

***INAUGURAL ADDRESS BY OF THE CHAIRPERSON  
OF THE AFRICAN COMMISSION ON  
HUMAN AND PEOPLES' RIGHTS,  
COMMISSIONER REINE ALAPINI-GANSOU***

**47<sup>TH</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION  
ON HUMAN AND PEOPLES' RIGHTS**

Your Excellency, Mr. Edward Gomez, Minister of Justice of the Republic of The Gambia;

Your Excellency, Mr. Victor Topanou, Minister of Justice, Attorney General of the Republic of Benin, representing the Member States of the African Union;

Your Excellency Mme Julia Dolly Joiner, Commissioner of Political Affairs of the Commission of the African Union;

Your Excellencies Ladies and Gentlemen Ambassadors and Representatives of the Diplomatic Corps;

Your Excellency Mr. Mahamane Cisse-Gouro, Representative of the High Commissioner of Human Rights;

Your Excellency Mr. Patrice Vahard, Representative of the United Nations West Africa Bureau;

Your Excellencies Ladies and Gentlemen Representatives of International Organizations;

Ladies and Gentlemen Representatives of National Human Rights Institutions;

Ladies and Gentlemen Representatives of Non-Governmental Organizations,

Distinguished Guests

Dear Colleagues;

Ladies and Gentlemen

In my closing address at the end of the deliberations of the 46<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights, I referred to certain issues which could constitute a subject of concern for us regarding the numerous challenges that our populations have to face in the effort to promote and protect human rights on our Continent. I indicated that we need to commit our collective conscience on the human rights problems which cover our entire Continent; whereas the common run of the citizens in our countries are not even able yet to guarantee the basic minimum in terms of the right to food, to healthy accommodation, to decent living conditions and the possibility to exercise their fundamental rights.

Here we are at the 47<sup>th</sup> Ordinary Session of the ACHPR, at our usual rendez-vous, at our ritual, I was going to say which once again provides us with the opportunity assess and appreciate the human rights situation in Africa and if need be, take stock of our common responsibility.

In the context of the events which have taken place in the past 6 months and the tasks which our Commission has been tackling during this period, I would like to focus my inaugural address on what for me constitutes human essence and which continues to be very topical since the beginning of time; from time immemorial including emblematic figures like Montesquieu, J-J- Rousseau;

I would like to register my address within the context of the evaluation of the human rights situation by endeavouring to establish ***the correlation between democracy, good governance and human rights.***

The approach, in my view, is hazardous, but I would like to dwell at length on what I consider to be essential knowing that such a subject could constitute the object of numerous interpretations.

Ladies and Gentlemen;

The specific situations linked to the Coup d'Etats, or to what we will again refer to as power grabs, to election-linked issues; the social reactions emanating from the problems linked to the right to education, to security and to employment, to good health, to a healthy environment, those linked to the freedom of worship and to the right to life, have a common denominator for they pose problems of political systems, problems of management of citizens' living conditions and undoubtedly, problems relating to the rights of the populations.

Ladies and Gentlemen;

Democracy is defined as a political system within which the rule of law should constitute a cardinal principle, a political system which respects the separation of powers and within

which change remains a condition sine qua non; a political system within which all the rights guaranteed by the various international and regional legal instruments, in particular the African Charter, are really promoted and respected. I agree democracy is a very complex undertaking, and it remains a universally recognized ideal and an objective founded on values common to the entire human community, independently of the cultural, political, social and economic differences. Democracy presupposes the right not to be harassed for one's opinions and that of seeking, receiving and disseminating information and ideas, with no consideration for frontiers, and by whatever means of expression possible subject to the respect for the lives of others and for public security.

Ladies and Gentlemen,

Today there is no doubt whatsoever that Africa has, through the AU, taken full stock of the stakes by making decisions on the need to get our States Parties to adopt the democratic route. I cite as evidence all the efforts that have been deployed within the context of the actions engaged to include, in the governance designing process, the best strategies for human rights in Africa and in consequence for the ratification of the Charter on Democracy, Elections, Governance and the implementation of the AU decisions on anti-constitutional changes.

We note, unfortunately, that the human rights violations about which the ACHPR is called upon, emanate most often from contexts of bad governance, from the systematic denial of democratic change and the refusal to recognize the fundamental rights of the human being as well as the unacceptable reversal of constitutional order, with no regard for the rights of the populations.

The ACHPR has, from November 2009 to date, been called upon to examine and re-examine the human rights situation on the Continent and through my voice has arrived at the following conclusion:

Whereas Africa has considerable assets which can contribute to its economic development and without a doubt make up for lost time in its development, several human rights violations are perpetrated with impunity in the States Parties to the Charter and this in those where there are governance problems and where there is no hope of peace. The same is true for those countries where relative peace prevails.

