



**STATEMENT BY**

**HER EXCELLENCY MRS. JULIA DOLLY JOINER  
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AFRICAN UNION COMMISSION**

**AT THE**

**OPENING SESSION OF THE 48<sup>TH</sup> ORDINARY SESSION OF THE  
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

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For the past three decades, since the adoption of the African Charter on Human and Peoples' Rights and the subsequent creation of the African Commission on Human and Peoples Rights, the Charter and indeed the Commission have stood at the centre of our collective efforts to advocate on behalf of those without voice and secure human and peoples' rights across Africa. Just as we approach a point of reflection and celebration on the journey travelled, we also stand at a time when there is a need to reaffirm that human rights is an endeavour which requires actions that combine the caring hand of law with the passion of advocacy.

It is in the exercise of our human rights obligations that we are able to appreciate the most valuable role that the African Commission plays and the significant responsibilities accorded to each of its Commissioners. I will hence begin by expressing the appreciation of the African Union Commission (AUC) to the Chairperson and all Commissioners for the leadership they have and will continue to provide over human rights issues in Africa. Let me also take this opportunity to congratulate and welcome the newly elected Commissioner and wish her well as she takes on the responsibilities entrusted to her by the African Charter on Human and Peoples' Rights. Furthermore, allow me to express an added word of gratitude for the services of the Commissioner who has just completed her term. We are confident that she together with all her predecessors will continue to be good friends of the African Commission and will promote its work as they make contributions in their future endeavours. In the exercise of service, the ACHPR and Commissioners can be rest assured that we will always work together in a shared commitment to human rights and as a means of maximizing our efforts for optimal positive impact on the lives of those who count on us to act when circumstance demand this of us.

Chairperson, Commissioners

In pursuance of the common good, we learn that we may not always succeed in stopping those consumed with hatred or prejudice and that we cannot stem all abuse. However, we do and ought to know that we should and must always remain steadfast in our obligation to alleviate suffering and prevent others from occurring. Even as we reflect on all of the human rights gains made and changes effected in our Continent and across the world, there are still challenges to be confronted and hearts that need to be opened. There are still fellow Africans, perhaps neighbours, friends and even loved ones who act with impunity and hold on to attitudes that serve to deny individuals and communities the rights that many take for granted. As we pursue actions in response to the increased demands for a new order of rights, we cannot and should not lose sight of the basic human rights enshrined in the African Charter. Even as we respond to the most vocal lobby groups on specific rights issues, it becomes equally imperative that we balance our response by recognizing that there are still many on our Continent who continue to struggle for the most basic rights and hence the imperative of reminding ourselves that without a balanced approach, ordinary people may lose faith and we would fail in moving forward as a collective.

Whilst we push for the deepening of the rights culture and engage on matters of detail within particular areas of concern, we must know that it would not be encouraging if, in one part of the Continent or even in a particular Member State, we have the most advanced human rights practices and yet in another part we have

people who continue to struggle with the most basic of issues. These rights and duties, well detailed in Articles 1 to 29 of the African Charter, still need our focused attention today covering as they do, issues such as access to public services, employment and other aspects of the right to development, which many of our Member States have been emphasising in all our engagements. I must also stress that matters such as gender discrimination also continue to remain a concern and that systematic prejudices make our African Charter an empty promise for many. We must hence, spare no effort in persuading Member States to respond progressively and decisively to the right to development and in particular, repeal laws that discriminate against women and girls.

In as much as the African story should rightly include celebratory accounts of our contribution to the international Human Rights system, as a result of our own history of colonial oppression and exploitation, we will continue to be a Continent that faces some difficult choices and challenges. In many parts of the world, a focus on a new order of human rights has become a part of the societal dialogue where basic rights are taken for granted. Aggrieved groups, beyond the most in need, oppressed and marginalized groups, have demonstrated the ability to internationalise their grievances through civil society organisations. However, as we will know and I have indicated, in some parts of Africa and probably many other parts of the world, basic human rights cannot be taken for granted. Whilst we have no option but to be advanced in our thinking and be accommodative of new demands, I would still urge that we be practical in our approach. In as much as many in the world might be impressed with our knowledge and intellectualism on the latest developments in human rights, it goes without saying that most Africans would be more appreciative of our practical actions and our ability to talk to the day-to-day realities that confront people in cities, towns and villages across the diverse African landscape.

The issue of pursuing basic human rights for all, as vigorously as we respond to a new order of rights, is not simple, as it extends to matters of choice on how resources are used and priorities established. I have and will always urge that, even whilst the African Commission responds to new complex demands and challenges, it seeks ways to ensure that it delivers on all elements of its core mandate. In this respect, it may be most prudent if the African Commission focuses added attention on ensuring compliance with Article 62 of the Charter, which requires that State Parties submit a 'report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter'. Whilst the obligation to submit reports rests with Member States, the African Commission is well placed to explore ways of securing more active participation and commitment to the submission of periodic reports. The participation of Member States cannot be overemphasised and I would hence urge that the African Commission explore this matter further and that some innovations, as may be appropriate, be introduced on the matter of securing compliance with periodic reporting.

