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
61ST ORDINARY SESSION

BANJUL, THE GAMBIA
01 NOVEMBER 2017
H. E. Mr. Adama Barrow, President of the Republic of The Gambia;

H. E Ms. Minata Samate Cessouma, Commissioner for Political Affairs of the African Union commission representing the Chairperson of the African Union Commission

H. E. Moussa Faki Mahamat;

Honourable Minister of Justice and Attorney General of the Republic of The Gambia;

Honourable Members of the Government of the Republic of The Gambia;

Representatives of African Union Member States;

Distinguished Delegates of African Union Member States;

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Hon. Justice Maria Mapani, Vice-Chairperson, African Committee of Experts on the Rights and Welfare of the Child;

Vice-chairperson and Honourable Members of the African Commission on Human and Peoples' Rights;

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

Mr. Stavros Lambrinidis European Union Special Representative for Human Rights Institutions;

Mrs. Hannah Forster, Representative of the NGO Steering Committee;

Distinguished Representatives of International Organizations;

Distinguished Representatives of National Human Rights Institutions;
Distinguished Representatives of Non-Governmental Organization;
Distinguished Invited Guests of different designations;
Distinguished Ladies and Gentlemen;

Let me at the outset welcome you all to the 61st Ordinary Session of the African Commission on Human and Peoples’ Rights (the Commission), being hosted once again in Banjul, The Gambia. I would like to express my sincere gratitude to all of you for honouring us with your presence at the Opening Ceremony of the 61st Ordinary Session of the African Commission.

Allow me to express my sincere gratitude to H. E. President Adama Barrow for gracing us with your presence, and to the Government of the Republic of the Gambia for hosting this Session and for the warm welcome and the excellent facilities that have been extended to us to ensure that the Session is a success. Today is a historic day because in the twelve years that I have been a member of the Commission, this is the first time that the President of the Gambia attends the session of the Commission. Your presence here today Your Excellency, signifies your commitment to human rights.

I would also like to extend my gratitude to the various stakeholders of the Commission including Representatives from the States Parties, AU Organs, Non-Governmental Organizations (NGOs), International Organizations including the Office of the High Commissioner for Human Rights and the European Union, to name a few, who are joining us once again for this Ordinary Session.

Your Excellency, Distinguished Ladies and Gentlemen,
Once again, we are gathered at the seat of the Commission, in The Gambia, where we are commemorating the 30th anniversary of the operationalization of Africa’s pre-eminent human rights body.

The African Charter on Human and Peoples’ Rights (the African Charter) entered into force on 21st October 1986; however the Commission was established following year.

On 02 November 1987, the Commission was inaugurated in Addis Ababa, Ethiopia, and held its first Ordinary Session on the same date. The Commission’s 01st Ordinary Session lasted for just one day! Its 2nd session, held in Dakar, Senegal, lasted a few days longer: from 08 to 13 February 1988.

During its 3rd Ordinary Session held in Libreville, Gabon from 18 to 28 April 1988, the Commission issued a recommendation requesting the Twenty-fourth Ordinary Session of the Assembly of Heads of State and Government (the Assembly) to “establish the Headquarters of the African Commission on Human and Peoples’ Rights,” recommending to the Assembly to “choose a country which has ratified the African Charter on Human and Peoples’ Rights and which offers to the Commission substantial material and human resource facilities for its establishment, work and researches.”

Accordingly, the Assembly in 1987 decided that the Commission’s Secretariat should be based in Banjul, The Gambia. This decision was taken in view of the fact that much of the drafting of the African Charter took place in Banjul, to the extent that the African Charter is often referred to as the ‘Banjul Charter!’ This was also in recognition of the role of the Head of State at the time, President Jawara, who strongly supported the drafting process of the Charter, and assisted in overcoming political difficulties that arose during the drafting process.

The Commission held its inaugural session in The Gambia in June 1989, when it convened the 1st Extra-Ordinary Session. Since then, the Commission has held no less that 45 Session in The Gambia. On behalf of the Commission and its Secretariat, I would like to extend my sincere and
heartfelt thanks to the Government of The Gambia, for the consistent support it has given to the Commission.

Furthermore, following the political impasse which occurred last year, the Commission is proud to be hosting this commemorative Session in the new Gambia!

