessions, the 65th Ordinary Session provided us that unique platform where States representatives, NHRIs, CSOs and various African Union (AU) bodies engage in robust debate and conversation on the state of human and peoples' rights on the continent. As one of the few unique platforms in the AU where the concerns and experiences of diverse group of people from the ground are voiced, the public session allowed us to shine light on the progress being made and the pressing

existing and emerging challenges in the field of human and peoples' rights on the continent.

As a body whose primary mandate involves the promotion and protection of human and peoples' rights in Africa, our Commission commends and expresses its support to the initiatives of states for the improvement of respect for human and peoples' rights and the wellbeing of fellow Africans.

- That is why we acknowledge with appreciation the update we received on efforts for enhancing access to social services as highlighted by the public housing projects in Mauritania, industrialization efforts in Tanzania and the social protection programs in Zimbabwe;
- That is why we express support to the convening of elections in among others Mozambique, Mauritania and Tunisia and to the recognition, through the Nobel Peace Prize Award to Prime Minister Abiy Ahmed of Ethiopia, of the rapprochement between Ethiopia and Eritrea that ended the longstanding confrontation between the two countries;
- That is why we welcome the establishment of a civilian-led transitional government in Sudan, the solidarity that Rwanda and Niger showed by receiving African migrants stranded in Libya, the release of political prisoners in Cameroon, and the adoption of new laws in various countries such as the amendment of the electoral law of Cote d'Ivoire and the Children Protection and Welfare Act and the Human Rights Commission Amendment Act of Lesotho, and the Law on Human Rights Defenders in Mali;
- That is why we applaud efforts at enhancing the participation of women in public life including the increase in the representation of women in parliament in Malawi, the progressive decisions of the Courts of Kenya and Tanzania on health services for reducing maternal morbidity and upholding the minimum age for marriage at 18 years and the review of the Marriage Act and Customary Marriages Act of Zimbabwe;
- That is also why we recognize as exemplary the efforts of Malawi to address the scourge of violence against persons with albinism through its national plan of action and urge other states in the region to follow this example and put in place policy and legal measures for ensuring the protection of persons with albinism.

Distinguished delegates, friends and ladies and gentlemen,

During the public part of the session, the Commission also heard statements expressing deep concerns about various existing and emerging conditions that militate against the rights of individuals and groups. These are the situations in respect of which this Commission is required by the African Charter both to express its condemnation and call on the concerned States Parties to take corrective measures for ending these situations that are not in accord with the obligations they have under the African Charter.

- That is why we express deep concern about the dire state of the economies, among others, of Sudan, Zimbabwe, and the resultant hardship that this has brought particularly on the poor and marginalized sections of society;
- That is also why the Commission deplores conditions of inequality, lack of access to social services and socio-economic opportunities, including jobs, that

force the wretched of our continent to be in state of adjunct poverty and our youth to flee the continent risking their lives;

- That is why this Commission condemns the governance deficits, such as corruption, mismanagement of natural resources and the abuse by State authorities and security institutions of power for harassing opposition politicians, journalists, civil society activists and community leaders.

Distinguished delegates,

It is also in full respect of its mandate that the Commission has to identify and call for corrective action on those worrisome trends that have been observed during the inter-session period as highlighted in your statements and the activity reports of the members of the Commission.

- That is why this Commission condemns the use or weaponization of the law in various States Parties to the African Charter for silencing dissent, for harassing opposition party leaders or members, for stifling freedom of assembly and/or for criminalizing human rights advocacy. The Commission is concerned about the implementation of the Cybercrimes Act in Nigeria, with journalists particularly being prosecuted; blanket ban on protests in Zimbabwe in August; the use of excessive force in the context of protests among others in Guinea, Malawi, Sudan, and Uganda; the arrest of opposition leaders and civil society activists in context of protests among others in Algeria, in relation to the elections slated for December 2019 and abductions in Zimbabwe;
- That is also why the Commission expresses its concern about internet shut down as highlighted in Zimbabwe's state report and in statements relating to among others, Chad and Cameroon, and Ethiopia. The Commission wishes to inform States that the blanket shut down of internet constitutes excessive restriction that severely affects not only freedom of expression and access to information but also the economic activities of small businesses leading to socio-economic hardship;
- That is also why the Commission expresses its grave concern about the human rights violations and abuses that many fellow Africans endure as a result of conflicts and political crisis. This is manifested in the statements, letters of concern and resolutions that the Commission adopted in relation to the conflicts in Cameroon, South Sudan, Central African Republic, the Democratic Republic of Congo, and in relation to the recent spate of violence in Ethiopia; and with respect to the spreading terrorist attacks and inter-communal violence in Burkina Faso, Mali and Nigeria, claiming the lives of many people, forcing people into displacement and causing destruction;
- That is why the African Commission rejects and expresses its condemnation of illegal and unconstitutional attempts at staying in power in Guinea-Bissau and the Republic of Guinea;
- Also, of concern for the Commission from our deliberations during the Public Session are challenges to the right to development including those arising from climatic and environmental threats, and the looting of natural resources and recent major cyclone and flooding events in Southern and Eastern Africa that affected hundreds of thousands of people.

