INTER-SESSION ACTIVITY REPORT

(NOVEMBER 2019 – JULY 2020)

OF

COMMISSIONER SOLOMON AYELE DERSSO

AS

CHAIRPERSON OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

A MEMBER OF THE AFRICAN COMMISSION;

THE CHAIRPERSON OF THE WORKING GROUP ON EXTRACTIVE INDUSTRIES, ENVIRONMENT AND HUMAN RIGHTS VIOLATIONS IN AFRICA;

THE CHAIRPERSON OF THE ADVISORY COMMITTEE ON BUDGETARY AND STAFF MATTERS;

THE FOCAL POINT FOR TRANSITIONAL JUSTICE IN AFRICA;

THE FOCAL POINT FOR HUMAN RIGHTS IN CONFLICT SITUATIONS IN AFRICA;

A MEMBER OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA;

A MEMBER OF THE WORKING GROUP ON COMMUNICATIONS; AND

A MEMBER OF THE WORKING GROUP ON SPECIFIC ISSUES RELATED TO THE WORK OF THE AFRICAN COMMISSION.

PRESENTED TO THE 66TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

Banjul, The Gambia

13 July – 7 August 2020
INTRODUCTION

This Report is presented in accordance with Rules 23.3 and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission) and in accordance with its resolutions ACHPR/Res 148 (XLVI) 09, ACHPR/Res 236 (LIII)13, ACHPR/Res 271 (LV) 14. It covers the activities that I have undertaken since the last activity report.

The report, which is presented in eight parts, covers activities carried out in the period between the 65th Ordinary Session held in October/November 2019, and this 66th Ordinary Session, as follows:

I. Activities undertaken as Chairperson of the Commission;
II. Activities undertaken as a Member of the Commission;
III. Activities under the mandate of the Working Group on Extractive Industries, Environment and Human Rights;
IV. Activities undertaken as Chairperson of the Working Group on Staff and Budgetary matters;
V. Update on Transitional Justice in Africa;
VI. Update on Human Rights in Conflict Situations;
VII. Activities undertaken as Country Rapporteur; and
VIII. Conclusion.

Summary

The activities that I undertook during this intersession period cover, among others, the initiation of two letters of urgent appeal; 14 statements on a range of country specific and thematic issues, some jointly with other members of the Commission and/or with other bodies notably the African Committee on the Rights and Welfare of the Child and the UN High Commissioner for Human Rights; several letters addressed to the AU Chairperson and the AU Commission Chairperson; and in the context of COVID-19 two consultations with stakeholders of two of the countries for which I am the Country Rapporteur.
I. ACTIVITIES UNDERTAKEN AS CHAIRPERSON OF THE COMMISSION


2. 21 January - 10 February 2020, Addis Ababa, Ethiopia 33rd AU Summit:
I headed the delegation of the African Commission which participated in the 33rd Summit of the African Union, and presented the Commission’s Activity Report to the PRC. The meetings of the African Union (AU) Policy Organs in which we participated are as follows:

- The 39th Ordinary Session of the Permanent Representative Committee (PRC) – 21 to 22 February 2020;
- The 36th Ordinary Session of the Executive Council – 06 to 07 February 2020; and
- The 33rd Ordinary Session of the Assembly of Heads of State and Government – 9 to 10 February 2020.

3. On 05 February 2020 on the margins of the AU Summit, and together with a delegation from the Commission, I met with H.E. Moussa Faki Mahamat, Chairperson of the African Union Commission (AUC). During this discussion we underscored the critical role of the Commission and the rights enshrined in the African Charter on Human and Peoples’ Rights for achieving the objectives of the AU and Agenda 2063. The meeting underscored the necessity of enhancing the effective functioning of the ACHPR including through speeding up the work for the construction of its headquarters and fast-tracking recruitment for the Commission, whose work is severely constrained by staffing shortage. I also stressed the need for implementing the plan of the Commission for the succession of the Executive Secretary of the Commission effecting the retirement of the retiring Executive Secretary, the appointment of an acting Executive Secretary and the advertisement of the position of the Executive Secretary of the Commission.

