

AFRICAN UNION		UNION AFRICAINE
<p>الاتحاد الأفريقي</p> <p><i>African Commission on Human & Peoples' Rights</i></p>		<p>UNIÃO AFRICANA</p> <p>Commission Africaine des Droits de l'Homme & des Peuples</p>
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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 67th ORDINARY
SESSION**

13 NOVEMBER 2020

His Excellency, Moussa Faki Mahamat, Chairperson of the African Union Commission;

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

Excellencies representing the African Union Member States;

Distinguished Representatives of African Court on Human and Peoples' Rights;

Distinguished Representatives of 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;

All protocols respectfully observed.

Good morning. Good Afternoon.

I am pleased to welcome all of you to this 67th ordinary session of the African Commission which we conduct once again virtually on account of the COVID19 pandemic. Certainly, this may affect the conduct of the proceedings as internet connectivity and participation in the proceedings is subject to various intervening factors. The continuity of the work of the Commission is critical, more so in a time of crisis during which the demand for promotion and protection of human and peoples is more pressing than usual. Yet, for disruptions that may arise in the course of our proceedings, I wish to request the kind understanding of all participants.

As I note the drawbacks of this format of our session, I am very much mindful in particular that there are many fellow Africans who lack access to such an alternative platform for carrying out their activities, make ends meet or participate in schooling activities. We have come to recognize in the context of this pandemic that access to the internet is central to the enjoyment of various rights, including access to information, the right to education, freedom of expression, the right to work, participation in public life, among others. Lack of access to the internet or its deprivation, the phenomenon of the digital divide, leads to complete exclusion from the enjoyment of these and other fundamental rights, leading to the deepening of inequalities. Even without the pandemic, the importance of access to the internet is expected to exponentially increase and there is urgent need for us in the human rights community to campaign for and articulate a human rights case for ensuring that the pervasive lack of access to the internet constitutes a serious impediment for the protection and enjoyment of human and peoples' rights, a case for the right to access to the internet!

Excellencies, fellow Africans, sisters and brothers

As we look back on the year 2020, we are reminded of the things that matter the most in life. One of this is Living a life free from the threat of disease. With the advent of COVID19 we have been reminded why we should not take being healthy for granted. Equally, we have been reminded that the health of each of us is intrinsically tied to the health of the public – that the health of the most well of among us cannot be secure if the health of the public, the health of the masses of our people the most vulnerable

among us, is not secure. The right to health and ensuring universal access to health is a condition sine qua non for the safety of all members of society. It is an essential public good in whose protection and provision each member of society has stake.

As underscored in resolution 449 of Our Commission, we cannot emphasize enough the importance of this and the need for working towards ensuring the right to life and its universal access to all. That is why, the ECOSOC Working Group of the Commission in collaboration with UNAIDS has initiated a joint study on the right to health.

As we continue to receive reports of sexual and gender based violence, attacks against journalists and human rights defenders in the context of the pandemic, terrorist violence and armed conflicts in various parts of the continent, one of the other things that matter most we are reminded of is a life free from the threat of violence - freedom from fear. The various threats to freedom from fear are certainly not only manifestations of structural conditions of violence but also importantly represent an indictment on those entrusted with the responsibility of managing the affairs of our societies.

For us at the Commission, as we reflect back on the past year, we wish to note with appreciation the strides we have made. 2020 has been a year for enhancing and taking to a higher level our engagement and collaboration with various stakeholders in the spirit of Our Commission's motto - human rights our collective responsibility. Earlier in the year, the Commission issued a joint statement with the Committee on the Rights and Welfare of the Child on the AU theme of the year - silencing the guns in Africa expressing concern about the deteriorating security situation in some parts of the continent and its grave human rights consequences including on children.

In response to the numerous human rights challenges which have arisen in the context of the COVID-19 pandemic, the Commission has mobilized itself vigorously rising to the challenges of the moment elevating its monitoring and response. It issued a total of fifteen (15) Press Statements on the COVID-19 pandemic, including nine (9) Press

Statements on thematic issues related to the pandemic,¹ two (2) Statements on a human and peoples' rights approach to the pandemic,² three (3) country specific Statements,³ as well as a statement on elections in the context of the pandemic.⁴ Further details of the responses that the Commission mobilized will be presented in detail in the activity reports of members of the Commission.

