


AFRICAN UNION		UNION AFRICAINE
<p style="text-align: center;">الاتحاد الأفريقي</p> <p style="text-align: center;"><i>African Commission on Human & Peoples' Rights</i></p>		<p style="text-align: center;">UNIÃO AFRICANA</p> <p style="text-align: center;">Commission Africaine des Droits de l'Homme & des Peuples</p>
<p>No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 441 05 05 / 441 05 06, Fax: (220) 441 05 04 E-mail: au-banjul@africa-union.org; Web: www.achpr.org</p>		

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

HONOURABLE COMMISSIONER SOLOMON AYELE DERSSO

**DELIVERED AT THE CLOSING CEREMONY OF THE 67TH ORDINARY
SESSION**

03 DECEMBER 2020

Excellencies, Ladies and Gentlemen,

All protocols observed, allow me to stand on existing protocols.

First I bring to you my greetings and wish you a very good morning or good afternoon from wherever you have joined us.

I would like to thank you all for joining us once again on this last day of the 67th Ordinary session of the African Commission on Human and Peoples' Rights. The Ordinary Session of the Commission is a very unique platform in that it brings together and offers a collective platform for exchange on the state of human rights in Africa for States Parties, National Human Rights Institutions and Civil Society Organizations. I would like to thank all those who participated during this 67th Session, including the States Parties, namely: Algeria, Angola, Burundi, Cameroon, Comoros, Democratic Republic of the Congo, Cote d'Ivoire, Egypt, Eritrea, Ethiopia, Gabon, The Gambia, Ghana, Kenya, Madagascar, Mauritius, Malawi, Namibia, Rwanda, Senegal, Sierra Leone, South Africa, Tanzania and Zimbabwe.

I wish to single out Cameroon for presenting its periodic report on the implementation of the African Charter on Human and Peoples' Rights, the Maputo Protocol on the Rights of Women and the Kampala Convention for the Protection and Assistance of Internally Displaced Persons.

We look forward to Cameroon's follow up to the observations made by the Commission, including on the urgent need for resolving the conflict in the Anglophone regions by addressing the legitimate grievances that created the conditions for the conflict.

I also wish to take this opportunity to call on all States Parties whose reports are outstanding to submit and present their reports on all three legal instruments.

Distinguished delegates, ladies and gentlemen

As we conclude this latest session held virtually, we note with some relief that the end of the year is very near. It is an understatement to say that 2020 has been a very difficult year for many people across the continent.

It has been the worst of times and the worst of times. It has been a year with only one season – a winter of despair. According to one account “2020 has seen the evils of COVID-19, authoritarian consolidation, corruption, inequality and poverty as significant threat multipliers for human rights violations in Africa.”

Indeed, some of the major human rights issues highlighted during this 67th Ordinary Session include:

- The loss of employment and livelihoods and the descent of tens of millions into extreme poverty and the threat of starvation facing many others;
- The rise in armed conflicts and political crisis in nearly all regions of the continent;
- The increase to epidemic proportions of the scourge of sexual and gender based violence;
- The worsening of arbitrary deprivation of life and liberty by unlawful use of law enforcement powers of police and security forces; and
- Corruption and deepening in the democratic governance deficits.

These developments show that 2020 has indeed been a year during which the state of human rights on the continent has gone from bad to worse. It has therefore been with a heavy heart that we heard during the Public segment of this 67th Session some of the most gut-wrenching accounts of human rights violations from the statements presented under Agenda Item 4 on the situation of human rights in Africa.

Fellow Africans, dear sisters and brothers

The past week saw the start of the 16 Days of Activism Against Gender-Based Violence. As the statements from the representatives of States Parties such as Angola and Malawi and the various statements of CSOs of the 67th Ordinary Session illustrate, this year’s 16 Days of Activism is made all the more pressing on account of the epidemic proportion that sexual and gender-based violations have reached in the context of the COVID-19 pandemic, giving rise to what I call #SGBVdemic. This development has highlighted the pervasiveness of the scourge of sexual and gender-based violence in all our societies.