4. I also presented to the AUC Chairperson the Commission’s submission on the situations in Libya and the Sahel to feed into the Heads of State and Government meeting of the Peace and Security Council taking place on 8 February on these two situations. This submission has been made based on Article 19 of the PSC Protocol,
the communique of the 866th session of the AU Peace and Security Council and ACHPR Resolution 332 and its accompanying ACHPR study on human rights in conflict situations. See the press statement issued on the meeting here https://www.achpr.org/pressrelease/detail?id=474

5. I wish to thank His Excellency, the AUC Chairperson, for following up on the requests we made. Among others, this entailed the retirement of the outgoing Executive Secretary, the appointment of the Acting Executive Secretary and the advertisement of the position of the Executive Secretary in consultation with the African Commission.

6. I held a meeting with the AU Youth Envoy Aya Chebbi on the sidelines of the AU summit. The meeting discussed plans to work together for enhancing the role of youth in human rights and promoting the rights of the youth in Africa. As a follow up to this, on 29 April I delivered a presentation on the work of the ACHPR and on COVID-19, human rights and the youth in Africa during a virtual youth consultation hosted by the AU Youth Envoy. The presentation highlighted not only the fact that COVID-19 is essentially a human rights issue and the need for more protection of human rights during this pandemic than in normal times, but also the dire human rights consequences of the socio-economic impact of COVID-19 on the youth in Africa.

7. During the 33rd Assembly of the Heads of State and Government of the African Union, and together with the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, I issued a joint Press Statement to call on the AU Assembly to mobilize greater effort for silencing the guns in Africa based on human and peoples’ rights and to declare 2021 a year for collective action for addressing the threat of climate crisis in Africa to human and peoples’ rights. The joint statement was released on 8 February just ahead of the commencement of the Assembly session on 9 February. See the link to the statement here https://www.achpr.org/pressrelease/detail?id=476

8. Within the framework of the 33rd AU summit and as part of the theme of the year on ‘Silencing the Guns in Africa’, I held a Press Briefing under the theme “Human and Peoples’ Rights for Silencing the Guns in Africa” on Friday, 07th February 2020. The briefing that was livestreamed by the AU also served to unveil the ACHPR Study on human rights in conflict situations launched during the 65th Ordinary Session. The press briefing, held in the presence of the Vice-Chairperson, Hon. Commissioner Rémy Ngoy Lumbu and Hon. Commissioner Soyata Maiga, served to bring the work of the Commission to the wider public and to inform the discourse on the AU theme of the year.
9. On the sidelines of the AU Summit, along with the ACHPR delegation, I met with the delegation of The Gambia, including the Vice President of The Gambia and the Minister of Justice and Attorney General of The Gambia. I initiated the meeting to follow up on the meeting I held with President Adama Barow of the Gambia in November 2019 on the need for starting work on the building of the headquarters of the African Commission and strengthening collaboration between the Commission and The Gambia in the promotion of the work of the African Commission. While COVID-19 has disrupted the momentum in our engagement with The Gambia on these items, we continue to follow up the decision of the Executive Council on starting preliminary works on the construction of the Commission’s headquarters.

10. I wish to inform the public that following the presentation, in accordance with Article 59 of the African Charter, during the AU Summit of the 47th Activity Report of the Commission covering activities undertaken inter-sessionally and during the 26th Extraordinary Session and the 65th Ordinary Session, the Activity Report has since been published. As highlighted in the Report, the African Commission in fulfillment of its protection mandate and the provision of remedies for violations through the communications procedure has among others finalized and adopted a merit decision on a landmark case *Communication 426/12 – Agnes Uwimana & Saidati Mukakibibi v. Rwanda*. The Commission in this case affirmed local justice processes such as the Gacaca as legitimate mechanisms for redressing violations and laid down landmark standard on how to balance the requirements of national security and freedom of expression having regard to the specific peace and security context of a country.

11. On 11 February 2020 I met with the Executive Director (ED) of UNAIDS, Winnie Byanyima, a meeting arranged following a request from the UNAIDS Liaison Office to the AU. The meeting focused on the work of the ACHPR and new area of collaboration between the ACHPR and UNAIDS. Building on our previous successful collaboration on human rights in relation to HIV/AIDS, we agreed to conduct a joint study on Access to health for all and its financing in Africa. In the context of COVID19, this collaborative work has become even more pressing and I look forward to the follow up on this timely area of collaboration.