In addition, the Commission engaged with bodies of the wider African Union system as well as in the global human rights system on joint action in response to the pandemic. Measures taken in this respect include, a Joint Statement which I made with H. E. Michele Bachelet, United Nations High Commissioner for Human Rights; a Letter submitted to the African Union Chairperson H.E. President Cyril Ramaphosa on making human rights a key pillar of the continental response to COVID-19; a Statement on corruption arising in response to COVID-19, issued together with the African Union Advisory Board on Corruption; and a briefing delivered during the annual consultative meeting to the African Union Peace and Security Council.

As part of enhancing our engagement with states parties in the promotion and protection of human rights, this season has also registered enhanced engagement as illustrated by our consultative meeting with the AU PSC held on 8 October and 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 Press Statement of the African Commission on Human & Peoples' Rights on the Coronavirus (COVID-19) crisis; Press Statement of the African Commission on Human & Peoples' Rights on the postponement of the 66th Ordinary Session in light of the global Coronavirus (COVID-19) pandemic; Press Statement on human rights based effective response to the novel COVID-19 virus in Africa.

³ Statement on Letter of Urgent Appeal to the United Republic of Tanzania; Statement on Letter of Urgent Appeal to the Republic of South Africa; Press release on the holding of general elections in Burundi in the context of the prevalence of the Coronavirus Pandemic.

⁴ Statement of the African Commission on Human and Peoples' Rights on Elections in Africa during the COVID-19 Pandemic; Statement of the African Commission on Human and Peoples' Rights and the African Union Advisory Board on Corruption on corruption and COVID-19.

High-Level Event held on 21 October during which President Masisi of Botswana delivered the Africa Human Rights Day Keynote Lecture. I wish in this context to express our appreciation to President Masisi for gracing the Africa Human Rights Day commemoration with delivering his Keynote Lecture sharing lessons on Botswana's experience on protecting human rights including in the context of the pandemic.

We have also supported the convening of the Forum of African National Human Rights Commissions. I am very delighted and commend NANHRI for the launch of this forum earlier this week as an important platform that feeds the work and assessment of national human rights commissions on the state of human rights in Africa into the session of the African Commission, hence elevating our collaboration a notch higher.

As I highlight some of the strides we have registered and despite the progress we made, I am very much mindful that there remain major gaps between the promise of the African Charter and the delivery on this promise by our Commission. Indeed, if there is one thing that keeps us awake at night it is the fact that there are many situations that we are not able to address and many calls which we are unable to respond timely. This is particularly the case with respect to complaints of alleged violations filed with the Commission for adjudication through the communications process. We acknowledge that this must be fixed and the Commission stands to once again to rise to the occasion and address the communications backlog by investing more time and effort on its protection mandate.

Excellencies, dear colleagues, friends ladies and gentlemen

The fight against COVID19 is not yet over. I wish to reiterate the call of the Commission in its **Resolution 449 on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts** adopted during the 66th Ordinary Session on the need for vigilance in ensuring observance with the public health measures of social distancing, washing hands, wearing masks while respecting human rights.

It has become clear that the threat that COVID19 poses to the enjoyment of the rights to health, safety and life will be removed only when a COVID19 vaccine is found, manufactured and made available to all. In this respect as well, I wish to reiterate the call of Resolution 449 for the African Union to develop a strategy for the achievement of independence in the production and distribution of vaccines, as well as other critical health care supplies, on the continent. Furthermore, the African Union should lead the call for the waiver of relevant trade rules governing intellectual property rights, so that COVID19 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.

Your Excellencies, Ladies and Gentlemen,

In the course of 2020 it has become clear that the overall health impact of the COVID-19 pandemic on the African continent may be less than in other parts of the world. Yet, the long-term socio-economic repercussions are likely to have far-reaching implications, as millions of people pushed to extreme poverty, millions others lose their jobs or livelihoods and many more face hunger and starvation. In many ways the COVID-19 pandemic has served to amplify and reinforce the defining human rights issues of our time: massive poverty, widening inequality, gender oppression, the violence of racism, the democratic governance crisis and the climate emergency.

