



**STATEMENT BY H.E. DR. AISHA L. ABDULLAHI
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AFRICAN UNION COMMISSION**

**DELIVERED ON HER BEHALF BY DR. KHABELE MATLOSA
DIRECTOR FOR POLITICAL AFFAIRS**

**AT THE 5TH HIGH LEVEL DIALOGUE ON DEMOCRACY, HUMAN
RIGHTS AND GOVERNANCE IN AFRICA: TRENDS, CHALLENGES
AND PROSPECTS**

**UNDER THE THEME: “REFLECTING, CELEBRATING AND
ADVANCING HUMAN AND PEOPLES’ RIGHTS IN AFRICA WITH A
SPECIAL FOCUS ON THE RIGHTS OF WOMEN”**

**ARUSHA, UNITED REPUBLIC OF TANZANIA
23-26 NOVEMBER 2016**

Your Excellency, H.E. Samia Suluhu Hassan, Vice President of the United Republic of Tanzania

Honourable Othman Chande, Chief Justice of the United Republic of Tanzania

Honourable Justice Sylvain Ore, President of the African Court on Human and Peoples' Rights

Honourable Justice Ben Koiko, Vice President of the African Court on Human and Peoples' Rights

Honourable Judges of the African Court on Human and Peoples' Rights

Honourable Former Presidents, Vice Presidents and Judges of the African Court on Human and Peoples' Rights

Honourable Tom Nyanduga, Chairperson of the National Human Rights Commission of the United Republic of Tanzania

Honourable Amb. Baraka Luvanda, Director of Legal Affairs at the Ministry of Foreign Affairs, East African and International Corporation of the United Republic of Tanzania

Honourable Gerson Mdemu, Deputy Attorney General of the United Republic of Tanzania

Your Excellencies, Ambassadors, High Commissioners and Members of the Diplomatic Corps

Your Excellency, Amb. Ramieri Sabatucci, Head of the EU Delegation to the African Union

Honourable Mr. Joseph Chilengi, Presiding Officer of ECOSOCC

Honourable Commissioner Maya Fadel, Representative of the African Commission on Human and Peoples' Rights

Honourable Mr. Joseph Ndayisenga, 2nd Vice Chairperson of the African Committee of Experts on the Rights and Welfare of the Child

Mr. Adam Abdelmoula, Director of the Human Rights Council and Treaties Division, representing the UN High Commissioner for Human Rights

Distinguished Representatives of the UN Agencies

Distinguished Representatives of the African National Human Rights Institutions

Distinguished Representatives of GIZ, the German International Corporation

Distinguished Representatives of the Academia and Research Institutions

Distinguished Representatives of the Civil Society and Non-Governmental Organizations

Distinguished Representatives of the Media and the Press

Distinguished Guests

Ladies and Gentlemen,

All Protocols Duly Observed

I am delighted to deliver this statement on behalf of the African Union Commissioner for Political Affairs, H.E. Dr. Aisha Laraba Abdullahi, during this Fifth High-Level Dialogue on Democracy, Human Rights and Governance: Trends, Challenges and Prospects. The High-Level Dialogue on Democracy (as it is commonly known) is the flagship project of the African Governance Architecture (AGA) and its Platform which brings together a multiplicity of stakeholders who have an interest in the entrenchment of a culture of democracy and human rights in Africa. Since the launch of the dialogue, the following High-Level Dialogue fora have been organized:

- The first Dialogue was held in November, 2012 in Dakar, Senegal on the state of democratic governance in Africa.
- The second Dialogue was held in November, 2013 in Dakar, Senegal and focused on enhancing constitutionalism and rule of law in Africa.
- The third Dialogue was held in October 2014 in Dakar, Senegal focusing on silencing the guns: strengthening governance in resolving conflicts in Africa.
- The Fourth Dialogue was held in October 2015 in Kigali, Rwanda on the theme “Women’s Equal Participation and Leadership in Political Parties in Africa”

This Fifth High-Level Dialogue over the next four days (23-26 November) has as its main theme “Reflecting, Celebrating and Advancing Human and Peoples’ Rights in Africa”. As from last year (2015), the themes of the High-Level Dialogue are aligned to the yearly themes adopted by the AU Policy Organs. The AU Assembly of Heads of State and Government declared 2015 as the year of “Women’s Empowerment and Development towards Agenda 2063”. This declaration influenced the African Governance Architecture Platform members to adopt a theme on participation and leadership of women in political parties aligned to the AU theme for that year. This year (2016) has been declared by the AU Policy Organs as the “Africa Year of Human Rights with Particular Focus on the Rights of Women”, commonly dubbed ‘Project 2016’.