12. On 27 February 2020, together with the Vice Chairperson Remy Ngoy Lumbu and the Country Rapporteur for The Gambia, Commissioner Jamesina King, I held a meeting with the Minister of Justice and Attorney General of The Gambia at his office. The meeting discussed on undertaking preliminary work to start the construction of the headquarters of the ACHPR and to this end the Minister of
Justice and Attorney General agreed to hold a joint ceremony for the laying down of the foundation stone of the Commission’s headquarter in Banjul, The Gambia on the sidelines of the next Ordinary Session of the Commission. It was envisaged that the teams of the Ministry and the Commission will work on the details of the plan.

13. On 28 February 2020, in my capacity as Chairperson of the Commission and together with the Chairperson of the Working Group on Economic, Social and Cultural Rights, we issued a press statement on the Coronavirus (COVID-19) crisis. While applauding initiatives being taken for prevention and response to the COVID-19 pandemic, the Commission urged States Parties to the African Charter to take various measures to protect the health and safety of the people of Africa. The Commission further welcomed the effort and support of the Africa Centre for Disease Control (Africa CDC) and the World Health Organization (WHO) for enabling access to all the information and guidelines required for preparedness and response in African countries.

14. On 24 March 2020 I issued a Press Statement on a human rights based effective response to the novel COVID-19 virus in Africa in which I highlighted the various human rights violations which have arisen in the context of the COVID-19 pandemic and measures taken to address it, and provide guidance on human rights principles and standards that States Parties should uphold in responding to COVID-19. These principles include non-discrimination and equality, right to health, access to information and protection of vulnerable groups, including those in places of detention. This statement has been widely utilized to inform the work of national human rights institutions and the advocacy and monitoring work of national and international non-governmental organizations as well as in the reporting work of journalists.

15. I initiated a letter submitted to the AU Chairperson H.E. President Cyril Ramaphosa on 07 May 2020, on making human rights key pillar of the continental response to COVID-19. The letter was submitted as part of the Commission’s mandate for the promotion and protection of human and peoples’ rights under Article 45 of the African Charter on Human and Peoples’ Rights and in pursuit of the affirmation of the central importance of human and peoples’ rights for the success of the continental and national efforts to end COVID-19. See the link to the ACHPR’s statement on the submission of the letter here https://www.achpr.org/pressrelease/detail?id=497

16. On 18 May 2020, I sent a letter to the Chairperson of the AU Commission, H.E. Moussa Faki Mahamat concerning the state of the African human rights system. In the letter, I underscore the need for sustaining the forward movement of the
commitment to the system of human rights protection through maintaining the participation of AU Member States in the system, including by working towards the improvement of the system rather than by withdrawing from it as observed in recent trends of withdrawals of Article 34 (6) declaration under the Protocol to the African Charter Establishing the African Court.

17. On 20 May 2020, and together with the UN’s High Commissioner for Human Rights, Michelle Bachelet, I issued a joint statement warning that tens of millions are projected to be pushed to extreme poverty in Africa as a result of COVID-19 and its economic impact with catastrophic human rights consequences. We reminded African governments that it is a legal imperative and a pre-requisite for success in the effort to defeat the pandemic that they protect the most vulnerable and stamp out violations emerging in the context of COVID-19, including discrimination in all its forms, violence against women, food insecurity, excessive use of force and extrajudicial killings. Among others, this statement has been acknowledged and welcomed in the communique of the 928th session of the AU Peace and Security Council on COVID-19 and its impacts.

18. On 29 May 2020 I met virtually with the United States (US) Ambassador to the African Union Ambassador Jessica Lapenn at her request. The meeting focused on the work of the Commission in respect to COVID-19. I highlighted the grave concern of the Commission about the potentially devastating consequences of the socio-economic fallout of COVID-19 and the human rights necessity for US to support the call for global solidarity with Africa by way of economic and financial relief measures. I also raised the challenge that racism and police brutality in the US poses in the context of the brutal killing of George Floyd.