**Distinguished Ladies and Gentlemen,**

As my term and the two of my colleagues, Commissioners Gansou and Kaggwa come to the end today, allow me Your Excellency to reflect on the journey which has been undertaken by the Commission during the twelve years when I was a Member.

When I joined the Commission during its 39th Ordinary Session in November 2005, it was a very different institution. Since I joined the Commission, the following special mechanisms were established, thereby raising the number of its special mechanisms to 14:

- The **Working Group on the Death Penalty** was operationalized during the 38th Ordinary Session in December 2005;
- The **Working on Rights of Older Persons and People with Disabilities** which started as a Focal Point, was established during the 45th Ordinary Session in May 2009 with an extended the mandate;
- The **working Group on Extractive Industries, Environment and Human Rights Violations** was established during the 46th Ordinary Session in November 2009;
- The **Committee for the Prevention of Torture in Africa** (originally called the *Robben Island Guidelines Monitoring Committee*) was established during the 46th Ordinary Session in November 2009;
- The **Committee on the Protection of the Rights of People Living with HIV (PLHIV) and Those at Risk, Vulnerable to and Affected by HIV**, was established at the 47th Ordinary Session in May 2010; and
- The **Working Group on Communications**, established during 50th Ordinary Session in November 2011.
With the development of these special mechanisms, the Commission has been able to focus on specific thematic areas, thereby increasing the level of protection and awareness of the related rights.

Another development has been the proliferation of soft law instruments adopted by the Commission. In fulfillment of its mandate as elaborated in article 45(1)(b) of the Charter, the Commission has elaborated on the scope and content of some of the rights contained in the Charter through the development of principles and guidelines, general comments and even a model law, all with the aim of increasing the scope of protection of the rights enshrined in the African Charter.

Of particular note are the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa popularly known as the Robben Island Guidelines, which was developed to elaborate on Article 5 of the African Charter, and the Declaration of Principles on Freedom of Expression in Africa, which elaborates on the scope of Article 9 of the Africa Charter which were both adopted by the Commission during its 32nd Ordinary Session in October 2002; thereby making November 2017 the 15th anniversary of these two ground breaking and standard setting documents.

I would also like to note the adoption of these important documents by the Commission, between 2005 and 2017:

Guidelines

- The guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, 09 March 2015;
- The Principles and Guidelines on Human and Peoples’ Rights while countering Terrorism in Africa, 03 August 2016;
- The Guidelines on Policing Assemblies in Africa, 04 March 2017;
General Comments

- General Comments on Article 14 (1)(d) and (e) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, 06 November 2012;
- General Comment No 2 on Article 14.1(a),(b),(c) and (f) and Article 14.2 (a) and (c) of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, 28 November 2014;
- General Comment No. 3 on The African Charter On Human And Peoples’ Right: The Right To Life (Article 4), 12 November 2015;
- General Comment No. 4 on the African Charter on Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5), 11 May 2017

Declarations


Model Laws


Theses soft law documents developed by the Commission assist the State parties to fulfil their obligation under Article 1 of the African Charter which obliges State Parties to ‘adopt legislative, or other measures to give effect’ to the ‘rights, duties and freedoms enshrined’ therein.’

Distinguished Ladies and Gentlemen,

During my tenure at the Commission, the human rights landscape has changed significantly.

Increased numbers of States Parties ratified important regional and international human rights instruments. I would be remiss if I did not take
this opportunity to commend His Excellency President Barrow for recently signing the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty, in addition to the International Convention on the protection of the rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the United Nations Convention on Transparency in Treaty-Based Investor-State Arbitration and the Treaty on the Prohibition of Nuclear Weapons, in September 2017.

Such action is indicative of the Gambia’s willingness to increase the scope of protection of fundamental human rights, which we all applaud.

Additionally the States Parties have increased their engagement with the Commission, by extending invitations for promotion missions and fulfilling their reporting obligations under the African Charter, and most recently the Maputo Protocol. It has also been observed that States Parties are increasingly establishing institutions for the promotion and protection of human rights, and adopting national laws on access to information, violence against women, the rights of children, the prevention of torture and even protection for human rights defenders.