Consequently, members of the African Governance Platform have decided to focus the deliberations of the fifth High-Level Dialogue on human and peoples' rights with special focus on women's rights. Thus, the theme for the fifth High-Level Dialogue is aligned to Project 2016. Project 2016 is the collective responsibility of all the AU Organs and Institutions with the human rights mandate, who are also members of the AGA Platform, including (a) the African Commission on Human and Peoples' Rights; (b) the African Court on Human and People's Rights; (c) the African Union Commission (through the Department of Political Affairs); (d) The African Committee of Experts on the Rights and Welfare of the Child; (e) the Economic, Social and Cultural Council; (f) the Pan-African Parliament and (g) the African Union Board on Corruption, etc.

Excellencies, ladies and gentlemen,

As we gather here today to reflect critically on the state of human rights in Africa with particular focus on the rights of women, we should not forget that history is the best teacher for all of us. Our continent only gained its political independence in the 1960s, some 50 or so years ago. Before then, the continent had been subjected to slavery, colonialism and exploitation by European colonial powers. During the era of slavery, human rights of Africans were trampled underfoot. Colonialism was also not premised upon democratic governance but authoritarian rule which was anchored on force and coercion, rather than dialogue and consensus. It was a militaristic type of governance meant to subjugate Africans to the socio-economic and strategic-political interests of the European colonial powers. When Africa gained its independence beginning with Ghana in 1957, expectations were high. It was generally assumed that the era of democracy, human rights, constitutionalism, rule of law and gender equality had arrived at long last. Since Ghana's independence, today all African states are free from colonial domination. Now that the continent is independent, do we have a culture of human rights sufficiently entrenched in Africa today? Does this culture also recognize the significance of women's rights

The 1963 Charter establishing the Organisation of African Unity (OAU) did not prioritise human rights within Member States. The focus of the OAU in as far as human rights is concerned was basically on two main issues namely (a) self-determination of colonized peoples and (b) struggle against apartheid in Southern Africa. The human rights situation within its independent Member States remained an untouchable holy cow. Two important principles espoused by the OAU Charter were (a) the sovereign equality of all member states and (b) non-interference in internal affairs of States. By far the most defining historical moment for OAU's stance on human rights which expressed the two principles above was the 1964 Cairo Declaration, which adopted the colonial boundaries as inviolable and cast state sovereignty as sacrosanct. It is in this context that we are able to understand the OAU doctrine of non-interference in the internal affairs of its Member States even as authoritarian regimes abused human rights such as Idi Amin's Uganda, Bokassa's Central African Republic, Samuel Doe's Liberia culminating with the 1994 genocide in Rwanda. Although the OAU did not focus its

attention sufficiently on internal human rights situations within its Member States, it did register some modest achievements in respect of developing some of the earliest normative human rights frameworks. Two of these are worth highlighting namely (a) the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa and (b) the 1981 African Charter on Human and Peoples' Rights. The 1969 Convention on Refugees remains one of the pillars of the African Union's emerging Humanitarian Architecture as articulated in the 2016 Common African Position on Humanitarian Effectiveness.

Adopted in Nairobi, Kenya on 28 June 1981, the African Charter on Human and Peoples' Rights came into force on 21 October 1986. On 2 November 1987, the African Commission on Human and Peoples' Rights was set up with its headquarters based in Banjul, The Gambia as the main AU Organ to advance the effective implementation of the Africa Charter on Human Rights by AU Member States. All AU Member States have ratified this Charter with the newest Member of the African Union, South Sudan having deposited its ratification instruments in 2016.

With the transformation of the OAU into the African Union in 1999 and the subsequent adoption of the Constitutive Act of the AU in 2000, human rights have occupied centre-stage of the Union's agenda of pan-African unity, integration and prosperity. The Constitutive Act of the AU explicitly states as two of the principles of the Union the "respect for democratic principles, human rights, the rule of law and good governance" and the "promotion of gender equality". Equally important, Article 4(h) of the Constitutive Act gives the AU the right "to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity".

It is very clear therefore that the AU has abandoned the old OAU doctrine of non-interference in the internal affairs of states. The AU has replaced that old doctrine with a new and more progressive paradigm of non-indifference to human rights abuses within Member States. This new doctrine gives the AU the power to intervene in its Member States in cases of human rights abuses. This new doctrine challenges the concept of state sovereignty in Africa in its absolutist terms. It encourages the concept of pooled or shared sovereignty in which states are supposed to cede part of their sovereignty to the AU to guarantee that human rights are observed, protected and promoted.

