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African human rights system; four decades after the adoption of the African Charter on Human and Peoples' Rights.

Africa Human Rights Day is celebrated annually on the 21st of October to mark the coming into force of the African Charter on Human and Peoples' Rights, the founding treaty of the African Human Rights System. The 2021 Commemoration marks the 40th anniversary of the adoption of the African Charter on Human and Peoples' Rights. A High- Level Event was convened, led by the African Commission on Human and Peoples' Rights, to look into "Africa Human Rights, 40 years after the adoption of the African Charter on Human and Peoples' Rights. #AfricaHumanRightsDay. The Africa Human Rights Day commemoration serves to reaffirm the commitment of all stakeholders, including the States Parties to the Charter, as well as the African civil society on promotion and protection of the rights and freedoms as enshrined in the Charter as a basis for the implementation of Agenda 2063 and for building the Africa we Want.

The assessment of the landscape of the African human rights and reflection on the current state of human and peoples' rights in Africa took precedence in the reflections. The significance of the African Charter on Human and Peoples' Rights as a solid foundation of the human and peoples' rights system, and as an appreciation of the intellectual investment and foresight of its framers, particularly in looking at the versatility of its provisions was clear.

Below are excerpts of what various key persons had to say on the 40th anniversary of the adoption of the African Charter on Human and Peoples' Rights.

"The articulation of the African Charter made up for not only the lack of representation of the peoples of the continent in the drafting of the Universal Declaration of Human Rights (UDHR) but also for the failure in the UDHR to recognize foreign rule or colonial domination as the antithesis of human rights and hence manifestation of a lack of recognition of the inherent dignity and equal worth of people under colonial rule or foreign domination.[...] the African Charter also came about as the result of the ordeals which certain African peoples had suffered at the hands of their governments.' Accordingly, the African Charter addresses itself to both colonial rule/foreign domination and the oppression of people in the hands of independent governments. [...] The contemporary significance of the African Charter and the human rights system that it has established depends on its contribution to addressing the various indignities that people on the continent are subjected to [...] We should feel the same 'shame and embarrassment' that prompted our predecessors into rejecting the indignities facing the people of the continent. This outrage should lead us to insist that Article 4 of the Constitutive Act is fully implemented so that the AU avoids the risk of totally betraying the *raison d'être* for its very existence as enunciated in the objectives and principles of its Constitutive Act. This is a mission of the generation celebrating the 40 years of the African Charter on this Africa Human Rights Day which we must fulfill and

can and should never betray.” Statement by Commissioner Dr. Solomon Ayele Dersso, Chairperson of the African Commission on Human and Peoples’ Rights. **Full statement** [here](#).

Hon. Lady Justice Imani Aboud, President of the African Court on Human and Peoples’ Rights said, “In my view, it is again credit to the framers of the Charter that Article 66 was included in the Charter. This provision, as may be recalled, permits member states of the African Union to adopt additional protocols or agreements as may be necessary to supplement the provisions of the Charter. The foresight embedded in Article 66 of the Charter has permitted the African Union to respond to topical human rights issues that may not have been thoroughly addressed in the Charter. It is under the aegis of Article 66, for example, that separate protocols covering the rights of women; the rights of persons with disabilities; and also the rights of the elderly have been adopted. The additional protocols have served to enrich the human rights protective umbrella available on the continent. Just to note also that the protocol establishing the Court has served to bolster the mechanism for promoting and protecting human rights on the continent. Overall, therefore, forty (40) years after its adoption, the Charter remains as relevant and responsive to African challenges as it was when it was adopted. [...] the African Union’s Agenda 2063 confirms rather than diminishes the continued relevance of the Charter in Africa’s pursuit of its developmental agenda. This is all very clear from the overtly human rights language of the aspirations and priority areas identified in Agenda 2063. By way of illustration, achieving a prosperous Africa, based on inclusive growth and sustainable development and also realising good governance and democracy require, of necessity, progress in the promotion and protection of human rights. This intrinsic relationship between human rights, development and peace has been universally established.” **Full statement** [here](#).

“The African Charter on the Rights and Welfare of the Child co-exists closely with the African Charter on Human and Peoples’ Rights. As the body established to promote and protect the rights of the child and to monitor the implementation of the African Charter on the Rights and Welfare of the Child, the Committee has made some progress in realizing the rights of the child that are protected by the African Charter on the Rights and Welfare of the Child and the African Charter on Human and Peoples’ Rights. In light of the concept of complementarity in the African human rights system, the Committee recognizes the importance of cooperating and collaborating with the African Commission on Human and Peoples’ Rights and the African Court on Human and Peoples’ Rights in the promotion and protection of the rights and welfare of the child. In this regard, the Committee and the African Commission have established close cooperation. In particular, the Committee has developed a joint General Comment with the African Commission on Human and Peoples’ Rights on the elimination of child marriage. In addition, recognizing the high prevalence of female genital mutilation in Africa, the Committee is developing a joint General Comment with the African Commission on Female Genital Mutilation. The Committee is also collaborating with other organs of the African Union and various development partners to promote and protect the rights of children on the continent.” Statement by the Hon. Joseph Ndayisenga, Chairperson of the African Committee of Experts on the Rights and Welfare of the Child. **Full statement** [here](#).

“Today, it is clear that Africa has made undeniable progress in the promotion and protection of human rights. But, for all that, the struggle remains relevant, even if the theaters and strategies may have changed. Still, we must stay the course, remobilize stakeholders and reaffirm our commitment to the respect and protection of human rights in Africa. Indeed, we cannot remain inert in the face of the multiple dangers that threaten the rights and freedoms guaranteed by the Charter and compromise the well-being of African citizens. We have to recognize that these dangers are rooted in all kinds of crises that hinder the economic growth of the continent and the development of its populations. Whether political, security, economic, social, health or other, it must be said that these crises often constitute moments of decay or even violation of rights and freedoms in our countries. However, it is important not to lose sight of the fact that the Charter remains undoubtedly a response to the existential anguish of Africans in the face of the perils that threaten their quest for well-being. Yes, human rights affect all human activity. Therefore, it is everyone's business. For its part, Senegal remains, as an initiating country, attached to the ideals, values and principles contained in the African Charter.” Statement by Mamadou Saliou Sow, Secretary of State to the Minister of Justice, in Charge of the Promotion of Human Rights and Good Governance. **Full statement** [here](#).

“Commemorating human rights connotes different things to different people globally. For us as Africans, it is a reminder of our past history - the past human rights abuses, including denial of political self-determination through colonization and apartheid and a reflection of ongoing human rights situation with a determination to never again permit a recurrence of human rights violations in our continent. It also means a re-commitment to the values and principles that human rights stand for. As we grapple with the challenges of the COVID-19 pandemic - including human rights violations, poverty, and unemployment amongst others, significant developments are underway in Africa, including the recent launch of the continental 10-year human rights action plan. This key initiative requires our collective commitment to guarantee its intended impact and sustainability. The African Union and its Member States cannot accomplish this enormous task alone. All hands, including those of civil society, media and private sector, must be on deck for the full realization of the human and peoples' rights goal. This commitment will not only deepen the culture of human rights in our continent, it will remain the surest path to Africa's social and political transformative agenda.”- Statement by Amb. Bankole Adeoye, Commissioner for Political Affairs, Peace and Security, African Union Commission. **Full statement** [here](#).

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