Chairperson, Commissioners, Excellencies, Distinguished Ladies and Gentlemen

In a world where most of us are driven by the excitement of the moment and a propensity to focus on the immediate, we tend to lose sight of the larger purpose of our work and the long-term impact envisaged. Indeed, most often it is only when we

stand before a specific anniversary or celebratory moment that we find time to take stock of the journey travelled. Whereas the anticipated activities to commemorate the 30th Anniversary of the Charter are important for further advocacy, they also provide an important opportunity for us to take a deeper look at our work and focus some attention on critical self-reflection. This time of commemoration and celebration provides us with a space to explore alternatives and if necessary, to articulate further and more innovative paths in the future. Within such expressions of innovation it is always useful to build on past commitments and ensure that the proposals made are realistic and accommodative of the realities that characterise policy processes within the African Union.

As we approach this period of commemoration and celebration, it cannot be that we all stand back and relegate responsibility to our African Commission. Yes, the African Commission is defined as the central implementation institution in the African Charter, however the Charter itself belongs to all Africans and indeed to all Member States of the African Union. It is thus incumbent that we encourage all to work with the African Commission and independently, if need be, to ensure that the upcoming year serves as the year in which the shared values contained in the African Charter are highlighted and that indeed we do couple critical reflection with an appreciation of a journey well travelled. In all of this, I must emphasise that Member States need to participate wholeheartedly and must, through positive action, demonstrate ownership over human and peoples' rights processes and agenda.

If there is a message that characterises the current phase in the human rights and shared values journey in our Continent, it would be one of non-indifference and shared responsibility. The very idea of non-indifference is what distinguishes the African Union from the Organisation of African Unity and symbolises the spirit that permeates the substantive orientation of the African Charter and other important instruments, such as the African Charter on Democracy, Elections and Governance. In like manner, all of these instruments also drive forward the proposition that shared values are a collective responsibility. Over and beyond the sharing of responsibility between different Organs and structures of the Union, there is an expectation that all shared values initiatives would rest on active partnerships between governments and all other stakeholders.

In building a more collective approach, the African Union has approved that the African Union Commission initiate a process directed at establishing a more focused African Governance Architecture. As some of you well know, we have initiated a broad consultative process on the African Governance Architecture and the Governance Platform, which would be established as the premier coordinating mechanism within the Architecture. This process, aimed at enhancing coordination and complementarities amongst African Union Organs, Regional Economic Communities and other stakeholders in Governance and Human Rights will unfold over the next few years. The eventual launch of the African Governance Platform, pending guidance and approval of the African Union Assembly, has particular significance to the African Human Rights Community, as the Platform has been defined as the key implementation vehicle for the unfolding consolidated African Human Rights Strategy. As many of you would know, the AUC, parallel to this, has been working with Organs and other stakeholders to craft a more coherent African Human Rights Strategy. Much of the work has been completed and it anticipated that

as the next step in the process, there would be more active consultations with Member States. We continue to appreciate the African Commission's active role in this area and anticipate that the collective work engaged upon will lead to greater coherence in efforts directed at enhancing human rights in Africa.

This 48<sup>th</sup> Session of the African Commission comes at a very opportune time, as it is just before the January 2011 Summit on the Shared Values Theme. This Summit, as I have said before, provides us all with an important opportunity for reflection and, I believe, will serve as an important event in the continuing journey to enhance governance, democracy and human rights in the Continent. As we move towards the 2011 Summit, the Commission has initiated a number of consultative fora, which encourage engagements and consultations with the Gender, Youth and wider Civil Society communities. These fora will allow us all to engage in debates on the Shared Values journey and I believe can be instrumental in shaping the reflections and decisions that would characterise the deliberations during the January 2011 Summit. The 48<sup>th</sup> Session would thus do well by reflecting on the contribution that can be made to the Summit and the opportunity it could provide in the effort to further enhance human rights work in Africa.

Chairperson, President of the Court, Commissioners, Excellencies, Distinguished Ladies and Gentlemen

As I conclude my statement of support and guidance from the perspective of the African Union Commission, allow me to express, through you Honourable Minister, our most sincere appreciation to His Excellency the President of the Republic, the Government and People of The Gambia for the invaluable contributions they have always made to the African Union Commission and to the African Commission for Human and Peoples' Rights. The warm welcome and hospitality shown by the people of this Smiling Coast continues to inspire us and will always serve to ensure that we feel at home and are able to successfully accomplish our missions.

On a final note, allow me to reaffirm that the future we have and are creating is brighter. Whilst there will be setbacks and bumps along the road, the truth is that our common values are a force stronger than the challenges we confront. No doubt, the values we hold, when voiced by generations of our people, is what makes it possible for us to be together today and it is these very voices that will continue to serve as inspiration as we move forward.

I thank you all for your attention and wish the African Commission well for its 48<sup>th</sup> Ordinary Session.