19. Apart from the foregoing and the various high-level events in which I participated to bring the voice of the Commission to various platforms (for ensuing respect for and compliance with the standards of the African Charter in the context of COVID-19 and the AU theme of the year) and to increase public awareness on the work of the Commission, I have also engaged in writing opinion editorials on various issues of topical importance. On the occasion of the 16 days of activism against gender based violence in 2019, together with the AU Youth Envoy, I authored an article that was published on the South Africa-based, widely read publication, the Daily Maverick as well as the Ethiopian-based Addis Standard, on ‘Why assuring women and young girls a life free from violence should be everyone’s business all the time’ https://www.dailymaverick.co.za/article/2019-11-27-every-one-of-us-must-act-to-combat-gender-based-violence/ and http://addisstandard.com/op-ed-assuring-women-young-girls-a-life-free-from-violence-should-be-everyones-business/amp/. On 3 April, I published another
opinion editorial in the Mail and Guardian on COVID-19 and human rights, making a strong case for why human rights are central to the fight against COVID-19 [https://mg.co.za/article/2020-04-03-in-the-face-of-the-pandemic-human-rights-are-a-necessity-not-a-luxury/]. In the context of the brutal racially motivated killing of George Floyd in the US, I wrote an article drawing attention to and urging accountability for the killings resulting from excessive use of force by security forces in Africa in the name of enforcing COVID19 regulations. [https://mg.co.za/africa/2020-06-10-we-need-an-outpouring-of-outrage-about-africans-killed-by-security-forces/]. In an interview with the Africa Editor of the Mail and Guardian, I rang the alarm bell expressing concern that the human rights issues observed in the context of COVID-19 and the socio-economic impact of COVID19 may descend into a serious human rights crisis [https://mg.co.za/africa/2020-07-02-au-rights-leader-warns-of-human-rights-disaster/].

20. These activities have helped not only to raise the profile of our Commission by bringing the voice of the Commission to a wider public audience beyond the human rights community. They have also served to make the Commission part of and to contribute to the wider discourse on some of the most pressing issues facing our continent. The activities contributed significantly to supporting national human rights protection through amplifying and supporting the work of national human rights institutions, the judiciary, civil society organizations and the media and by supporting States Parties, by availing them with clear policy options and legal courses of actions for complying with the Charter. These activities have helped not only in strengthening the relationship of the ACHPR with its existing stakeholders including NHRIs, CSOs, sister human rights bodies and the UN OHCHR but also in expanding its reach to the media and policy making spheres.

II. ACTIVITIES UNDERTAKEN AS A MEMBER OF THE COMMISSION


I participated in and chaired the 65th Ordinary Session of the Commission, and during this Session I participated in the celebrations of African Human Rights Day on 21 October 2019, the launch of the Study on Addressing Human Rights Issues in Conflict Situations: Towards a more systematic and effective role for the African Commission on Human and Peoples’ Rights, a panel discussion on the background study on extractive industries, environment and human rights, as well as the various deliberations of the Commission during the Private Session.
One of the major outcomes of the session of the Commission was the finalization of several communications on complaints of violations of rights enshrined in the African Charter.


I participated in and chaired the 27th Extra-Ordinary Session of the Commission, which was held in line with Rule 27 of the Commission’s Rules of Procedure. During this Session I participated, amongst others, in the consideration of Communications; the adoption of the Commission’s 2020 Rules of Procedure and Rules on the Establishment and Functioning of Special Mechanisms of the Commission; consideration of various other documents and the adoption six Resolutions.

23. 29 June to 1 July 2020, 28th Extraordinary Session, Virtual Session

I participated in and presided over the 28th Extra-Ordinary Session of the Commission, which was held in line with Rule 27 of the Commission’s Rules of Procedure. As a session organized for the public swearing in of the new members of the Commission and their induction, I had the honour of administering the solemn declaration of the oath of office of the new members in terms of Article 38 of the African Charter and Rule 10 of the Rules of Procedure of the ACHPR. As part of the induction of the new members of the Commission, I also delivered a presentation on the mandate of the ACHPR and its status in and relationships with other organs in the AU.

Due to internet disruptions in Ethiopia, I could not participate in the last two days of the Session, during which the Vice-Chairperson, Honourable Commissioner Remy Ngoy Lumbu stepped in in my stead to steer the proceedings for the last days of the session.

