



**STATEMENT BY
H.E. DR. AISHA L. ABDULLAHI
COMMISSIONER FOR POLITICAL AFFAIRS
AFRICAN UNION COMMISSION**

**AT THE HIGH LEVEL SEMINAR ON THE IMPACT OF CONFLICT ON THE
RIGHTS OF WOMEN AND GIRLS IN MALI: WHAT PARTNERSHIP WITH THE
AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS (ACHPR)**

**DELIVERED ON HER BEHALF BY
DR. SALAH S. HAMMAD
HUMAN RIGHTS EXPERT**

**BAMAKO, MALI
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Your Excellency, Ms. Sangare Oumou BAH, Minister for the Promotion of Women, Children and Family of the Republic of Mali

Excellencies Ministers and Members of the Government of the Republic of Mali present here today

Honorable Members of the National Assembly of the Republic of Mali present here today

Honorable Ms. Reine Alapini Gansou, Commissioner of the African Commission on Human and Peoples' Rights

Honorable Ms. Soyata Maiga, Commissioner of the African Commission on Human and Peoples' Rights

Mr. Guillaume Ngefa-A. Andali, Distinguished Representatives of the National Human Rights Commission of Mali

Distinguished Representatives of Diplomatic Corps

Distinguished Representatives of other AU Organs and Agencies

Distinguished Representatives of other UN Agencies

Distinguished Representatives of Partners, CSOs and other Stakeholders

Colleagues from the ACHPR

Distinguished Guests

Ladies and Gentlemen:

It is a singular honour and a great privilege for me to address this august body on behalf of H.E. Dr. Aisha Abdullahi, Commissioner for Political Affairs of the African Union Commission who is unable to be present here today at this High Level Seminar on the Impact of Conflict on the Rights of Women and Girls in Mali, taking place here in this beautiful city of Bamako, the capital city of the Republic of Mali.

At the outset, allow me to express my gratitude to the Government and the People of Mali for the warm welcome and hospitality and also for the commitment to the African Union Human Rights Agenda.

I also wish to thank Honorable Commissioner Syata Maiga, the ACHPR Special Rapporteur on the Rights of Women in Africa for her dedication and commitment, which made the convening of this meeting a reality. I also wish to extend my heartfelt appreciation to the MINUSMA and other UN Agencies, partners and members of the African CSOs for their participation in this important gathering.

Excellencies, Distinguished Ladies and Gentlemen

The African Union Commission was mandated in January 2011 by the AU Assembly to establish an African Governance Architecture (AGA) and its Governance Platform. The AGA seeks to strengthen coordination and cooperation among AU organs, institutions and Regional Economic Communities with a formal mandate in the area of democracy, governance and human rights. The AGA's objective is to enhance these organs and institutions capacity to optimize their impact on the destiny of our continent and people.

The establishment of AGA is therefore an opportunity to engage and develop appropriate capacity and responses to Africa's governance challenges. The AGA is also meant to compliment the African Peace and Security Architecture (APSA) and to collectively prevent conflicts from happening by promoting democracy and good governance in Africa.

The African Governance Platform is the coordinating mechanism for the AGA, which seeks to monitor the compliance and implementation of AU Shared Values instruments. The Platform is organized around five clusters: Constitutionalism and

Rule of Law; Human Rights and transitional justice; Governance and Democracy and finally, the Humanitarian Affairs Cluster.

Excellencies, Distinguished Guests, Ladies and Gentlemen

This meeting is taking place as part of the mandate of the ACHPR to promote and protect human and peoples' rights on the continent. These rights include the rights of women and girls in Africa. The primary objective of this meeting is to examine the impact of conflict on the rights of women and girls in Mali as a case of study. It therefore, an opportunity to analyse this case in order to contribute to the efforts of the AU to make it a primary goal to promote and protect human and peoples' rights on our beloved continent either during conflict or the time of peace.

It is essential to note that the promotion and protection of human rights is each state's responsibility, but we should not forget to continue to remind ourselves of our individual responsibilities, which is crucial for building the culture of respect for human dignity. Today, as we reflect on ways and means to promote and protect the rights of women and girls during conflict in Mali as part of our efforts to build sustainable peace in Africa, we should acknowledge that even though we have regional particularities, many of the values in governance, democracy and human rights are globally shared values. With such acknowledgement and global embrace, African Union Member States correctly affirmed that finding accommodation for differences and contextual particularities in a globalised world will and must continue to be a core strategy in the efforts of the AU to promote peace and security in Africa.

The conflicts in Mali have taken a particularly acute toll on civilian populations and in particular on women and girls. The recruitment of child soldiers, sexual violence and amputations amongst other violations are but some of the horrific crimes exacted upon civilians, particularly in the Northern part of the country. The report of the Chair of the AU Commission on the Situation in Mali on 14 July 2012, spoke to the widespread evidence of sexual and other violence against women and girls including gang rapes, public beatings, forced marriage and torture.

