

Opening Speech by the Chairperson
African Commission on Human and Peoples' Rights
Her Excellency Honourable Commissioner Catherine Dupe Atoki
Delivered at the 53rd Ordinary Session of the African Commission on Human and
Peoples' Rights

**Honourable Minister of Justice and Attorney General of the Republic of The
Gambia;**

**Honourable Members of the African Commission on Human and Peoples' Rights;
Excellency Mrs. Aïcha L. Abdullahi, Commissioner for Political Affairs, African
Union Commission;**

**Excellencies Members of the Diplomatic and Consular Corps accredited to the
Republic of The Gambia;**

Distinguished Delegates of African Union Member States;

Distinguished Representatives of International Organizations;

Distinguished Representatives of National Human Rights Institutions;

Distinguished Representatives of Non-Governmental Organizations;

Distinguished Invited Guests of different designations;

Distinguished Ladies and Gentlemen;

Let me at the outset welcome you all to the 53rd Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission), hosted once again in Banjul, The Gambia. I would like to express my sincere gratitude for the presence of all who are in attendance at the Opening and throughout this session.

As our Session returns once again to the seat of the Commission's permanent headquarters, I wish to convey my sincere gratitude to the Government and People of the Republic of The Gambia for their acquiescence in hosting the Session, and the

excellent facilities provided to the Commission to ensure the success of yet another Session.

Excellencies, Distinguished Ladies and Gentlemen,

This Session takes place on the eve of a momentous occasion in the history of the African continent. It will be recalled that at the 52nd Ordinary Session hosted by the Republic of Cote D'Ivoire in Yamoussoukro, we held celebrations to commemorate the 25th Anniversary of Commission's establishment, by the then-Organization of African Unity (OAU), now African Union (AU). This year we are marking yet another historically significant milestone as we celebrate the Golden Jubilee of the birth of the pan-African Unity in the formation of the OAU. Over the 50 year period since the OAU was established, Africa and indeed the world have witnessed momentous developments, with significant political, economic, social, cultural and technological changes.

The OAU was founded on 25 May 1963 in Addis Ababa, Ethiopia, with the signing of the Charter of the OAU by the Heads of State and Government of thirty-two (32) African states. Currently, all 54 African countries are members of the African Union, with the exception of Morocco. This continental organization was established to promote the unity and solidarity of African countries, defend the sovereignty of members, eradicate all forms of colonialism, promote international cooperation, and coordinate and harmonize Member States' economic, diplomatic, educational, health, welfare, scientific, and defence policies.

Whereas the Charter establishing the OAU imposed no explicit obligation on Member States for the protection of human rights, indeed, the OAU Charter enshrined the principle of non-intervention in the internal affairs of states, as a result of which human rights issues within Member States were reduced to, and treated as national affairs; the

organisation was nonetheless renowned for its commitment to a number of salient human rights issues such as decolonization and racial discrimination, and it also adopted during its early years, instruments with human rights implications, such as the African Convention on the Conservation of Nature and Natural Resources in 1969 and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa in 1974.

However this lacuna in the elaboration of a core human rights instrument was remedied when, in 1979, through a series of processes involving Member States and civil society organizations, the African Charter on Human and Peoples' Rights (the African Charter) was adopted on the 27 June, 1981. Its normative framework anchors the African human rights system that we have today, and which treaty established the African Commission on Human and Peoples Rights. That the Commission therefore finds its roots in the OAU is given.