III. ACTIVITIES UNDER THE MANDATE OF THE WGEI

24. As part of sensitization around the Guidelines and Principles on State Reporting on Extractive Industries, Human Rights and the Environment, an Advocacy Visit was undertaken by the Working Group to the Republic of Niger from 09 to 10 December 2019. The purpose of the Visit was sensitization of State institutions concerned with Human and Peoples’ Rights and Extractive Industries, as well as other stakeholders of the Commission, on the State Reporting Guidelines and Principles on Articles 21 and 24 of the African Charter relating to Extractive Industries and the Environment (Reporting Guidelines and Principles). Apart from individual engagements with various State institutions, the Working Group will
hold a workshop on the Reporting Guidelines and Principles with local civil society actors. I express my appreciation to Commissioner Remy Ngoy Lumbu, Member of the WGEI, who led this Visit.

25. I wish to thank the Organisation internationale de la Francophonie for supporting the WGEI in conducting this visit.

26. From 16 to 17 December 2019 a similar Advocacy Visit on sensitization on the Guidelines and Principles was undertaken to Ethiopia. A Communique on the Visit was adopted and is available on the website of the Commission. During the Visit, the delegation held detailed discussions with the Minister of Mines and Petroleum; State Minister of the Foreign Affairs of Ethiopia; Commissioner of the Ethiopian Investment Commission (EIC); Chief Commissioner of the Ethiopian Human Rights Commission (EHRC); a representative of the Natural Resources Management Section of the United Nations Economic Commission for Africa (UNECA); a Board Member of the Ethiopian Human Rights Council (EHRCO); and representatives of the Centre for Human Rights of the University of Addis Ababa. For details on the outcome of the visit see the statement of the Commission here https://www.achpr.org/pressrelease/detail?id=471

27. On 18 May 2020, in my capacity as WGEI Chairperson and Country Rapporteur for South Africa, I issued a Press Statement on the human rights of mine workers and mining affected communities during the COVID-19 pandemic in South Africa, highlighting the need for protecting mine workers and their communities, who, on account of their socio-economic positions, the nature of mine work, the negative impacts of mining and lack of access to various social amenities, could be at higher risk of suffering from the impacts of the spread of COVID-19. I called for the urgent implementation of the decision of the labor court of South Africa prescribing safety measures that should be implemented by mining companies and the Government.

28. During the inter-session, progress was made in terms of the Background Study on Extractive Industries, the Environment and Human Rights in Africa, which was mandated to the WGEI under Resolution 148. Following submissions received from various stakeholders as part of the public consultation during the 65th Ordinary Session as well as the online call for comments, progress has been made in incorporating these contributions towards revision and finalization of the study for presentation to the Commission for its consideration.

29. Progress was also made during this inter-session period towards finalizing the Study on Illicit Financial Flows, mandated to the WGEI and the Working Group
on Economic, Social and Cultural Rights under the Commission’s Resolution 236, towards presentation to the Commission for its consideration.

IV. ACTIVITIES UNDERTAKEN AS THE CHAIRPERSON OF THE ADVISORY COMMITTEE ON BUDGETERY AND STAFF MATTERS

30. In my capacity as Chair of the Commission’s Advisory Committee on Budgetary and Staff Matters (ACBSM) and in my capacity as Chairperson of the Commission, I held several meetings with staff of the Commission to listen to staff on their working conditions and on ways of improving productive working arrangements for the effective functioning of the Commission in the discharge of its mandates. This has led to the inclusion of a representative of staff of the Secretariat as member of the ACBSM.

31. During the 65th OS, the ACBSM was unable to convene its meeting due to the absence of the Finance Officer of the Commission. Given that the Sessions of the Commission are the only occasions when the members of the Commission and staff of the Secretariat work jointly in carrying out the activities of the Commission, the Commission took the decision that key staff of the Commission avoid assignments that will keep them away during the Sessions of the Commission.

32. During the 27th Extraordinary Session, I convened and presided over the meeting of the ACBSM to review the execution of the 2019 budget of the Commission and discuss the plan for the implementation of the 2020 budget. The ACBSM during the meeting on the 2020 budget of the Commission also discussed proposed revision of the budget for contribution to the African Union CDC, as part of the cost-cutting measures by the AU in the context of the impact of COVID-19.

33. In pursuit of the position the Commission took on the urgent need for securing technical support for speedily working on the 2020-2024 strategic plan of the Commission, I initiated ad hoc technical support by GIZ for commencing the technical work on the preparation of the Strategic Plan. The initial outcome of this work was presented by the GIZ supported expert during the 27th Extraordinary Session of the Commission.