The #SGBVdemic is indicative that States Parties and indeed all of us are failing women and girls. COVID-19 has shown that treating SGBV as any other crisis does not work. If anything, treating it as any other crisis is what led the situation to escalate to epidemic proportions in the context of a crisis like the COVID-19 pandemic. This underscores the imperative for States Parties to declare a state of emergency to end the scourge of #SGBVdemic. Continuing with the business as usual approach to SGBV represents a betrayal of the commitments under the Maputo Protocol, denying that women and girls deserve and are entitled to live a life free from SGBV.

It is therefore a human rights imperative that during the ongoing 16 Days of Activism we campaign for and call on all States to declare a state of emergency and mobilize as a matter of urgency all their governance, social and cultural as well as financial resources and instruments to end the #SGBVdemic.

Today also marks the international day of persons with disabilities. As our consideration during this Session of the situation of vulnerable groups, notably older persons and persons with disabilities show, it is in times of crisis, such as the ongoing COVID-19 pandemic, that the magnitude of the precariousness of the protection afforded to persons with disabilities becomes stark, at times with very dire consequences to their wellbeing and life. In planning for and responding to such crises, addressing the specific contexts and needs of the most vulnerable in our societies, such as persons with disabilities, is of paramount significance. Such an approach is a defining feature of an inclusive and just society. All policies, both in normal times and most importantly in times of crisis, should thus take account of the protection needs of vulnerable members of society such as persons with disabilities, to ensure that existing inequalities afflicting them are not exacerbated further. Addressing the needs of such members of society is not merely a legal and moral necessity. It is also a critical factor for success in policy design and implementation.

Our deliberation on the AU theme of the year on Silencing the Guns by 2020 and the various statements received on conflict situations, show an alarmingly deterioration of the security situation in almost all parts of the continent. Instead of being silenced, the sound of guns seems to have become louder, both in countries with existing

situations of violence and those in which new conflicts broke out. It emerges from the situations in the Sahel, Horn of Africa, Northern Mozambique, in Libya, in Cameroon, and the Lake Chad Basin region that this deteriorating security situation has very grave consequences to the physical security and social and economic wellbeing of affected populations. The brutal attacks on a school in Cameroon on 24 October 2020 show that civilians, including children, end up bearing the brunt of violent conflicts.

I reiterate the grave concern expressed in the course of this Session regarding the conflicts and crisis situations that rage on in parts of Burkina Faso, the Central African Republic, Democratic Republic of the Congo, Ethiopia, Libya, Nigeria, Somalia, South Sudan, , Mali, Cameroon, and the fighting reported in the Western Sahara, particularly in the buffer zone of Guerguerat, seriously endangering the ceasefire that has been in force. In this respect we call for the urgent return to the *status quo ante* and underscore the imperative for avoiding any action that undermine the conditions for resolution of the conflict.

As we express our grave concern about the human rights consequences of the armed conflict in Ethiopia as illustrated by the brutal killing of some 600 people in Maikadra, our Commission is horrified and saddened by the report of the massacre of at least 110 civilians in Nigeria earlier this week and the killing of at least 34 people in attack by gunmen on a bus in western Ethiopia. We express our condolences and solidarity with the bereaved families, condemn these atrocious acts of mass killings in strongest terms and urge the countries concerned to ensure that independent investigations are carried out and the institutional and political conditions for the security and protection of civilians are urgently put in place to end the recurrence of such acts of violence.

We wish to remind all States of their primary responsibility for the security of their populations. It is incumbent on States to seek and allow initiatives for resolving conflicts and conditions of insecurity by facilitating policies, power and institutional arrangements ensuring that the interests and rights of all sections of society are protected.

We further call on the African Union to declare a decade for silencing the guns in Africa in follow up to the agenda of silencing the guns by 2020, to ensure that there is no backsliding in the efforts that have been made and that the resources and commitments towards this most urgent cause are maintained.