Distinguished delegates,

I am sure you agree with me that the principles and values enshrined in the African Charter, the founding legal instrument of the African human rights system, define the standards by which the fairness and goodness of a society is to be measured. They tell us that the quality of a society is not to be measured by how it treats the majority, the mainstream or dominant sections of society, whose voices set the tone and standard, but by how it treats the marginalized, the weak, the minorities and those that are different from the mainstream. Similarly, the efficacy and legitimacy of the human rights system depends not merely on the protection that it affords to the majority and the mainstream in society but importantly by how it lends support and enables those not in the majority and mainstream of society to enjoy their rights on an equal basis with others.

- That is why this Commission rejects any acts of violence against women, including the use of rape and sexual violence in the context of conflict and crisis and calls on States to take measures against all forms of violence and the patriarchal system that perpetuates violent masculinity;
- That is why the Commission expresses its condemnation of the abuse and violation of the bodies and liberty of migrants, asylum seekers and refugees in Libya, the plight of Mauritanian refugees in Senegal and Saharawi refugees in Algeria, who continue to live in a grey area between those having the protection of nationality and those without;
- That is why the Commission holds that all acts of violence against persons on account of their identity, including their perceived or real sexual orientation or gender identity is prohibited under the African Charter;
- That is why the Commission deplores the xenophobic attacks in South Africa and the reported mass expulsion or forced repatriation of refugees from Nigeria, Tanzania and Botswana; and
- That is why the Commission condemns in the strongest terms violence against persons with disabilities, particularly the continuing killings and maiming of persons with albinism.

Distinguished delegates, colleagues, friends and ladies and gentlemen

Before I conclude I wish to turn to the functioning and operations of the African Commission as an important area of concern for the Commission. In this respect, I would like to highlight the following areas that will receive particular attention in the coming two years:

- The African Commission, the premier human rights body of the AU system, is constituted to carry out its functions free from all sources of undue influence irrespective of their sources. Its independence is the cornerstone of its mandate that it should safeguard not only from political actors such as States Parties but also others, including partners and non-state actors. That is why the Commission will continue to standardize and streamline its relationship with all its stakeholders as means of consolidating its independence and enabling it to implement its priorities;
- The Commission will prioritize the securing of concrete plans, with the required resources, for the construction of the Headquarters of the African Commission in The Gambia, and to this end to have a joint strategy with the Government of The Gambia. In this context I would like to express my deep appreciation to His Excellency, President Adama Barrow for the firm assurance that he has given

our Commission when received myself and the Vice Chairperson at his office on 8 November that the construction of the Headquarters of the Commission is a priority of his administration;

- The Commission will also increase its efforts to enhancing knowledge and understanding about its work among the wider African public, including through improved communication of the work of the Commission to wider stakeholders and by working together with those that the Commission serve as friends, champions and ambassadors of the Commission and its work;
- The Commission also takes seriously the concerns expressed by various stakeholders in relation to the protection mandate of the Commission, in particular in relation to the Communications procedure. Addressing the Communications backlog and implementation of decisions is a key priority for this Bureau. Measures have already been instituted to ensure that there is a greater balance between the protection and promotion mandates of the Commission, in particular the finalization of decisions on the merits;
- The Commission expresses with grave concern the serious capacity deficiencies that continue to plague its Secretariat. Myself together with the Vice Chairperson and other members of the Commission will do everything possible to resolve this deplorable condition;
- The Commission expresses its appreciation to all the State Delegations which expressed their commitment to working in cooperation with the African Commission. We take note of their call for the need for more consultation and engagement with States, and commit to deepening our relationship with key stakeholders of the Commission and elevate it to a strategic level; and
- Finally, the Commission will pay particular attention to a number of emerging thematic areas with which it had not previously engaged systematically, including, among others, the impact of the climate emergency and the right to development.

Distinguished delegates,

I may not conclude without making reference to some of the outcomes of the private session of this 65th Ordinary Session, which I urge all of you to consult and make good use of. These notably include:

- General Comment No. 5 on Article 7 (d) of the Protocol to the African Charter on Human and Peoples' Rights of Women; and
- Declaration of Principles on Freedom of Expression and Access to Information.

This Session would not have delivered on what the Commission set out to accomplish without the participation of all of the delegates who joined us in this beautiful city of Banjul. I wish therefore to thank you tremendously for your active engagement during the public session and continued interest in the work of and collaboration with our Commission. The human rights enterprise founded on the African Charter and the role of our Commission depends on your continued support and collaboration. I therefore call on you to continue your active engagement and support in full respect of the independence of the Commission.

I also wish to thank the Government and the people of the Gambia for hosting successfully yet again another Session of the Commission and for the facilities that they provided us. We look forward to take our working relationship to a higher and

strategic level for enabling the Commission to deliver on its mandate and The Gambia to fulfil its role as our host, through building the Headquarters of the Commission, and its potential to be the human rights capital of Africa.

I thank all the translators, interpreters and technicians who have facilitated this Session so well.

Last but not least, I cannot thank enough my Vice Chairperson, my colleagues - members of the Commission, and the heroines and heroes of the Commission, the hard-working staff of our Secretariat.

Thank you for your kind attention!