V. ACTIVITIES UNDERTAKEN AS THE FOCAL POINT ON TRANSITIONAL JUSTICE IN AFRICA

34. On 4-5 December 2019 I took part in the East African Dialogue on the regional implementation of the African Union Transitional Justice Policy (AUTJP) in Addis Ababa, Ethiopia organised by the Raoul Wallenberg Institute of Human Rights and
Humanitarian Law (RWI) in East Africa, and presented on a panel entitled: The Role of Regional Human Rights Mechanisms in Fostering Transitional Justice Processes.

35. On 22 May 2020, in my capacity as Focal Point for Transitional Justice and Human Rights and Chairperson of the Commission I issued a Press statement on the arrest of alleged genocidaire Félicien Kabuga, in which I affirmed that this arrest is an overdue but crucial step towards justice for the victims of the genocide and the trial of Kabuga would contribute towards full healing, justice and sustainable peace in Rwanda. See the link for the statement here https://www.achpr.org/pressrelease/detail?id=506

36. On 3 July 2020 I held a Consultation with various national and international stakeholders engaged in the peace processes in South Sudan, including representative of the Government, the South Sudan Human Rights Commission, the AU Department of Political Affairs, Joint Evaluation and Monitoring Commission of South Sudan, members of the UN Commission of Human Rights for South Sudan and representatives of civil society organizations to discuss the operationalization of the transitional justice mechanisms of the South Sudan peace agreement in pursuit of the role assigned to the Commission in the peace agreement and the Commission’s mandate in promoting transitional justice in Africa. Based on the rich submissions and contributions received during and after the consultation, I have commenced the process of elaborating the advisory note to be submitted to the relevant AU bodies and South Sudan entities.

VI. ACTIVITIES UNDERTAKEN AS FOCAL POINT ON CONFLICT AND HUMAN RIGHTS IN AFRICA

37. On 4 February 2020 I issued a Press Statement on spike in violent conflicts in parts of the continent resulting in violations of rights, in which I expressed grave concern that parts of the continent have witnessed rising incidents of violent conflicts in which civilians bear much of the brunt of the violence. The statement called on the African Union, particularly its policy making bodies notably the AU Assembly and the Peace and Security Council to have a special session on the spike and spread of violence and conflicts in parts of the continent, as part of the agenda on silencing the guns in Africa.

38. Within my mandate as Focal Person of the Commission on conflict and human rights I made a presentation during the Africa Dialogue Series, which took place from 20 to 22 May 2020, organized by the United Nations Office of the Special Advisor on Africa and the African Union under the theme COVID19 and silencing the guns in Africa: Challenges and Opportunities. My presentation specifically
related to ‘Reconciliation, inclusive politics and national cohesion for silencing the guns and securing the right to peace in Africa’ and can be accessed in full on the Commission’s website.

39. On 22 May 2020, and together with the Commissioner Rapporteur for the Human Rights Situation in Libya, I issued a press statement on attacks on civilian areas in Tripoli, Libya. We inter alia condemned the attacks on civilians and health facilities, which we found to represent complete disregard to human rights and international human rights law and may amount to war crimes. Condemning the role of external actors in Libya which has exacerbated the conflict and the rights violations including the 29 April 2020 drone attack that killed 8 civilians, we urged an end to the continued violations of the UN Security Council arms embargo by external forces creating the conditions for major violations of human rights and IHL. See the link to the statement here https://www.achpr.org/pressrelease/detail?id=507.

VII. ACTIVITIES UNDERTAKEN AS COUNTRY RAPPORTEUR

40. On 5 November 2019 and in my capacity as Country Rapporteur for South Sudan, I issued a Press Statement on preventing the relapse of South Sudan into conflict, in which I inter alia urged the political leaders in South Sudan to place the protection and promotion of human rights of the South Sudanese people at the center of all negotiations towards sustainable peace and development and urged the various stakeholders supporting the peace process, to ensure that the key pre-transitional tasks are completed ahead of the formation of the Government of National Unity.