Excellencies, ladies and gentlemen

We also learned in the course of this 67th Ordinary Session about the alarming scale of people forcibly displaced from their homes and land. It is with alarm that we note that in 2020 the continent is home to 29 million forcibly displaced persons, largely due to violent conflicts, but also as a result of environmental disasters and climate change. More than half a million women, children and men are uprooted by violence in Cabo Delgado region of Mozambique. More than 45,000 people have fled into neighboring Sudan due to the armed conflict in the Tigray region of Ethiopia during the month of November alone. These are but some of the examples of recent displacements.

This staggering number of people forcibly displaced on our continent should make us all pause. How is it that in 2020 as in the 1990s we have the conditions forcing “millions of our people, including women and children, into a drifting life as refugees and internally displaced persons, deprived of their means of livelihood, human dignity and hope?”

How can this be possible unless States are failing to shoulder their responsibilities? How can this be possible unless those entrusted with managing the affairs of our societies are betraying the trust of the public in pursuit of their own narrow self-interest of deepening their grip on power, thereby perpetuating the vicious cycle of misgovernance and authoritarian rule? It cannot be that we continue to have millions of our brothers and sisters forcibly displaced in States with even the most basic attributes of statehood, in societies with responsible leadership and in a continent with effectively functioning institutions.

Your Excellencies, Ladies and Gentlemen,

In the course of this year, thirty-five (35) declarations of state of emergency, national health emergency or national disaster were made in at least twenty-eight (28) countries on the African continent in response to the COVID-19 pandemic. Of these,

only fifteen (15) have since been lifted. While some of the states of emergency or disaster will expire later this month, others will remain in place longer, such as the states of emergency in Chad and Sierra Leone which will only come to an end in March 2021. The Commission requests countries where states of emergency, and particularly curfews, lockdowns and heavy penalties for violations remain in place, to review these measures, in order to ensure that the adverse impacts of these measures on rights are brought to an end, and to lift those measures that serve little or no purpose in ensuring compliance with COVID-19 measures, but cause undue suffering for their people.

As observed during this pandemic and in the context of these states of emergencies, disaster or national health emergency, the use of excessive force by police and other law enforcement institutions has become a major source of violations of human rights. It was during this session that our Commission learned about the death of at least 45 people in Uganda due mainly to excessive use of force by police in the course of trying to enforce COVID-19 regulations against protestors. It is equally regrettable that we learned the death of scores of protesters in Angola due to excessive use of force by police against people protesting against the rise in cost of living.

This highly securitized and even militarized approach to compliance with COVID-19 state of emergency measures resulting in arbitrary deprivation of life and liberties has been deplored by the Commission on numerous occasions. In this regard and following our recommendation in Resolution 449, we commend the ongoing efforts of South Africa to amend its laws related to use of force by the police, and calls on the Government to ensure that these amendments are in line with the human rights standards of the African Charter including the principles of necessity and use of force only as a last resort measure for averting threat to life or bodily integrity, and the principles of proportionality, precaution and accountability.

Excellencies, dear colleagues, ladies and gentlemen

This Commission was informed in the course of this session that the continent continues to lose enormous amounts of financial resources to illicit financial flows (IFF), to the tune of \$ 89 billion dollars, which is projected to increase if not curbed.

This scourge of illicit financial flows, for which the extractive industries sector is the leading culprit, is creating a gaping hole from the already enormous deficit for financing the development needs of the continent. Addressing this challenge has been made all the more pressing in the face of the 154 billion USD required to recover from the adverse socio-economic consequences of the COVID-19 pandemic.

Ending IFF, through among others, the effective regulation of the extractive industries sector, is a human rights and development necessity for Africa. Failure in this respect is to condemn the masses of the people to live a life deprived of access to basic social services necessary for their socio-economic wellbeing and human dignity. This constitutes an abdication of responsibility by States Parties for fulfilling the socio-economic rights under the African Charter. Continuing to tolerate this state of affairs should not be and cannot be an option. We of course note that IFF is also a product of the international economic situation and everything must be done to addressing the conditions of the global economic system that facilitate its perpetuation.