2020 is also a year that has shown us why a business as usual approach to the political, social, economic and environmental governance of our societies does not work and cannot deliver.

That we cannot continue to neglect the critical issues of pervasive property - the lack of access to education, lack of access to water, lack of access to basic health care, lack of access to decent housing.

We cannot continue to neglect the critical issue of deepening inequality. We cannot continue to rely on a neoliberal economic development model that emphasizes GDP growth rewarding more benefits for the wealthy while keeping the poor poorer.

We cannot continue to neglect the critical issue of gender oppression and the abuse of the dignity and rights of women and girls.

As extreme weather events including flooding in East, Central and East Africa and the locust invasion in the Horn of Africa show, we cannot continue to be complacent about the existential threat that the climate emergency poses on our societies, with devastating consequences for the most vulnerable.

Ladies and Gentlemen, Fellow Africans,

Since the last Ordinary Session of the Commission held in July and August 2020, this Commission has been deeply concerned by and seized with a number of alarming and serious human rights challenges which arose in various contexts on the continent, and which reverse gains made in the enjoyment of rights.

The Commission has been following the expression of public outrage about the human rights violations by and calls for the dissolution of, the Special Anti-Robbery Squad (SARS) of the Nigerian Police Force. The Commission was dismayed to learn of the excessive use of lethal force against protesters and the resultant loss of lives and injuries, including the use of live ammunition by the Nigerian military against protesters. The Commission is further concerned that in the aftermath of the protests, and following the exploitation of the situation by criminal actors and other opportunist elements, that there have been reports of an escalation of threats against human rights defenders and the organizers of the protests, including reported coercion, intimidation and travel bans, resulting in some human rights defenders going into hiding for fear of reprisals. The Commission is deeply concerned by these clampdowns on basic freedoms of expression and association, and urges the Government to engage in dialogue on the legitimate concerns of the protesting youth,

for creating conditions for the enhanced enjoyment of human and peoples' rights by all in Nigeria.

The Commission is further concerned by human rights consequences related to electoral contestations which were experienced in Cote d'Ivoire and Guinea, which were characterised by post-election violence and a deterioration of the human rights situation. We are also concerned by reports of allegation of intimidation and attacks in Tanzania following the elections in October, where the former presidential candidate and opposition leader was detained for calling for protests after the elections, and subsequently, according to reports, left the country to go into exile.

The Commission during the inter-Session period strongly condemned the unconstitutional change of Government in Mali, while recognizing the need for addressing the governance and human rights deficits that created the conditions for the coup. The Commission urges the transitional authorities in Mali to abide by the standards of the African Charter and ensure that conditions are created for addressing the governance issues in Mali and for convening free and fair elections at the end of the 18 month period for full restoration of constitutional order in Mali.

Your Excellencies, Ladies and Gentlemen

We are further concerned by the ongoing situation of insecurity and local violence in various parts of the continent.

The Commission remains actively seized of the human rights situation in Cameroon, and was distressed to learn of the tragedy that occurred on 24 October in Kumba, where at least six students aged 9 to 12 were killed and several others wounded in a massacre perpetrated by armed men in a school in the English-speaking region of South-West Cameroon. The Commission is deeply saddened by this unnecessary and gratuitous use of violence targeting civilians and basic service delivery infrastructures such as schools, all of which underscore the imperative for urgent resolution of the festering conflict in the country through a peace process.

The Commission was disturbed to learn of the massacre of two hundred and twenty civilians by armed groups in the South Kivu province of the Democratic Republic of the Congo. The Commission also learned with dismay of an attack perpetrated by an armed group of about five hundred men, in West Darfur, Sudan, which resulted in the deaths of more than sixty people and wounded sixty others. The Commission also received with deep distress reports of murder, beheadings and kidnappings of civilians, including women and children in the Cabo Delgado region of Mozambique by armed terrorist groups. The Commission condemns these acts of violence in the strongest terms, and urges the Governments of these countries to take all steps to ascertain the circumstances of these massacres through independent investigations, to ensure that the perpetrators are held accountable, victims receive justice, and the root causes of these conflicts are addressed.