41. I initiated in my capacity as country rapporteur of South Sudan, Resolution 428 on the human rights situation in the Republic of South Sudan - ACHPR/Res.428(LXV)2019, which was adopted on 10 November 2019 at the conclusion of the 65th Ordinary Session of the Commission. The resolution inter alia mandated me as Country Rapporteur to engage with the AU Commission and the Government of South Sudan with proposals on the operationalization of Chapter V of the Revitalized Agreement on South Sudan (R-ARCSS). In pursuit of this resolution and as presented in paragraph 36 above, I convened a consultative meeting that brought together regional and international stakeholders from South Sudan, IGAD, the AU, and the UN.

42. On 22 November 2019, in my capacity as Country Rapporteur for Tanzania, and together with the Special Rapporteur on Freedom of Expression and Access to Information, we issued a press statement on the deteriorating human rights situation in Tanzania, in particular in relation to the limitations placed on freedom of assembly and association, threats to freedom of expression and the media,
restrictions on the operations of CSOs and that since 2017 pregnant girls and teen mothers are not allowed to attend school.

43. In relation to my mandate on South Sudan, I issued a press statement on 21 February 2020 on the human rights situation in South Sudan, in which I expressed concern about the consequences of non-implementation of the Revitalized Peace Agreement on the Resolution of the Conflict in South Sudan of September 2018 and the occasion that this has created for the perpetration of human and peoples’ rights violations. We reiterated the request to the Government of National Unity of South Sudan to invite the Commission to undertake a human rights protection mission in the country.

44. On 30 April 2020, I held a virtual consultation with the National Human Rights Institution (NHRI) and civil society representatives in South Africa, on the human rights impacts of the COVID-19 pandemic in South Africa. The objectives were for the Commission to be provided with up to date information on the impacts of the COVID-19 pandemic in South Africa and to engage with stakeholders on the best way for the Commission to support the effort to address the human rights issues. I express my appreciation to the Centre for the Study of Violence, which coordinated this consultation. The outcome of the consultations contributed to the urgent letter of appeal sent to South Africa on 12 May 2020 and the statement that I issued on the situation of mine workers and mine affected communities on 7 May 2020.

45. On 5 May 2020, in my capacity as Country Rapporteur for Tanzania, and together with the Special Rapporteur on Freedom of Expression and Access to Information, and the Chairperson of the Working Group on Economic, Social and Cultural Rights, I transmitted a letter of urgent appeal to the United Republic of Tanzania regarding the right of people in Tanzania to the protection of their health and life and for having access to public health information in the context of the COVID-19 pandemic in the country.

46. On 12 May 2020, in my capacity as Country Rapporteur for South Africa I transmitted a letter of urgent appeal to the Republic of South Africa regarding violations arising from enforcement of lockdown measures by security forces, the protection of women and girls during the lockdown and the socio-economic hardships facing large number of South Africans. Also, of concern in the letter was the protection of the rights of vulnerable groups including mine workers and mine affected communities, refugees, asylum seekers and migrants in the context of the lockdown measures in force. See the link on the brief statement on the letter of urgent appeal here https://www.achpr.org/pressrelease/detail?id=499.
47. On 2 June 2020 I held a virtual consultation with the NHRI and civil society representatives on the human rights impacts of the COVID-19 pandemic in Kenya. The objectives were for the Commission to be provided with up to date information on the impacts of the COVID-19 pandemic in Kenya and to engage with stakeholders on the best way for the Commission to support the effort to address the plethora of human rights issues arising from the COVID-19 response measures and the approach to their enforcement. The process of follow up of the various issues raised during and since the consultative meeting is underway including within the framework of the 66th Ordinary Session of the Commission.

48. On 24 June 2020, I issued a Press Statement on the human rights situation in South Sudan, in which I expressed concern about the human rights issues relating to COVID-19 and the impact it is having on the transitional process. The Commission expressed its concern that members of the Governmental High-Level Task Force established to coordinate and lead the response to the pandemic have become infected with the virus. The Commission also expressed its concern about the threat that COVID-19 poses particularly on the most vulnerable members of society including women, children and internally displaced persons (IDPs).

VIII. OBSERVATIONS AND CONCLUSIONS

49. As the foregoing account of activities I have undertaken shows, a great deal of effort has been made to initiate and implement relevant actions in all the areas of responsibilities entrusted to me in the Commission. To address the challenges arising from the disruptions that COVID-19 has caused, I initiated new methods of work involving virtual consultations with stakeholders, which proved to be highly valuable. Despite all of that has been done, I am cognizant that these efforts may not be enough. Indeed, it is a constant source of deep worry for me that there is huge gap between the promise of our mandate and our capacity to deliver on the same.

