

**OPENING STATEMENT ON THE CELEBRATIONS OF  
THE 30<sup>TH</sup> ANNIVERSARY OF THE AFRICAN  
COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

**by Honorable Commissioner Lawrence Murugu Mute  
Vice Chairperson of the African Commission on Human  
and Peoples' Rights**

**Thursday 2 November 2017**

**Banjul, The Gambia**

Honourable Attorney General and Minister of Justice of the Republic of The Gambia;  
Honourable Ministers and Senior Government Officials of the Republic of The Gambia  
here present;  
Honourable colleagues, Members of the African Commission on Human and Peoples' Rights;  
Excellencies representing the State Parties to the African Union;  
Distinguished Representatives of International, National and Civil Society Organisations;  
Distinguished invited Guests;  
Ladies and Gentlemen;  
All protocols respectfully observed.

Allow me to welcome you all to this commemoration of the 30<sup>th</sup> Anniversary of the African Commission on Human and Peoples' Rights (the Commission), and to thank you for joining us in our celebrations. On this day, 30 years ago, in Addis-Ababa, Ethiopia, following its inauguration, the Commission convened its First Ordinary Session – the mandate before it, huge and daunting; its processes and working methods unclarified; and the resources available to it, extremely limited. Over the three decades that have since followed, the Commission has gone on to make extensive contributions to the promotion and protection of human rights on the continent, firmly fulfilling its mandate as the premier regional human rights institution. This, distinguished ladies and gentlemen, is the 61<sup>st</sup> Ordinary Session of the Commission. Ordinary Sessions like this one, I may be so bold as to say, have become the largest and most influential human rights gatherings on the continent.

In the course of the last 30 years, the Commission has convened 61 Ordinary Sessions and 22 Extra-Ordinary Sessions; adopted 376 thematic, country specific and administrative Resolutions; received 663 individual and inter-State Communications, out of which it has concluded over 400, including about 100 on the Merits; adopted no less than 20 'soft law' human rights instruments such as Rules, Guidelines, Resolutions, General Comments, Declarations and Model Laws to interpret, clarify and elaborate the provisions of the African Charter; created 12 Special Mechanisms to address thematic human rights issues

of particular concern to the African continent, and three administrative subsidiary mechanisms to address crucial aspects of its work; completed more than 90 fact finding and promotion Missions to State Parties, including African Union-mandated fact-finding missions; considered over 79 State Reports; granted Observer Status to 511 Non-Governmental Organizations (NGOs) and given Affiliate Status to 27 National Human Rights Institutions; submitted 42 activity reports to African Union organs; and participated in 32 NGOs Forums. The Commission has also championed the adoption of binding human rights instruments to allow for a more robust human rights normative framework on the continent, including Africa's Women's Rights Protocol, Convention on the Rights of Internally Displaced Persons, Older Persons Protocol and Draft Disability Rights Protocol. And then, there's the significant jurisprudence that the Commission has developed: in precedent-setting Communications such as SERAC and CESCR v Nigeria (on states' positive obligations regarding the rights to food and the despoliation of community natural resources); Purohit and Moore v Gambia (on the rights of persons with psychosocial disabilities); Endorois v Kenya (on indigenous peoples' rights); and Equality Now v Ethiopia (on the positive obligations of states to ensure equality for girls).

**Excellencies, Distinguished Guests, Ladies and Gentlemen.**

Indeed, the Commission has come a long way. I say this especially as the statistics and achievements I have highlighted have to be measured against the many constraints faced by the Commission in the discharge of its mandate. The Commission has encountered institutional constraints such as inadequate funding, the part-time tenures of commissioners, understaffing as well as the fact that the Commission does not have the requisite information and knowledge management system required for its work. On the legal and policy fronts, the challenges of few and often slow responses by States to requests made by the Commission in respect of the performance of its duties such as undertaking missions, State Reporting, and the implementation of its decisions on Communications, are notable. Against this context, it is clear that the achievements of the

Commission over the past three decades are a remarkable feat. On behalf of the Commission, I want to acknowledge the various stakeholders, many of whom are present here in this hall, who have walked this walk with the Commission: from states delegates who have had quite intense (robust) conversations with the Commission's procedures, to non-state actors who have advocated and innovated with the Commission for the better protection and promotion of human rights in Africa.