The Commission also remains seized of the socio-political crisis in Ethiopia, which has witnessed major incidents of violence targeting civilians and a military confrontation in the Tigray region, which disturbingly has started to lead to major acts of violence against civilians as the latest Amnesty International Report highlighted, ethnic based profiling, arrest of journalists, a humanitarian crisis with thousands of people forced to flee into neighbouring Sudan and spike in hate speeches and an epidemic of fake news and misinformation. The Commission reminds all actors that they bear responsibility for all acts of violations of human rights and international humanitarian law and underscore the imperative for respect for human rights and humanitarian law by all sides.

Colleagues, Friends, Fellow Africans,

As you are all aware, The AU's campaign on "Silencing the Guns in Africa by 2020" aims to achieve a conflict-free Africa, prevent genocide, make peace a reality for all and rid the continent of wars, violent conflicts, human rights violations, and humanitarian disasters.

As an agenda for freeing people from violence or its threats, Silencing the Guns is also essentially a human rights agenda. Without progress for achieving this agenda, the

death, destruction, displacement and suffering of war and conflict will continue. Without progress for this agenda, sexual and gender based violence, which constitute a war on women, with alarming statistics on violence against women in countries across the continent and exacerbated during the COVID-19 pandemic, will continue to permeate our societies. And without progress on this agenda, none of the development frameworks of our continent, including the African Free Trade Area and the other inclusive and sustainable development aims under Agenda 2063, can be realized.

Your Excellencies, Ladies and Gentlemen

Not everything is doom and gloom. There are also positive development which we should cherish and celebrate. It has been during this period that we have witnessed the major fighting in Libya stalemating and importantly the peace process in that country taking off the ground with the signing of the ceasefire agreement by the conflict parties last month and the convening of the political negotiations for peace. We urge the conflict parties to abide by the terms of the ceasefire agreement to sustain the flickering hope for peace in Libya.

We also welcome the progress being made in the transition in Sudan, most notably the signing of peace agreements for ending the conflicts in Darfur and South Kordofan and Blue Nile. The long overdue removal of Sudan from the US list of the state sponsors of terrorism is also another welcome development.

As much as we express our concern in backslides in democratic governance witnessed in the elections held in some countries, we celebrate with commendation the democratic transfer of power in Seychelles from the ruling party that led the country for long to the opposition party after a free and fair election. This offers us an important example that peaceful and democratic transfer of power is possible and it must and can be the norm on our continent.

I also wish to acknowledge and commend the work of the African Court on Human and Peoples' Rights and that of the African Committee on the Rights and Welfare of the Child which, along with our Commission, avail necessary avenues for the defense of human rights on our continent. I also welcome the critical role of national human rights institutions, which have shown the value of their monitoring, investigation and reporting works. In this respect, I wish to pay tribute to the Commissions in Chad and Niger for investigating and reporting on violations perpetrated in the context of counter terrorism operations in those countries and to the Commissions in Ethiopia, Zimbabwe, Nigeria and Kenya, among others, for their investigation and reporting on various human rights issues including excessive use of force, arbitrary arrest etc.

I also wish to acknowledge the role of NGOs, social justice movements, human rights defenders and journalists for their service, which they continue to work for often by putting their liberties and life on the line.

Last but not least, I wish to pay respect to ordinary citizens on the continent, who despite very difficult social, economic and political conditions, seek to overcome their conditions and achieve a life of dignity. I express my solidarity with the youth in particular who through exercising their freedom of assembly by staging peaceful protests are leading the struggle for justice, equality and dignity as manifested in the June 5 protest movement in Mali and the recent #EndSARS protests in Nigeria.

Excellencies, ladies and gentlemen

On behalf of the Commission, I wish to extend our invitation for your active participation in the proceedings this 67th ordinary session for delivering on the motto human rights our collective responsibility.

I wish to extend my appreciation to everyone whose hard work once again made the convening of this virtual Session possible. I wish us all a very productive session.

I thank you all for your attention.