

Opening Speech by the Chair of the African Commission on Human and Peoples' Rights, Her Excellency Honourable Commissioner Justice Sanji Mmasenono Monageng Delivered at the Opening Ceremony of the 44th Ordinary Session of the African Commission on Human and Peoples' Rights

- Honourable Minister of Justice and Attorney General of the Federal Republic of Nigeria, Chief Michael Kaase Aondoaka;
- Honourable Members of the Government of the Federal Republic of Nigeria;
- Honourable members of the African Commission on Human and Peoples' Rights;
- My Lord Chief Justice of the ECOWAS Court
- Excellency Mrs. Julia D. Joiner, Commissioner Political Affairs, Commission of the African Union;
- Excellencies Members of the Diplomatic and Consular Corps accredited to the Federal Republic of Nigeria;
- Our Honoured and Distinguished Traditional Leaders;
- 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;

All protocols respectfully observed

On behalf of the Members and staff of the African Commission on Human and Peoples' Rights, it is my honour and pleasure, to welcome you all to our 44th Ordinary Session holding here in Abuja, Nigeria. Thank you for being here, and for coming to yet another Session of the Commission to report on, appraise and examine with us some of the key human rights concerns on the Continent.

Your presence in such large numbers is, without a doubt, an expression of the belief you have in the work of the African Commission, as well as our collective determination to promote the ideals of the African Charter.

I also want to thank and extend our sincere appreciation to the Government and People of the Federal Republic of Nigeria, for graciously accepting to host this Session of the Commission, and for the excellent facilities put at our disposal to ensure the success of this Session. In fact, this is the second time Nigeria is hosting the Commission, the first one having been in 1996.

Your Excellencies, Ladies and Gentlemen,

It was six months ago when we met in Ezulwini, the Kingdom of Swaziland, to review the human rights landscape on the Continent. Although it seems like yesterday, in between Ezulwini and Abuja, a lot has happened. Amongst other things, we at the Commission have been discussing how to improve our working methods. The Commission has organized a number of consultations and meetings to improve its working methods, and find ways of working more strategically with other human rights stakeholders. The general objective of those consultations is to enhance the promotion and

protection of human rights in Africa, through closer collaboration with our traditional partners, including Member States, civil society and other AU Organs with a human rights mandate. The reports of those consultations will be discussed by the Commission and the necessary action taken.

Your Excellencies, Ladies and Gentlemen,

With regards to the human rights situation, despite some important progress in some States in the Union, the overall human rights report card is poor. There are conflicts in Somalia, in Eastern DRC, Eastern Chad, Central African Republic and Northern Niger. Gross human rights abuses have also been reported in Darfur, the Horn of Africa and in the Great Lakes Region, with women and children bearing the brunt of these conflicts.

We need to harness the lessons of the last six months and apply them to the task of building a culture of human rights observance on the Continent, as well as a strong continental human rights monitoring body. We want that organisation to work in tandem with our Member States, including all segments of the society to serve the collective interests of the African people. This implies a readiness to take stock of our activities and measure progress, in order to come up with an appropriate roadmap for an African renaissance. That will also mean working better and smarter.

We all know that the first casualty in conflicts is human rights. The African Commission is particularly concerned about the escalating situation in the DRC, and the ensuing human rights abuses. Reports reaching the Commission state that fighting has intensified in recent

days, especially in North Kivu Province. We lament the catastrophic humanitarian toll the conflict is taking in the region. In that regard, the African Commission strongly condemns the attacks on civilian populations, and their use as human shields by the belligerents.

Your Excellencies, Ladies and Gentlemen,

Economic and social rights are still beyond the reach of the majority of the African people. Millions of people continue to live without access to the basic necessities of a dignified life such as clean water, proper housing, food, education and primary health care. Consequently, the African Commission calls upon States Parties to the African Charter to do more, and to tackle head-on some of the Continent's pressing human rights problems, so that millions of young men and women are not denied their human rights.

Your Excellencies, Ladies and Gentlemen,

A case in point is that of Aisha Ibrahim Duhulow. Aisha Ibrahim Duhulow was a 13-year old child who, after having been found guilty by a Sharia Court, was buried in the ground up to her neck, and her head covered with a black sack, while 50 Somali men pelted her head with rocks for allegedly committing the crime of fornication. A number of questions have to present themselves to the mind of right thinking persons such as: First, where is the man, with whom Aisha is supposed to have fornicated? Second, was he tried and also put to death? Was there no more humane manner in which to handle this case? I would like to repeat the appeal I made at the NGO Forum three days ago, namely, that all who cherish freedom, justice and respect for human rights should strongly condemn this action, and

urge the Somali Authorities to abide by their obligations under the African Charter.

Also within the last six months, some governments retreated from their commitments to the freedom of expression, association and peaceful assembly. For example, reports reaching the Commission indicate that journalists have been intimidated, harassed, arrested and jailed.

Your Excellencies, Ladies and Gentlemen,

The drafters of the Charter believed in the values of equality, justice and the rule of law that the Charter espoused. They dared to dream. They believed. They kept faith in the doctrine of human rights. They crafted a dynamic instrument that has been able to stand the test of time. They recognized the notion of collective responsibility of all to uphold human rights. They understood that our collective security depends upon our collective will and desire to uphold human dignity.

This notwithstanding, 21 years after the adoption of the Charter, the protection and promotion of human rights remains a constant challenge, one that requires our untiring vigilance and ceaseless efforts. It is only in our ability to adapt to the new challenges, to be fluid in our approach and dynamic in our endeavours, that we will truly be able to succeed in fulfilling our mandate. You will agree with me that the human rights landscape on our continent has dramatically changed. Internal and external developments have created new challenges, and also created numerous opportunities for the realization and enhancement of human rights.

It is my firm belief conviction that we need to – and that we can --- do more: not only to move the frontiers of the human rights debate, but also to improve the human rights practice, in order to create an Africa that is characterized by a culture of human rights compliance and observance. Although the primary obligation to promote and protect human rights is on governments, we all need to do our part, for the obligation to promote and protect human rights is truly our collective responsibility. We are all in this together. We must construct that people-centred society of freedom in such a manner that it guarantees the rights of all of us.

I, therefore, call on States Parties to the African Charter, civil society, non-state actors and others in positions of power or influence to reflect on this day – and ask themselves, can I do more to uphold human rights and human dignity? We are challenging governments to set a new paradigm for collective leadership based on the principles of the African Charter and Universal Declaration of Human Rights. I ask our Governments to show the same degree of vision, courage and commitment that led to the adoption of the African Charter nearly three decades ago.

Indeed, it is in within this context that I call for a speedy resolution to the impasse in Zimbabwe.

Before I leave this rostrum, I want to convey, on my behalf and on behalf of the African Commission, heartfelt congratulation to Honourable Justice, Navanethem Pillay on her appointment to the High Office of UN High Commissioner for Human Rights, and to assure her of our full support in the performance of her duties. She becomes the first African to hold that position.

Again, Excellencies, Ladies and Gentlemen, a very warm welcome to the 44th Ordinary Session of the African Commission on Human and People's Rights.

I thank you all.