

**Speech by the Vice-Chairperson of the African  
Commission on Human and Peoples' Rights, Mrs Angela  
Melo, Delivered at the Opening Ceremony of the 43<sup>rd</sup>  
Ordinary Session of the African Commission on Human  
and Peoples' Rights  
Ezulwini, Kingdom of Swaziland**

- **Honourable Prime Minister of the Kingdom of the Kingdom Swaziland, Absalom Themba Dlamini,**
- **Honourable Members of the Government of the Kingdom of Swaziland,**
- **Honourable Members of the African Commission on Human and Peoples' Rights,**
- **Excellencies, Members of the Diplomatic and Consular Corps accredited to the Kingdom of Swaziland,**
- **Distinguished Delegates of African Union Member States,**
- **Distinguished Representatives of International Organisations,**
- **Distinguished Representatives of National Human Rights Institutions,**
- **Distinguished Representatives of Non-governmental Organisations,**
- **Distinguished Invited Guests of different designations**
- **Distinguished Ladies and Gentlemen**

On behalf of the members and staff of the African Commission on Human and Peoples' Rights, I wish to welcome you all to the 43rd Ordinary Session, held here in Ezulwini, the picturesque Kingdom of Swaziland! I wish to thank you for coming in large numbers from far and wide to join us to reflect, debate and discuss on some of the important human rights issues on our Continent. For those of us who have traveled just across the border to this historic city, I say a warm welcome to you. All of you have very busy schedules at home and your

coming to another Session of the African Commission testifies to the importance with which you hold human rights in Africa, and the seriousness you give to the responsibilities assigned to you by your Government and Institutions.

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

Before I continue, please allow me to use this platform, on behalf of the African Commission on Human and Peoples' Rights to formally congratulate His Majesty, His Royal Highness, **King Mswati III** on the occasion of his 40<sup>th</sup> birthday and incidentally the 40<sup>th</sup> Independence Anniversary of this Kingdom. I understand that a "40-40" celebration is being planned later this year when His Majesty's 40<sup>th</sup> birthday will be celebrated with the National Independence Anniversary.

Honourable Prime Minister, in my own name and on behalf of the African Commission on Human and Peoples' Right and the African Union, I have the honour to convey to you, your Government and the People of The Kingdom of Swaziland, heartfelt congratulation, on the occasion of the celebration of your National Day.

Let me also extend sincere appreciation on behalf of the African Commission, to the Government and People of the Kingdom of Swaziland for graciously accepting to host this Session and for the legendary Swazi hospitality, conducive environment and good facilities provided to ensure the success of this 43<sup>rd</sup> Session. A special thank you goes to the organizing Committee headed by the Honorable Minister of Justice, Prince David Dlamini and ably assisted by the Under Secretary Mr Siboniso Masilela. They have pulled all the stops to ensure that we have a trouble free Session. A word of gratitude also goes to all those who have in diverse ways contributed to the holding of this Session.

The last decade of the twentieth century has been a time of momentous change in all parts of the world. Africa, in particular, has witnessed unprecedented expansion of the democratic space and major social economic changes and reforms that have transformed the political landscape across the continent. Our peoples have continued to agitate for the right to determine how they are governed. Major strides have been made in this regard, although there are still a few setbacks and areas in which we must do better. We must therefore take the synergy between democracy, peace, security, development and human rights seriously if we want to achieve prosperity in the medium to long term.

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

As you are aware, the African Commission has for some time now been engaged in an unrelenting search for solutions to the many human rights problems and challenges confronting the African Continent. With the attainment of political independence or self-rule, one would have expected an end to brutality, torture, maltreatment and the humiliation of the African peoples, and an elevation of the African race in the eyes of the international community. One would also have expected self-rule to encourage African leaders to uphold the principles of *“freedom, equality and human dignity [as] essential objectives for the achievement of the aspirations of the African peoples”* enshrined in the Preamble of the OAU Charter of 1963 and which still remains valid under the Constitutive Act of African Union. Indeed the establishment of the African Union was in itself a strong statement on the need to embark on a new phase in the history of the Continent.

It is an undeniably truth that respect for human rights is the foundation of all democratic societies. The adoption by the Eighteenth Ordinary Assembly of Heads of State and Government of the OAU of the African Charter on Human

and Peoples' Rights was a historic development because it created a regional mechanism to promote and protect the fundamental rights and freedoms of over 900 million people in Africa, thereby establishing better conditions for democracy to thrive.

The decision of the OAU and subsequently the AU to consolidate the African human rights system is particularly significant because it indicates that African leaders recognized that human rights violations in African States are a matter of concern to them. We all know that the OAU Charter entrenched the principle of non-interference in the internal affairs of Member States. This principle of non-interference had been constantly used, expressly or implicitly, to prevent the organization from dealing with gross violations of human rights within Members States. But non-interference doesn't mean that a 'state' can clamp down on legitimate internal dissent and brutalise its own citizens with impunity. The irony of Africa was quite embarrassing for any who cared to look. The African Member States however, rectified this anachronism, when they adopted the Constitutive Act of the African Union in 2000 giving primacy to the human rights in its guiding objectives and principles.

With the belief that the protection of human rights is the business of all of us, the African Commission during the 42<sup>nd</sup> Ordinary Session in Congo, Brazzaville, had adopted a resolution, taking into account the 'Ezulwini Consensus' recalling the principles under the Constitutive Act of the African Union which provides that the African Union shall intervene in a Member State to prevent genocide, war crimes and crimes against humanity.