During my tenure, Africa witnessed the birth of its newest nation, South Sudan in 2011, which recently also became a State Party to the African Charter. The Kingdom of Morocco was also readmitted into the African Union. The Commission urges the government of the Kingdom of Morocco to ratify the African Charter.

However, in addition to these gains, there have been significant challenges. Africa’s newest nation, South Sudan continues to experience conflict, which has resulted in serious human rights violations against civilians. It has been reported by the United Nations that ‘more than 2.3 million people – one in every five people in South Sudan – have been forced to flee their homes since the conflict began, including 1.66 million internally displaced people.
9 with 53.4 per cent estimated to be children) and nearly 644, 900 refugees in neighboring countries.”

Furthermore, contemporary challenges such as the rise in violent extremism and terrorism and the proliferation of terrorist attacks in Africa, increasing youth unemployment, climate change and related unpredictable weather patterns, increased strains on natural resources such as arable land and potable water, destabilizing election periods, disruption of internet and telecommunication services, the HIV pandemic, in addition to the continued harassment, arrest, arbitrary detention of human rights defenders, journalists, trade union and opposition members, and LGBTI persons in the States Parties, are of extreme concern to the Commission. In addition to these, there are new emerging human rights challenges which I urge the Commission to consider. These include the independence of the judiciary, data protection and cyber security.

As I hand over my baton to the in-coming Members of the Commission to consider. These include the independence of the judiciary, data protection and cyber security.

As I hand over my baton to the in-coming Members of the Commission, I take this opportunity to reiterate my unflinching support and willingness to work with the Commission and its stakeholders to address the prevailing human rights challenges on the continent. The Commission’s motto – “Human rights our collective responsibility” can serve as our guide, as it illustrates that we are all collectively responsible for ensuring the promotion and protection of human rights and fundamental freedoms in Africa.

Your Excellency, Honourable Ministers, Distinguished Guests, Ladies and Gentlemen,

It has been an honour and privilege for the three of us whose terms are coming to an end today, Commissioners Gansou, Kaggwa and I to serve as Members of the Commission. On behalf of these colleagues and on my own behalf, I wish to take this opportunity to thank our respective Governments, namely South Africa, Benin and Uganda for the confidence
they placed in us by nominating us to serve as Member of this august Commission.

I would be remiss if I did not also thank the Vice-Chairperson, Commissioner Soyata Maiga, who has been my constant partner during these 2 years we served as the Bureau of the Commission. My deepest thanks go to the Members of the Commission, who allowed me to lead them and who debated and discussed a myriad of issues with me, driven by the determination to improve the human rights situation in Africa. I also wish to take this opportunity to welcome the new members of the Commission who will be taking an oath of office at the end of the opening ceremony.

Allow me to also express my appreciation to our stakeholders, the States Parties, the national human rights institutions, the unfailing foot soldiers of the civil society organizations, in addition to our sister AU organs and partners in the United Nations and the European Union, among others. Without your active engagement and commitment, the Commission would not have been able to achieve half of the gains which have been made.

I also wish to express my appreciation to the Secretary of the Commission and her team, who serve as the Commission’s support system. Thank you for your hard work, which has often gone far beyond the call of duty and for the support you have given us to enable us to execute the broad mandate of African Commission.

As I mentioned before, the promotion and protection of human rights is a collective responsibility. As Africans, we may hold different views on our approach to various human rights. But we are bound together by our love for our beloved continent of Africa.

Borrowing the words of the former President of South Africa, H.E. Thabo Mbeki in his profound ‘I am an African’ speech which he made on the occasion of the adoption of the new Constitution of South Africa in 1996, “our minds and our knowledge of ourselves are formed by the victories that are the jewels in our African crown, the victories we earned from Isandhlwana to Khartoum, as Ethiopians and to Ashanti of Ghana, as
Berbers of the desert. We are Africans. We are born of the peoples of the Continent of Africa. The pain of the conflict that the peoples of Liberia and of Somalia, of the Sudan, of Burundi- is a pain we also bear. The dismal shame of poverty, suffering and human degradation of our Continent is the blight that we share. Whatever the set backs of the moment, nothing can stop us now. Whatever the difficulties, Africa shall be at peace”

Thank you for your kind attention, and farewell.