Ladies and Gentlemen,

Undoubtedly, during the course of its existence the OAU faced several challenges, to mention but a few: the scourge of poverty; the HIV/AIDS pandemic; the 1994 Rwandan genocide which resulted in the death of almost eight hundred thousand (800,000) people; the crises in Darfur, and between Sudan and South Sudan; internal conflicts in Somalia, Sierra Leone, Côte d'Ivoire, Liberia and Libya, the Democratic Republic of Congo, and currently the Central African Republic, to name a few; election related violence and unconstitutional changes of Government; gender-based violence; widespread corruption; and massive displacements of whole populations, all of which impact on the mandate of the African Commission, and to which it is called upon to address. To address these myriad of challenges, the OAU/AU developed numerous instruments, with the view to ameliorating the situation for present and future generations. Mechanisms were also set up to enforce the aspirations reflected in these

instruments, including our own Commission for the promotion and protection of human rights, the African Court on Human and Peoples' Rights, the African Committee of Experts on the Rights and Welfare of the Child, the Pan African Parliament, the Economic, Social and Cultural Council and the Peace and Security Council.

Distinguished Guests,

It is therefore in place as we commence the 53rd Ordinary Session of the Commission, to take a moment to reflect on the achievements of the OAU, as it celebrates its Golden Jubilee, even as we recommit ourselves to the promotion and protection of human rights through our respective mandates. Please allow me to take this opportunity, on behalf of the Commission to offer our congratulations in advance to the AU Commission, on the occasion of the 50th Anniversary of the establishment of this esteemed continental organisation.

Excellencies, Distinguished Ladies and Gentlemen,

The human rights situation in Africa over the past six months presents a picture of an amalgam of situations; whereas gains have been made in a number of situations, serious violations of human rights persist on the continent.

On the positive, peaceful, free and fair presidential and parliamentary elections were held in the Republics of Ghana, Sierra Leone and Kenya, while a constitutional referendum was recently held in the Republic of Zimbabwe. I would like to salute the peoples of these countries for exercising their civic rights peacefully. I would like to urge other African countries which may be holding elections this year, including the Republics of Mali and Tunisia, to also comply with the African Commission's *Resolution 232: Resolution on Elections in Africa*, adopted at the 13th Extra-Ordinary Session in February 2013, calling on State Parties holding elections to amongst others,

take all necessary measures to preserve and protect the credibility of the electoral processes and ensure that their citizens exercise their rights to vote in a peaceful environment, free of intimidation.

In light of the current progress recorded of peaceful electoral processes, the Commission in moving the terrain of enjoyment of human rights for all without borders and in conformity with current best practices, calls on State Parties to commence the process of ensuring that their nationals living in the diaspora are provided with the opportunity to participate in such elections, in their countries of residence.

Ladies and Gentlemen,

Also during the period under review, the umbrella of protection for human rights grew larger with the entry into force on 6 December 2012, of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, commonly referred to as the “Kampala Convention.” While commending these States for paving the way for promoting and protecting the rights of internally displaced persons in Africa, I would like to urge that steps be taken to ensure the effective implementation of the Convention, including through its domestication in their national laws, and the inclusion of its implementation in their Periodic Reports submitted to the African Commission, in accordance with Article 14(4) of the Kampala Convention. In the same vein, I call on other African States to take immediate steps to ratify this Convention, in addition to other human rights conventions which are yet to achieve universal ratification, such as the Protocol to the African Charter on the Rights of Women in Africa which to date has been ratified by 36 African countries, and the Protocol establishing the African Court on Human and Peoples’ Rights, which has only 26 ratifications.

I must also not fail to take this opportunity to commend the Republic of Rwanda for depositing the declaration required under Article 34(6) of the Protocol establishing the African Court, accepting the competence of the Court to receive cases directly from Non-Governmental Organizations (NGOs) with observer status before the African Commission, as well as from individuals. I would also like to take this opportunity to call on other State Parties to follow this excellent example.