To this end, the AU has also developed a robust normative framework on human rights including the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women in Africa, the Protocol to the African Charter on Human and Peoples' Rights relating to the Establishment of the African Court on Human and Peoples' Rights, the African Youth Charter, the African Union Convention on Preventing and Combating Corruption and other Related Offences, the African Charter on Democracy, Elections and Governance and the African Union Convention on the Assistance to Internally Displaced Persons

(The Kampala Convention), the NEPAD Declaration on Democracy, Political and Corporate Governance and the establishment of the African Peer Review Mechanism (APRM). All these measures point to positive steps that the AU has taken to inculcate a culture of human rights including women's rights in Africa. The main challenge now is closing the gap between norm-setting and norm-implementation.

Excellencies, Ladies and Gentlemen

Since the transformation from OAU to the AU, therefore, the continent has moved from norms setting to institutional development in the field of human and peoples' rights in general, and the rights of women in particular, with the adoption of several human rights instruments. All these have been made possible by the doctrinal change or paradigm shift from non-interference to non-indifference. The milestones achieved so far in promoting human rights broadly and women's rights in particular provide the continent with enough reason to be optimistic. The success of the AU, including the realization of its Agenda 2063: The Africa We Want will depend largely on the importance given to the promotion, protection and observance of human and peoples' rights on the continent. To be effective, and to achieve its goal, the Union must integrate and mainstream democratic governance, respect for constitutionalism and the rule of law and respect for human and peoples' rights at all levels. Of particular significance to the advancement of the African human rights agenda is the imperative to move beyond civil liberties and political rights to also give equal attention to socio-economic and cultural rights such as the right to food, the right to clean water and sanitation, the right to clothing, the right to health, the right to education, the right to housing, the right to clean environment etc. Women must also enjoy these rights as they constitute more than half populations of African countries.

Excellencies, Ladies and Gentlemen

The top most country in the world with more women in decision-making structures is an African country: the Republic of Rwanda. In Rwanda, women are visible by their presence in the state sphere, civil society sphere and the private sector at various layers of society from the national to the community/village levels. We need much greater commitment and action to tackle the problem of low participation rate and poor representation of women in governance processes, in peace and security initiatives and in development programmes and projects. In Rwanda today, women constitute 64% of the Legislature; 40% of the Executive; 40% of the Judiciary; 40% of Provincial Governors and 38% of the District Councillors. Our host, the Republic of Tanzania is one of the countries with more than 30% of women's representation in parliament and the country currently has the female Vice President, Her Excellency Samia Suluhu Hassan, who is here with us today. We encourage all other Member States of the AU to emulate Rwanda and Tanzania in respect of gender equality and women's empowerment.

Excellencies, Ladies and gentlemen

Before I conclude this statement, I would like to encourage you to broaden your scope of assessment of human rights and women's rights in Africa by appreciating the context both in Africa and globally. This context has a huge bearing on whether or not a culture of human rights exists and is entrenched in Africa. Part of this context includes the current state of democratic recession and authoritarian backsliding now underway globally especially in some parts of Asia, Europe and North America. As a result of these developments, in fact some scholars are already predicting that we are entering a period of de-consolidation and deconstruction of liberal democracy as increasingly popular faith in democracy seems to be waning. The waning faith in democracy is manifested by loss of people's trust in democratic institutions accompanied by the rise of ultra-nationalist populism. Populism is not necessarily anti-democratic like fascism of the 1920s and 1930s in Germany and Italy.

The danger with populism, though, is that it does not encourage democratic and participatory governance. Africa is not immune to this rising specter of populism today, the same way that Africa has not been immune to globalisation. Some of the dangers of populism which may threaten human rights in Africa its appeal to racism, xenophobia, religious intolerance and patriarchy etc. Africa needs to entrench the culture of democracy anchored on constitutionalism and rule of law and human and people's rights within all the 54 Member States of the Union. The re-emergence of populism globally is one of the manifestations of the adverse socio-economic, cultural and political impacts of globalization which has intensified inequality, poverty, unemployment, corruption, exclusion and marginalisation. Given these challenges, people tend to lose faith in democracy's developmental mission. They lose trust in democratic institutions. Africa can only avoid this predicament by adopting and implementing developmental democracy that is socially responsive to the African peoples; a democracy that tackles head-on problems of inequality, poverty, unemployment, corruption, exclusion and marginalization. One sure way to guarantee Africa's defence against populism that is now spreading like wild fire across the globe is the promotion, protection and observance of human rights including socio-economic and cultural rights, including the rights of women.

I thank you for your kind attention.