In fact, the Commission has intensified its engagement with States Parties which we regard as our foremost collaborator in the promotion and protection of human rights. Over the last five years, as a result of a decision taken at the Maputo Summit, the presentation of the activity report by the African Commission to the Executive Council of the AU, has offered the Commission the opportunity to engage in a frank dialogue with the political organs of the AU. One of the benefits of that open dialogue is that State Parties have now come to appreciate that they need to support the African Commission even more. It is encouraging to note that in the last few months the budget of the Commission has been increased by over 400 percent. This will hopefully enable the Commission to undertake many activities we could only dream about for so long.

**Your Excellencies** as we meet during the 43<sup>rd</sup> Session, there are several developments which occurred since we held the 42<sup>nd</sup> Ordinary Session. In fact, some times it looks as if Africa takes one step forward and then two steps backward. I speak for the whole of Africa to say that the recent events in Kenya and Zimbabwe have been deeply depressing. A few days ago World Press Freedom Day was celebrated - a reminder that in dozens of countries around the world, publications are censored, fined, suspended and closed down, while journalists, editors and publishers are harassed, attacked and detained. There are reports of journalists being killed particularly in conflict zones. For us at the African Commission, World Press Freedom Day was a grim reminder that freedom of the press and freedom of expression are fundamental rights guaranteed by the African Charter and have to be respected by States Parties. The African Commission has a responsibility to defend these rights because they are a fundamental cornerstone of democracy, which we are all committed to build and consolidate in Africa.

As I stated a minute ago, States Parties are one of our key allies in the struggle to promote and protect human rights, and we need their cooperation if we are to execute our mandate properly. That includes getting prompt replies to Diplomatic Notes sent out by the African Commission for promotional and protection missions.

There are other disturbing threats to the enjoyment of human rights on the continent. The current food crisis that has hit many African States is a matter of concern to the Commission. Several African States have experienced violence as a result of food shortage. It is our hope that governments across the continent will address this issue promptly whilst upholding the fundamental rights of their people. The occasion of this 43<sup>rd</sup> Ordinary Session hopefully gives us the time and space to re-engage in a dialogue to address some of these issues.

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

A Session without the active participation of Civil Society would be all but meaningless. We value our relationship with Civil Society. As of November 2007, the African Commission had granted observer status to 375 NGOs and 20 National Human Rights Institutions. The number of International Organizations, Inter-governmental Organizations and other interest groups attending the Sessions of the Commission has increased considerably over the years. It is encouraging to note that the regular organisation of the NGO Forum preceding the African Commission Sessions with the participation of groups is important in supporting the work of the African Commission.

Both the Commission and the NGO Forum, with the dynamic organisation of the African Centre for Democracy and Human Rights Studies have been making efforts to improve the human rights landscape in Africa. In that regard, I want to

give a special thank you to Madam Hannah Forster, the force behind the organization of the NGO Forum. Through the NGO Forum hundreds of NGOs from Africa and beyond have come to know the work of the African Commission in particular and the African human rights system as a whole.

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But as we highlight the role of our partners, I would like to point that, the primary responsibility for the promotion and protection of human rights rests with Member States as underscored by the Kigali Declaration adopted by the AU Ministerial Conference on Human Rights in Africa in May 2003. In this respect we welcome the establishment by Member States of National Human Rights Institutions and acknowledge the submission of their periodic reports to the African Commission. Under the Charter, States Parties are required to submit reports to the Commission every two years, on the legislative and other measures they have taken to give effect to the Charter-guaranteed rights. That exercise has been very useful for advancing human rights on the Continent

As we meet in Swaziland during this Session, three States Parties, namely Democratic Republic of Congo, Sudan and Tanzania will present their periodic reports. There are some States which have not submitted a single report to the African Commission. The opportunity of examining State Reports, apart from being an obligation under the Charter enables the African Commission to engage in a constructive dialogue in ensuring that human rights are respected and guaranteed by the States Parties. I therefore call on all those States which have not yet submitted their State report to do so in subsequent Sessions. I also call on all States Parties, which have not done so, to ratify all regional human rights instruments, such as the Protocol to the African Charter on the Rights of Women

in Africa and the Charter o Democracy Elections and Violence adopted by the AU in January 2007.

### **Distinguished Delegates and Guests**

Before I leave the rostrum, let me express my appreciation to my fellow Commissioners and the Secretariat of the Commission for the support they have given the Bureau. In February, as most of you know, we held the 4<sup>th</sup> Extra-Ordinary Session in Banjul, The Gambia, to consider our Revised Rules of Procedure prepared by the Working Group on Specific Issues Relevant to the Work of the African Commission. The Commission will continue to discuss those rules during this Session. During the inter-Session many of them undertook various promotional missions, attended meetings, workshops and undertook various other tasks. I say thank you for your hard work.

In addition to organising this 43<sup>rd</sup> Ordinary Session, the African Commission will be celebrating 'Africa Day' on 25<sup>th</sup> May, and also organizing a series of other events around the 43<sup>rd</sup> Session in order to contribute to the visibility of the African Commission.

In conclusion, let me reaffirm that today, the winds of change are indeed blowing across Africa presenting new opportunities for the promotion and protection of human rights. As we deliberate various human issues affecting the Continent for the next two weeks, let us resolve individually and collectively to build on the momentum and deliver to the peoples of Africa! On a final note, I wish to thank the Government and the People of the Kingdom of Swaziland once more, for hosting this Session. May our deliberations be fruitful and may this 43<sup>rd</sup> Ordinary Session be a resounding success.

I thank you for your kind attention.

