



**Presentation of Commissioner Solomon Ayele Dersso, (PhD)
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Rights**

**At the Dialogue between Regional Human Rights Protection
Commissions in the Context of the Pandemic**

Hosted by the Inter-American Commission of Human Rights

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As this meeting brings together institutions from three different time zones (Americas, Africa and Asia), I wish to start by saying good morning, good afternoon and good evening.

I also wish to thank the Inter-American Commission for the invitation extended to me to participate in this timely event. I am pleased to join this dialogue of the three regional human rights systems on COVID19 and human rights and share some thoughts regarding human rights in the context of this pandemic relative to the work of the African Commission on Human and Peoples' Rights.

COVID19 has upended all our lives. Apart from the threat it poses to health and life, the pandemic has resulted in unprecedented disruption of the social, economic and political lives of all our societies and the international system. In so doing, it has also led to the accentuation of various existing human rights issues and the precipitation of new equally concerning ones.

In this intervention, I will present the emerging themes regarding human rights in the context of the pandemic from the work of the African Commission and what COVID-19 means for the human rights system as a whole.

Our analysis in the African human rights system, as gathered from the monitoring work of the African Commission and the various reports our Commission received, shows that COVID-19 relates to four broad issues of human rights.

First, COVID-19 is of and on itself a human rights issue. The morbidity and mortality that pandemic precipitates pose the most serious threat to fundamental human rights, most notably the right to health, the right to personal safety and the right to life. It is a human rights necessity that States in pursuit of discharging their human rights obligations under Article 1 of the African Charter on Human and Peoples' Rights, the founding treaty of the African human rights system, take appropriate measures for safeguarding the public from the threat that this pandemic poses to health, safety and life.

Our Commission issued the first statement highlighting these points on 28 February 2020 at a time when only a handful of cases in a couple of countries were reported and before COVID19 was declared a pandemic by the World Health Organization. Considering the weak state of the health systems of many States Parties to the African Charter, we put particular emphasis on prevention measures, including with emphasis on the right to access to information on the pandemic.

Second, the vulnerabilities, structural deficiencies and inequalities that COVID-19 brought to the fore are also a product of failures in pursuing human rights centered social

and economic policies and the neglect by the social and economic policies of our societies of the centrality of socio-economic rights and the resultant gap between the promise of these rights and the lived realities of the masses of the people on our continent. Even at a time when incredible levels of growth are reported, this has never been accompanied by significant improvement in the standard of living of the vast majority of people in our societies. Indeed, as the GDP based economic development paradigm facilitates splendid levels of accumulation of power by global private actors and their local associates, majority of people continue to languish in poverty with no access to water, sanitation, health care, housing, sustainable livelihood and income and food.

This state of affair, facilitated by the weaknesses of the structure of the economies of many countries on the continent and the commodification of access to socio-economic rights due to the dominant neo-liberal economic policy prescriptions, has left those without access to these basic necessities exposed to COVID-19. For all these categories of people hand washing, sanitizing, social distancing and self-isolation are luxury beyond their reach. Under these conditions, even those who thought of themselves as being capable of fending for themselves by buying from the market have found themselves unprotected from COVID-19. After all, the market lacks both the incentive and structure for availing protection from pandemics like COVID-19.

For us in the African human rights system, this has highlighted not only the existence of a gaping hole in the socio-economic systems and the governance of the States Parties to the African Charter but also the pervasiveness and urgency of the deprivation of various rights, which are central to not only the wellbeing of human beings but also our societies.

Third, despite the necessity for adopting measures for addressing the pandemic, which by their nature may necessitate restriction of rights, COVID-19 response measures have also given rise to a wide range of human rights problems. As states adopt various measures including lockdowns, curfews, suspension of various activities, border closures, by declaring a state of emergency or state of disaster, the conditions for flouting a wide range of rights also mushroomed. First, some of the measures adopted by their very nature happen to be not in line with established human rights principles, including most notably that of proportionality and legality. Second, heavy securitization of the approach for enforcing COVID-19 regulations and the disruption that the regulations caused to access to basic necessities, particularly for the most vulnerable among us, have led to major increase in violations and in people being deprived of their rights.