We need to move away from the current neoliberal economic development model aimed solely at exploitative economic growth which tends to benefit a small minority at the expense of the majority of our people and the environment on which human life relies. The solution lies in a responsible system of government that pursues and implements a model of economic development that ever increasingly removes conditions of socio-economic deprivations afflicting the masses of the people, the pervasive institutional and social fragilities that COVID-19 laid bare, and create resilient societies that are best placed to weather existing and emerging health and climatic threats.

A shift will also require a review of the inequities in the current global socio-economic order. The inequities in global economic relations are best captured by the Secretary-General of the United Nations António Guterres, who in his 2020 Nelson Mandela Lecture observed that "Economies that were colonized are at greater risk of getting locked into the production of raw materials and low-tech goods – a new form of colonialism."

The Commission is also deeply concerned by the human rights impacts of climate change, which remains one of the most important challenges of our time. In many parts of the continent severe weather conditions caused by climate change are already being felt. The cyclones that hit the eastern and southern Africa coast, the flooding that affected millions of people in East, Central and West African regions, the locust invasion in the Eastern and Horn of Africa, and the drought witnessed in Southern Africa, all attest that the climate emergency poses existential threat to the life and livelihoods of people across the continent. It is thus incumbent on States, individually and collectively, to assume full responsibility for adopting the necessary measures for protecting their peoples and economies from the climate change emergency that is worsening from year to year.

Excellencies, Ladies and Gentlemen,

As the world seeks to end the threat of COVID-19 through a vaccine, I join the call of the Arab Republic of Egypt made in the course of this Session to ensure that efforts to immunize populations once a vaccine is released does not leave Africa behind. The Commission is in complete agreement that protecting the lives and health of people in Africa must receive equal priority with those of people elsewhere. In this regard, I reiterate the appeal of our Commission to the African Union to lead the call for the waiver of relevant trade rules governing intellectual property rights, so that COVID-19 prevention and treatment medical products and vaccine in particular, can be produced on the continent generically and more easily made accessible by all people on the continent.

In addition, we cannot continue to neglect racism and racial oppression, as one of the core challenges of the current global order. The discrimination experienced by the South African athlete Caster Semenya on the basis of sex, race and gender, as highlighted by the South African Human Rights Commission in the course of this Session, is one such manifestation of the continuing pervasiveness of the scourge of racism that affects Africans and peoples of African descent, including women. We express our solidarity with Caster Semenya and her struggle for being treated fairly and justly.

Your Excellencies, fellow Africans,

The Commission remains concerned by the governance deficit experienced in varying degrees across the continent, in terms of corruption, attacks on the media, human rights defenders and civil society organizations, along with shrinking civic space. Cases of intimidation and reprisals experienced by human rights defenders, civil society, opposition politicians and journalists in countries across the continent range from defamation, stigmatization, harassment and intimidation, to travel bans, arbitrary arrests and detention. The Commission expresses its concern about the acts of reprisals against some civil society organizations and participants of the #ENDSARS protests in Nigeria and about the arrest of members of the Initiative for Personal Rights of Egypt.

It is the view of this Commission that freedom of expression and association and an open and democratic participation in the civic space are crucial to the achievement of good governance, for achieving vibrant and resilient societies, and for sustainable development of countries, and are therefore at the heart of the quest for prosperity, peace and security of our continent.

The Commission is also deeply concerned by the violence that accompanied electoral disputes in some of our countries including Cote d'Ivoire, Guinea and Tanzania as highlighted in my opening statement. Before the end of the year, a number of countries including those experiencing conflict, such as Somalia, the Central African Republic, Cameroon and others such as Uganda and Ghana are heading for elections. The Commission emphasizes the supreme importance of elections as the mechanism for expressing the sovereign will of people. In this respect, I call on all these States Parties to ensure that there is an even playing field for all political parties and candidates, to refrain from acts of intimidation and violence and to guarantee that the electorate can cast their votes freely, without any interference. In relation to the regional election expected to be held in Cameroon, we reiterate that the elections should be held with the participation of all opposition parties and in conditions that does not lead to the disenfranchisement of the electorate in conflict affected areas.