The inclusion of women and girls in the promotion and protection of their rights must be prioritized as part of an effective strategy for conflict resolution in Africa. Child

soldiers, boys or girls, are being recruited into the ranks of insurgent groups and have been seen actively participating in combat on the frontlines, conducting patrol and manning checkpoints. These children should as a matter of priority be removed from harm's way and reunited with their families. These cruel and inhumane punishments represent an alarming violation of human and civil rights and freedoms.

Excellencies, Distinguished Ladies and Gentlemen

It is against this backdrop, the AU has initiated a consensus building process to reflect on African experiences on post conflict and reconstruction aiming at establishing an African Transitional Justice Policy Framework. The objective of this proposed framework is to develop consensus on how the AU can complement and enhance the capacity of its Member States to implement transitional justice.

The proposed framework will address current challenges of the transitional justice discourse, which include inadequate appreciation and understanding of transitional justice broadly and holistically; limited conceptualization of the potential opportunities and interrelationships between transitional justice processes and mechanisms with broader governance and development agendas; inadequate follow-up and monitoring of implementation of the negotiated political settlements, as well as the role of continental and regional bodies in transitional justice in Africa; domination of the transitional justice debate by international organizations thus promoting ideal-type models of transitional justice on a 'one size fits all' basis which do not necessarily take into account specific country contexts; and alternative and nonformal models of justice, the regional dimension and cross-border nature of conflicts in Africa including how these could impact on transitional justice processes.

The justice element in transitional justice should be understood broadly. Therefore, justice is an ideal accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs aiming to restore or even reconstruct the community. Thus, transitional justice is a justice of exception, which aims to change the conflict and post-conflict situations to better conditions.

Whilst a collective but differentiated approach to transitional justice is desirable, it is important to also emphasize at this stage that the primary responsibility for

conceptualization, implementation and monitoring of these processes rests with our Member States. The central mandate of the AU relative to transitional justice is to support its Member States' efforts, initiatives and processes and in this regard, Member States must remain at the forefront of this process. The AU's experiences in Burundi, Central Africa Republic, Mali, Darfur, Ivory Coast, Kenya, Sierra Leone and South Sudan, on matters of transitional justice indicate that this support could include mediation, peacemaking and peace building in conflict and post-conflict situations. Drawing from these experiences that reflect the varied nature and development of transitional justice in Africa, the AU can facilitate the development and adoption of continental standards and norms on transitional justice by Member States, which would in turn be adapted to national contexts in implementation.

These efforts by the AU reaffirm that peace, justice and reconciliation require that the human rights and dignity of affected populations are respected and upheld, that grave abuses of human rights are addressed; that a prevailing culture of impunity is eradicated; and that perpetrators are held accountable through a robust, credible system of accountability. This must draw on the concrete experiences of our peoples throughout the Continent and it should be situated in the context of the critical human rights challenges in Africa as well as the objective to promote Africa's Shared Values.

The realization of our common vision of a united and prosperous Africa as well as in the building of the culture of human and peoples' rights promotion and protection remains a great task, which requires our common resolve. It is indeed an imperative to analyse and understand the global challenges that we are currently facing and find home-grown solutions to them. In this regard, it is important to emphasize that, the promotion and protection of human rights and fundamental freedoms, respect for democratic principles, the rule of law and good governance as underscored in the Constitutive Act of the African Union will contribute to the maintenance of peace and security on the continent thereby accelerating its development as well as the realization of its vision of a peaceful, prosperous and fully integrated and united Africa.

Excellencies, Distinguished Guests, Ladies and Gentlemen

Before I conclude, I would like to make reference to the African Charter on Human and Peoples' Rights, the Protocol on the Rights of Women in Africa, the Africa Charter on the Rights and Welfare of the Child in Africa, the Human Rights Strategy for Africa, the Policy Framework on Post Conflict Development and Reconstruction, the AU Agenda 2063 and the Common African Position on Post 2015 Development Agenda, a number of important AU instruments and pronouncements to ensure greater convergence and coherent concerted action to enhance the promotion and protection of human rights and peoples' rights in Africa. What is needed is the commitment by the governments and the African peoples to implement them and make them a reality.

I will conclude by reiterating the support of the Department of Political Affairs of the African Union Commission to this important initiative and I would like on behalf of H.E. Dr. Aisha L. Abdullahi, Commissioner for Political Affairs to express our appreciation, once again, to the government and people of the Republic of Mali, Hon. Commissioner Maiga and colleagues from the ACHPR, as well as colleagues from the MUISMA, for working together to organize this very important Seminar, and invite you to contribute your ideas and suggestions on how we can move forward together and make this Forum a success. We are also looking forward to the outcomes of this High Level Seminar and lessons learned from the case of Mali for the benefit of the entire African continent.

I thank you.