50. From my interventions and the various reports and information received since COVID-19 was declared a global pandemic in March 2020, it has become clear that the health pandemic has given rise to and evolved into a human rights crises of grave concern and enormous scale not only for people affected by the emerging human rights issues but also for all of us as Africans and stakeholders of the African Commission. The issues arising from COVID-19 are not passing matters that we can deal with using a business as usual approach. It is by the day becoming more apparent that the chaos that COVID-19 precipitated has brought to the fore the pressing and defining human rights issue of this era, some of which we as States, civil society and human rights institutions have neglected for long.
51. The Commission, through myself and Chair of the Working Group on ECOSOC Rights, has since the very start of the COVID-19 pandemic considered it as a serious threat to the rights to health and life and alerted States to initiate early response measures with particular emphasis on prevention considering the weaknesses of the health systems of States Parties to the African Charter. Since then, the Commission has been seized with the multidimensional human rights implications of the pandemic and the serious implications of the long-term socio-economic consequences for human rights in Africa. Against this background, through the statement the Commission issued through myself as Chairperson, we have advocated for human rights to be a central pillar of all responses to the pandemic.

52. The COVID-19 pandemic has on the one had exposed the deep inequality and unjust systems which pervade most African societies, resulting from systemic governance deficit and decades of policies that prioritized GDP growth over human centred development. On the other hand, it provides an opportunity for critical reflection on how the system can be overhauled and replaced with a human rights and planet centred approach.

53. In terms of governance deficit, a crucial area of concern observed in the context of COVID-19 include that which relates to the role of law enforcement and security institutions in situations of health pandemics. Securitized approaches and excessive use of force by these institutions in enforcing COVID-19 regulations has led to violations and unnecessary curtailment of various rights including protection from inhuman and degrading treatment, assault and sexual violence, the right to life and access to critical services such as health, justice, social care and basic supplies including food and cooking materials. These conditions have led to not only various violations including killings, torture and inhumane treatment, arbitrary arrest, but has also resulted in various deprivations, for example where women give birth at home out of fear of breaking the curfew.

54. A further area of systemic violence which should be addressed as part of the response to COVID-19 is the pervasive and persistent nature of sexual and gender-based violence (SGBV). While the situation of women and girls alarmingly worsened as a result of exponential spike in SGBV, household and reproductive responsibilities, domestic abuse, harmful practices and the disruptions in access to sexual and reproductive health and loss of livelihoods, the pandemic has just placed a magnifying glass on the persisting structural issues that pervade all aspects of the lives of women and girls, including violent masculinity and entrenched patriarchal practices and attitudes that perpetuate the oppression of women and girls and their
exclusion from enjoying the full measures of their human rights on an equal basis with others.

55. As highlighted in some of my interventions and the information received from the consultations I held, a further area in respect of which structural reform is long overdue, is the negligence with which socio-economic rights have been treated and the accompanying trend of the commodification of access to socio-economic rights – access to health care, water, social services, education and adequate housing being some of the basic rights which have become commodified. Much of the havoc that COVID-19 has precipitated in our societies, including the dire socio-economic rights deprivations such as starvation and lack of access to water, are attributable to this longstanding lack of prioritization and investment in the delivery of socio-economic rights.

56. There is thus a need for a serious rethink of the economic development paradigm at the core of development in Africa which has to date only served a small minority, entrenched the dependence of the continent on outside forces and led to the destruction of the natural environment on which human existence is premised. This outdated and frankly harmful model of development should be replaced with a human-centred, sustainable and self-reliant development paradigm for the whole of the African continent.

57. COVID-19 and the human rights issues arising from it constitute the most serious human rights challenge of our time that is sure to define our immediate and long term future. Recovery after the end of this pandemic will be slow and painful, but it can also be a once-in-a-generation opportunity to address some of the scourges which impinge on human rights and which impede sustainable development and the wellbeing of the masses of the people on our continent. I do hope that we, as African States, the African Union, National Human Rights Institutions and Civil Society Organizations will not be found wanting in meeting this challenge and chart a new path for a more humane, just, inclusive and ecologically sustainable future.

I thank you!