**Excellencies, Distinguished Guests, ladies and gentlemen.**

What are we setting out to do during the next few days? Now. One of the most evocative and character-forming books I read a few decades ago was God's Bits of Wood by Ousmane Sembene. The book paints an epic panorama of how individuals in Senegal and Mali stood up and battled with success against French colonial oppression: for their political rights; for workers' rights; and for gender rights. During this celebration, in the next few days, you are invited to guide the Commission on what it should do to assist states and non-state actors to ensure that Africa's brave and proud women and men represented in fictional characters like Bakayoko in Ousmane Sembene's pages may enjoy lives fulfilled with humanity and dignity. Tell us what we should do to continue speaking truth to power by addressing systemic as well as individual violations; so that we may ensure protection against sexism, racism, ageism, disablism, homophobia, transphobia and indeed most isms. In a phrase, so that we may continue fulfilling the mandates entrusted to us by States and the people of Africa under the Charter. This is the discussion which should ensue in the next couple of days.

The overall objective of these celebrations is to assess the significance/impact of the Commission's work since its establishment as well as to track its successes, challenges, lessons learnt and best practices, so as to devise new strategies that will enhance its work and advance the continental human rights agenda in general. Over the next three days, we invite all of you to reflect on the successes and challenges of the Commission's work.

As you do this, we invite you to be self-critical since the Commission's successes and challenges have necessarily been impacted by your affirming or negating interactions with it. Do remember that states parties quite often have not been forthcoming when the Commission has highlighted human rights violations; NGOs have been frustrated when the Commission has declined to take militant positions; and quite often the Commission's best initiatives have been drawn back by resource limitations.

### **Excellencies, Distinguished Guests, Ladies and Gentlemen.**

Against this background, we now invite you to join us over the next three days as we journey through the work of the Commission through keynote papers, panel discussions and plenary responses. The discussions are structured along significant milestones in the operations of the Commission, and will reflect on the past, the present and the future of the Commission. The first Keynote address and Panel, taking place this morning, will focus on **the Past**, covering the era from 1987 to 2010, this being the period from the inauguration of the Commission up to the adoption of the 2010 Rules of Procedure which marked, amongst others: a shift in the working methods of the Commission, and the beginning of the operationalization of its redefined role under the new African human rights architecture. Discussions under the Past will thus cover the evolution of the implementation of the Charter from when the Commission was the sole human rights body on the continent in 1987 under the old rules of procedure (with its many limitations and constraints) up to 2010. The second Keynote address and Panel, which will take place tomorrow morning, will focus on **the Present**, covering the time from 2010 to date. This period is characterized by better clarified, new and improved working methods and procedures of the Commission; the definition of its new position and role within the new African human rights architecture and the wider AU processes; and new strategies vis-à-vis emerging human rights challenges on the continent. The last morning of the celebrations will see the presentation of a Keynote address and two Panel discussions on the future of the Commission.

The Keynote and first Panel on **the Future** will cover the period from 2017 going forward, and will entail projections for the future, on how the Commission could be better positioned and more effective in the discharge of its mandate. The second Panel on the future will focus on the work of the Commission in relation to the African youth population, within the wider AU theme for the year 2017: 'Harnessing the Demographic Dividend through the Youth'. The aim is that these reflections on the work of the Commission should not merely be presentations, but rather that the Sessions should be as interactive as possible. The Keynote speakers will each have twenty minutes to introduce the topic, where after the Panelists will each have ten minutes to reflect on the topic. The rest of the time allocated to each Panel would be managed by the Moderators to allow for maximum interaction with the Plenary. Each discussion will end with a brief summary by the Moderators of the main points that were raised during the discussion. With these introductory remarks and outline of the practical arrangements, I thank you once again for being a part of this stock-taking exercise by the Commission, aimed at providing a solid basis from which to launch the Commission's next thirty years. I thank you all for your kind attention.