Notwithstanding the referenced successes amongst others, recorded in the past six months, our Continent still continues to grapple with various challenges. Regardless of gains made, millions of people still live in abject poverty, without access to essential services such as clean water, sanitation, health care and education. Let me at this juncture deviate to commend the organisers of the NGO Forum for deliberating on water and human rights at the just concluded Forum. Furthermore, the Commission continues to receive reports of reprisals against human rights defenders. Torture, cruel, inhuman degrading treatment, arbitrary arrest and detention, threat and intimidation of many including journalists and political opponents are equally reported. In response to a number of these situations, the Commission has issued statements including on the assassination of Mr. Chokri Belaid, a Tunisian Lawyer and opposition politician; on the trial and sentencing of twenty-five (25) Sahrawi civilians by a Military Court in Morocco; and on the death of a Mozambican taxi driver Mido Macia in South Africa, resulting from the treatment to which he was subjected to by the State police on 27 February 2013. However, I must note that for every incident reported to the African Commission, several more go unnoticed.

Other situations of concern to the African Commission include: the insecurity in eastern Democratic Republic of Congo, caused by the creation of various armed groups, including the M23 rebels who carry out all forms of human rights violations in the two Kivus; the undemocratic change of government by rebels in Central African Republic;

and acts of terrorism committed by various Islamist armed groups, in Somalia, Mali and Nigeria.

This brings me to the situation in Northern Mali which was replete with massive human rights violations committed with impunity against civilian populations following the occupation by terrorist groups. While, the situation in Mali seems to have improved following the intervention by the international community, the prospects for peace remain complicated.

While it is crucial that those responsible for perpetrating the atrocities be held accountable for their actions, it is also imperative that it be done in accordance with international criminal law and in a manner that contributes to the maintenance of peace and security.

The African Commission will not waiver in its efforts to promote and protect human and peoples' rights, even in the face of such gross and daunting violations of human rights. Thus in furtherance of its mandate the African Commission had soon as the events in Mali unfolded, requested for authorisation to conduct an investigatory mission to Mali but continues to await a response; however as we speak, Commissioner Reine Alapini Gansou is leading the team of Human Rights Observers in Mali within the framework of the African-led International Support Mission in Mali (AFISMA).

Also, in the last six months, the African Commission has adopted two guidelines aimed at facilitating the implementation of State obligations to the African Charter: the first is a Model Law on Access to Information in Africa to assist State Parties develop their national laws on access to information; the second is the General Comment on Article 14 of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol), which is a tool for advancing women's rights and

aims to clarify the nature of the State's obligations under Article 14. These documents will be officially launched in the course of this Session and all are invited.

In striving to achieve its protective mandate, the African Commission has improved the number of Communications concluded and is working on further reducing the period within which they are finalized. In the last twelve (12) months, the Commission has adopted decisions on 19 Communications - a great improvement in the timeline previously recorded. Hitherto, this feat would have taken about five years to achieve.

As the African Commission strives to fulfil its mandate amidst several challenges, let me call on all stakeholders to persevere in the noble cause of working for the respect and protection of human rights in Africa. We all have a role to play, whether as foot soldiers of the human rights movement, or policy makers of Government who must translate ideals into practice, or independent bodies which have a constructive role to play for the promotion and protection of human rights, in particular through their advisory role to the competent authorities and in the dissemination of information and education on human rights at the national level.

Excellencies, Distinguished Ladies and Gentlemen,

In conclusion, I wish to commend Member States who in fulfilling their obligations and therefore guarantors of the rights enshrined in the African Charter have shown commitment in ensuring the enjoyment of these rights by their nationals, whilst also calling others to exhibit utmost commitment and take all necessary measures to ensure that their citizens enjoy the human rights guaranteed in the Charter.

I would also like to seize this opportunity to express my appreciation to other stakeholders, including national and international, human rights institutions, civil society organizations who diligently participate in the Sessions of the Commission,

year-in-year-out, work tirelessly with the Commission to ensure respect for human rights, and remain wholly committed to their cause despite what sometimes seem like insurmountable difficulties. I thank you all and hope that together with Member States we can strive for an integrated, prosperous and peaceful Africa, characterised by respect for human rights and more aptly put by the Chairperson of the African Union Commission H.E. Nkosazana Dlamini-Zuma, - **A PROSPEROUS AFRICA AT PEACE WITH ITSELF.**

I thank you all for your kind attention!