In this context we have witnessed, among others, excessive use of force by security forces have led to arbitrary deprivation of lives, liberty and personal security and inhuman and degrading treatment, in some cases conditions amounting to torture. These violations and deprivations mostly affecting the poor and most vulnerable among us also highlighted the discriminatory consequences of the approach to the enforcement of COVID19 measures.

Some of the COVID19 response measures such as, the abuses and violations by members of state security agents, the multidimensional issues facing women and girls, the massive digital surveillance, the emergency power of the executive branch of government and the corruption in the use of public resources assigned for fighting the pandemic, if not contained and remedied, can lead to the emergence of serious human rights crises.

It was in appreciation and anticipation of these plethora of human rights issues (arising from COVID-19 regulations and their enforcement) that the African Commission issued a comprehensive statement on human rights based effective response to COVID19 in Africa on 24 March 2020. The statement, which is divided into 12 operative sections, outlines the human rights principles and standards that States Parties to the African Charter and other applicable treaties such as the Protocol on the Rights of Women in Africa are expected to follow in designing and implementing their COVID-19 response regulations.

The African Commission through its country rapporteurs and special mechanism holders have continued to monitor and respond to the various country specific and thematic human rights issues that continue to unfold in the context of COVID19. Accordingly, various statements and urgent letters of appeal have been issued and national consultations held. The Commission also convened its 66th Ordinary Session with particular focus on human and peoples' rights in the context of COVID19, which presented a unique opportunity for receiving updates through public statements from states, national human rights institutions and civil society organizations.

Forth, it has become clear that the unprecedented nature of the impact of COVID-19 not only on health but also other areas of life means that this pandemic is not a temporary event that will easily pass in a short time. Most notably, the socio-economic and humanitarian fall out of COVID-19 is widespread and severe. For us, the African Commission, perhaps this is one of the most serious and more enduring challenges that can have catastrophic human rights consequences as tens of millions are pushed to extreme poverty and many others face hunger and starvation.

It was in recognition of this that myself and the UN High Commissioner for Human Rights issued a joint statement on 20 May 2020 expressing major concern about the situation and calling for global solidarity by way of affording countries on the continent the fiscal space, through among others debt restructuring or relief measures, in order to enable the countries take appropriate fiscal and economic relief measures to mitigate the worst socio-economic impacts of the pandemic.

There are a number of observations that emerge from the human rights issues in the context of COVID19 for what this pandemic also means for the human rights system in general.

Certainly, COVID19, in the way it laid bare the fallacies and falsehoods, to borrow from Secretary-General Antonio Guterres's 18 July 2020 Nelson Mandela Lecture, in the narrative of progress and development and brought to the fore the vulnerabilities and inequalities that pervade our societies and the deficiencies of our systems of governance and economic development paradigm has also presented a serious challenge to the international and regional system of human rights. It can be said that COVID-19 has presented the foremost challenge to and revealed the shortfalls of the entire human rights movement.

Indeed, COVID-19 has become an indictment of our human rights work. The human rights movement has generally focused on making its trademark feature of loud reaction to events rather than on proactive action for addressing structural issues.

Viewed through the prism of categories of rights, COVID19 has demonstrated the continuing marginalization and neglect of socio-economic rights. Despite the normative position of interdependence and indivisibility of rights, in practice civil and political rights continue to dominate much of the practice and discourse of human rights. With COVID19, it has become clear that water, sanitation, health care, housing and education are fundamental rights to which everyone should have access not only because these rights are pre-requisite to live a life of dignity as human being but also because access to these rights by all is a condition for the safety and health of all.

This moment presents us with an invitation to rethink both the approach of the human rights movement and its priority issues of concern.

Will the human rights movement recognize the limitations and weaknesses that this pandemic has highlighted? Will it recognize that what COVID-19 represents is a qualitatively unprecedented challenge, which in part are attributable to the human rights issues long neglected? Will the opportunity it affords the human rights system for changing course be seized?

The choice in front of the human rights system is stark – continue in a business as usual fashion and face irrelevance in the effort to overcome the structural conditions of oppression affecting the vast majority of people in the world? Or Reprioritize its focus, its approach and sense of urgency to deal with the existing human rights issues which have, in the context of COVID19, become the defining human rights issues of our time: massive poverty, widening inequality, gender oppression, racism, the democratic governance crisis and the climate emergency.

I thank you for your kind attention and look forward to the exchanges during the question and answer session.