Our Commission therefore needs to deploy greater efforts in the combat against Torture, against the Death Penalty, the Rights of Human Rights Defender Associations, the Rights of Journalists; our Commission should also convince the stake holders to accept the right to be different and in particular to that of non-discrimination. It needs to commit the stake holders to the scrupulous respect for the provisions of the Charter;

How can democracy contribute to the advancement of human rights in an Africa sickened by its conflicts and weighed down by its historical past, in an Africa which today is still subject to poverty and to under-development? There lies the interest of my introductory presentation.

If therefore we wish to consider democracy, not as a battle, but rather as the outcome of this battle, we would need to work hard in helping our States to achieve genuine democracy within which even the minorities deserve consideration and praise in like manner as the majority, if need be?

There is evident correlation between democracy, good governance and human rights, a necessary link which should give life to human rights in normative contexts which take into account the general interest through a regular checking of the high performing, responsible and participative Republican Institutions, founded on a basis which guarantees multiparty democracy, the Rule of Law, and a system which guarantees the effective promotion and protection of human rights, of individual and collective liberties.

Thanks to improved governance and to the role of civil society which is nascent or already more or less well established in Africa, our countries can count the growth rates

indicative of the respect for human rights knowing that development depends on good governance

In other words we need to assist the States Parties in genuinely giving effect to their own responsibilities and commitments. How can it be otherwise when we know that the rich history of the African Continent has taught us that certain populations of our forests and our savannas have succeeded as best they can, in becoming more democratic, thereby transforming their environment into societies of peace, justice, solidarity and tolerance.

On the basis of this optimistic perspective, I will pick out some challenges which lie in wait for such an undertaking.

One cannot speak of respect for or promotion of human rights in a context of bad governance, in a context of electoral violence or of truncated elections covered with serious and massive human rights violations. One cannot speak of respect for human rights in a context of the villainous exploitation of their wealth to the detriment of the peaceful populations.

There cannot be good governance where arbitrary arrests, torture in custody, problems of gender based discrimination or the populations' HIV status are the order of the day; or where the most basic of fundamental freedoms are muzzled and are replaced by liberticidal or restrictive rights; where Journalists

disappear for having accomplished their mission; where women are excluded from the decision making or peace processes.

In other words again, political intolerance, the persistence of detrimental socio-cultural practices, the patrimonial perceptions and conceptions of common wealth (*res publica*), the lack of respect for the standards and principles of democratization, the weakness of the State Institutions, the lack of respect for Human Rights and other international standards and conventions, the absence of constructive socio-political dialogue between the various actors constitute that many challenges which need to be highlighted in the context of this necessary correlation.

To bring the subject back into the context of the 47<sup>th</sup> Session of the African Commission on Human and Peoples' Rights, to say that the latter is committed to examining very closely these challenges which are linked to the will of the States Parties. I rejoice personally in relation to the fact that the dialogue which we engage with the States Parties, dear Colleagues, has become an asset that we must safeguard at all costs, while keeping in mind that each stake holder must be obligated to respect scrupulously the African Charter on Human and Peoples' Rights. The challenges are so great that in the coming days we have to deal with new themes. It is for this reason that we have, quite beyond our traditional

commitments, endeavoured to initiate the debate on new themes such as:

- The right to citizenship
- The right of those infected with HIV to good health

All these imperatives confirm for us the idea that the task is great but the workers are few. During this Session which is about to open, the ACHPR will, as usual, give of its best, to roll out its work programme, but already I would like to call on all and sundry to reflect in depth on this theme so that during this year, 2010 we can assess the 50 years of independence of the majority of our States while keeping in mind that the time has come for contemplation and meditation.

We should, in collaboration with our leaders, evaluate that which has been realized in our countries in the crucial area of human rights with the commitment and participation of civil society. However way you look at it, human rights and development are closely linked and are at the crossroads of any kind of sustainable development.

Ladies and Gentlemen,

Before concluding my address, I would like to recall that this year, 2010 is a year of transition for Africa in the area of the culture of peace since it was declared the Year of Peace and

Security by the Assembly of Heads of State and Government during the 14<sup>th</sup> Summit.

In this context, we also need, in the long run, to give an account of what we have done to promote peace around us, in our houses, in our communities and in our countries.

The African Commission on Human and Peoples' Rights has received the Torch of Peace passed on by AU Executive Council, and I find that the only opportune moment to light this Torch is during the present Session.

I would therefore like, with your permission,  
Distinguished Guests,  
Ladies and Gentlemen,

to ask Mme. Mary Maboreke, Secretary of the ACHPR, to present the Torch of PEACE which will remain a strong symbol throughout our Session and will then be deposited at the Headquarters of the African Commission on Human and Peoples' Rights as a symbol of our participation in the process.

In conclusion, I would like to wish each and everyone of you a very successful Session and hope that our deliberations will find judicious and long-lasting solutions to the human rights cause on our Continent.

I thank you!

Banjul, 12 May 2010