Excellencies, fellow Africans, sisters and brothers

In my opening statement at the beginning of this Session, I expressed concern about the digital divide, in terms of which some people enjoy access to the internet and the accompanying opportunities for accessing information, education and employment, whereas the majority of our people are deprived of this access. I echo UN Secretary General Antonio Guterres's observation that "The digital revolution and artificial intelligence will change the nature of work, and the relationship between work, leisure and other activities, some of which we cannot even imagine today." As the webinar that was convened on the sidelines of this Session on protecting human rights in the context of the technological changes, including artificial intelligence highlighted, there is a need for Africa to initiate collective measures both for harnessing the opportunities that new technologies bring for the enjoyment of human and peoples' rights and mitigating the perils that they pose for people of our continent. I wish at this point to underscore the importance of participation by African States and Africans in the development of international policies and governance frameworks on AI, robotics and other new and emerging technologies as this is the only avenue for ensuring that the interests of the peoples of the continent are protected in the context of the fast moving technological advances that continue to change how the world operates.

Your Excellencies, Ladies and Gentlemen,

As you are aware, following the public segment of the 67th Session, our Commission held its Private Session. It is with deep regret that I report that the Commission did not consider and finalize any Communication at the merit stage of the Communications procedure through which complaints lodged with the Commission on alleged human rights violations attributable to States are adjudicated. I sincerely apologize to citizens and organizations that have been and are awaiting with patience the finalization of their Communications for a long time.

In recognition of the need for addressing this problem, I am happy to inform all of you that the Commission in its 2021-2025 strategic plan, which it considered and adopted during this Session, has identified strengthening the protection mandate of

the Commission – the speedy processing of Communications – as its first strategic priority area. With the effective implementation of the Strategic Plan, it is my hope that the Commission will be able to avoid a situation in which it fails to consider and finalize merit Communications and that we will be able to reduce the Communications backlog measurably.

The adoption of the Strategic Plan 2021-2025 by the Commission is indeed an important milestone that positions the Commission not only to address existing human rights issues and institutional challenges but also to effectively address emerging and new human rights issues on our continent.

I wish at this point to thank my colleagues, Members of the Commission, including the Working Group on Specific Issues and all colleagues at the Secretariat and those who helped with the development of the Strategic Plan. I wish in particular, to thank the GIZ for its technical support that facilitated the development of the Strategic Plan and Algeria, Madagascar and South Africa for their submission of inputs that enriched the contents of the Strategic Plan.

I wish to also express my appreciation to the National Human Rights Institutions (NHRIs) which participated in this Session, and wish to reaffirm the important role that they continue to play as a link between the regional human rights system and human rights protection and promotion on the ground in our countries. I also wish to honour human rights defenders, particularly women, civil society organizations and journalists and members of the independent media who put their liberties, even their lives on the line every day to work for a world in which all people may live in dignity.

To all of you, the Participants in our Session, I wish to thank you for your engagement and essential contribution to the work of the Commission. It is our hope that by the time next year that we reconvene for our 68th Ordinary Session, that we will hopefully be able to welcome all of you, once again, in person.

Finally, I also wish to extend my appreciation to everyone whose hard work once again made the convening of this virtual Session possible. It will be remiss of me if at this point if I do not express my appreciation to my colleagues, Members of the Commission, whose hard work, going beyond the call of duty, has been essential for

the work accomplished during this Session. I express deep gratitude to my colleagues, the Staff of the Secretariat who bear much of the weight of our work. They are truly the heroines and heroes of the Commission's work for the promotion and protection of human rights.

I thank you all for your attention.