OPENING STATEMENT OF THE CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

HONOURABLE COMMISSIONER
PANSY TLAKULA

DELIVERED AT THE OPENING CEREMONY OF THE 59TH ORDINARY SESSION

BANJUL, ISLAMIC REPUBLIC OF THE GAMBIA
21 OCTOBER 2016
Hon. Mama Fatima Singateh, Minister of Justice and Attorney General of the Islamic Republic of The Gambia;
Hon. Susan Shabangu, Minister of Women in the Presidency of the Republic of South Africa, speaking on behalf of African Union Member States;
H.E. Aïcha Abdullahi, Commissioner for Political Affairs of the African Union Commission;
Hon. Justice Sylvain Oré, President of the African Court on Human and Peoples’ Rights;
Mr. Joseph Ndayisenga, Second Vice President of the African Committee of Experts on the Rights and Welfare of the Child;
Hon. Brigitte Mabandla, Member of the African Peer Review Mechanism Panel;
Dr. Joseph Chilengi, Presiding Officer of the Economic, Social and Cultural Council;
Hon. David Makiese, Acting Chairperson, African Union Commission on International Law;
Hon. Daniel Batidam, Chairperson, African Union Advisory Board on Corruption;
Distinguished Delegates of African Union Member States;
Distinguished Members of the Diplomatic and Consular Corps accredited to the Islamic Republic of The Gambia;
Distinguished Representatives of International Organizations;
Distinguished Representatives of National Human Rights Institutions and Non-Governmental Organizations;
Distinguished Invited Guests of different designations;
All protocols respectfully observed.
It is my singular honour and privilege to welcome you to the opening ceremony of the 59th Ordinary Session of the African Commission on Human and Peoples’ Rights (the African Commission). Allow me to express, on behalf of the African Commission, our profound gratitude to the government and the people of the Islamic Republic of The Gambia, for welcoming us warmly to Banjul and for all the facilities and assistance that have been accorded to all the participants.

This session is in more ways than one a momentous occasion. Thirty years ago on this day, the 21st October, the African Charter on Human and Peoples Rights entered into force. In honour of this historic milestone, the Organization of African Unity (OAU) declared the 21 October as Africa Human Rights Day. The year 2016 marks a critical juncture on the continent’s human rights trajectory. In addition to the 30th anniversary of entry into force of the African Charter, it also marks the 35th anniversary of the adoption of the African Charter on Human and Peoples’ Rights (the African Charter); the 15th anniversary of the operationalization of the African Committee of Experts on the Rights and Welfare of the Child; the 10th anniversary of the operationalization of the African Court on Human and Peoples’ Rights (the African Court); and the 13th anniversary of the Protocol to the African Charter on the Rights of Women in Africa (the Maputo Protocol). To celebrate these achievements, the African Union declared 2016 as the African Year for Human Rights with particular focus on the Rights of Women. It is against this background that the African Commission and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) decided to hold their Sessions simultaneously in Banjul, Islamic Republic of The Gambia, to mark this historic occasion. Almost all the organs and institutions of the African Union, including our sister Commission, the Inter- American Commission on Human Rights have graced the Session with their presence and will be participating in the celebratory events. I am pleased that our celebration coincides with the release of the 21 Chibok girls a few days ago. We wish to commend the government of the Federal Republic of Nigeria for finding the girls and urge it to redouble its effort to find the remaining girls.
Distinguished Ladies and Gentlemen,

One of the preambular paragraphs of the African Charter poignantly reflects the historical context within which the Charter was adopted. It provides that "Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism, and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinion". At the same time, the Charter was also ahead of its time at the time of its adoption because it recognizes the right to development as a human right, the universality of human rights, and the enjoyment of economic, social and cultural as a prerequisite to the enjoyment of civil and political rights. Cognisant of the need to free the peoples of Africa from the clutches of poverty and want, the African Charter also makes economic and social rights justiciable.

It is important for us, on the occasion of the commemoration of the 30th anniversary of the African Charter, to reflect on the achievements that we have made since its adoption and the challenges that impede the effective realization of the rights enshrined therein. Africa has made significant strides in the promotion and protection of human rights. In addition to the establishment of the African Commission almost thirty years ago, the African Union has established other organs and institutions with a human rights mandate such as the African Court and others that are represented here today and has established mechanisms to coordinate the activities of these organs. It has also adopted a number of human rights instruments to enhance the enjoyment of human rights. In addition to these instruments, the AU has also adopted Agenda 2063, which is a Pan African Vision of the Africa We Want in 2063, which amongst its seven aspirations is An Africa of good governance, democracy, respect for human rights and the rule of law, and A peaceful and secure Africa.
The African Commission has adopted a number of declarations, principles, guidelines and general comments to elaborate the meaning and scope of the rights provided for in the African Charter. These include the Principles of Fair trial, the Declaration of Principles on Freedom of Expression, Guidelines and Measures for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment, General Comment on the Right to Life and General Comment on Article 14 (1)(d) and (e) of the Maputo Protocol on the rights of women to be protected from HIV infection, and to be informed of their HIV status and the status of their partners to name a few.

Over the years we have witnessed significant progress in the promotion and protection of human rights on our continent, particularly civil and political rights. We have defeated colonialism and the scourge of institutionalized racism and racial discrimination, cases of unconstitutional change of government are few and far between, most of our countries hold regular election and there is a steady increase in peaceful transfer of power after an election. Many countries are making progress in the advancement of women's rights, in particular the participation of women in politics and other positions of power, ownership of land and the right to inheritance. A number of countries have also adopted measures to address violence against women and harmful traditional practices such as female genital mutilation and child marriage. There is also an increase in the number of countries that have adopted laws to criminalize torture and access to information laws.

Notwithstanding these achievements, a lot still needs to be done. Too many African women still run the risk of dying during pregnancy. Unsafe abortions, trafficking of women and girls, discrimination and violence against persons, especially women, on the basis of their real or imputed sexual orientation are some of the challenges that our countries on the continent are confronted with.

Unfortunately, recently we have witnessed an increase in terrorism and violent extremism, resulting in unnecessary loss of innocent lives, destruction of property, displacement and other human rights violations. Other challenges include shrinking of
spaces for civil society organizations and human rights defenders through the adoption of laws which unreasonably restrict the right to freedom of association, persecution and harassment of opposition political parties and candidates in the run up to an election through arbitrary arrest and detention, harassment, intimidation and arbitrary arrest of journalists, jamming or blocking of social media and internet in the run up to and during an election, election related violence, excessive use of force by law enforcement agencies during peaceful protests etc. The economic meltdown in most of our countries has increased poverty and inequality, and youth unemployment. Illicit flow of capital and corruption rob our countries of resources required to improve the lives of the poor and marginalized. Many countries on the continent are well endowed with mineral resources. The question is, do these resources benefit the people?

If we are serious about achieving the Africa We Want in 2063, we have to admit to ourselves that things are not going as well as they should in some of our countries on our continent. Our leaders have to take urgent measures to address the challenges that are facing our countries. Unlike our generation which endured colonialism and apartheid for many decades, the youth of today are impatient. They want change now.

The African Charter stipulates that freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African People. These are the ideals that leaders such as Nelson Mandela, Kwame Nkuruma, Julius Nyerere, and others lived and died for. To honour the legacy of these great sons of Africa, these ideals should guide us as we march steadily and resolutely to the Africa We Want, otherwise their struggle for the liberation of Africa would have been in vain.

I thank you for your attention.