



ORAL STATEMENT BY AMNESTY INTERNATIONAL

Index: AFR 01/9305/2018

63rd Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, The Gambia

Agenda Item 3: Human Rights Situation in Africa

Chairperson and Honourable Commissioners

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights on this occasion of its 63rd Ordinary Session.

At the 58th ordinary session of the African Commission held here in Banjul, The Gambia, in April/May 2016, Amnesty International called for a renewed commitment to the protection of the regional human rights system in Africa. This call has now become more apt and urgent in light of the decision of the African Union Executive Council to endorse the outcome and recommendations of the June retreat between the African Commission and the Permanent Representatives' Committee (PRC).

Amnesty International is concerned that the decision contains directives that unduly interferes with the independence and autonomy of the African Commission. It gave the African Commission an ultimatum to withdraw the observer status it had granted to the Coalition of African Lesbians (CAL), in effect requiring the African Commission to replace its expert position with a political one. It directed the African Commission to submit its revised criteria for granting observer status to NGOs to the relevant African Union political organs for consideration and adoption and to formulate a code of conduct for its members. These particular directives run counter to the spirit and letter of Article 42(2) of the African Charter which empowers the African Commission to independently lay down its rules of procedure. The Executive Council also decided to conduct an analytical review of the mandate of the African Commission to receive and adjudicate complaints of human rights violations and abuses. We are concerned that the true motive of this review might be to strip the African Commission of this invaluable and independent mandate to ensure protection of human rights in the continent.

While we condemn this undue political pressure and interference, Amnesty International is deeply disappointed that the African Commission has already gone ahead and withdrawn the observer status it granted to the Coalition of African Lesbians in April 2015. In doing so, the African Commission has, contrary to the oath of office taken by its members, yielded to political pressure and undue influence in discharging of its statutory duties. The decision to withdraw CAL's observer status is also contrary to the position that the Commission took earlier this year in its 43rd Activity Report. We urge the African Commission to remain true to its calling as laid out in the African Charter and other relevant regional human rights instruments.

Amnesty International takes note of the fact that in response to the Executive Council directives, the African Commission has established two separate committees: the first mandated to conduct



research into the issue of a code of conduct and the second tasked with preparing a document on the question of its interpretative mandate. We welcome the establishment of these committees and we hope the outcome of these twin processes will boldly and clearly set out the position of the African Commission in relation to the recent directives issued by the African Union's Executive Council. We urge the two committees to adopt a transparent process by seeking support and input from all relevant stakeholders and to publicly share the outcomes of their respective mandates. More importantly, we urge the African Commission to ensure that any future position it takes on its mandate and working methods is informed by a sound interpretation of international human rights law and one that upholds its independence and autonomy.

Finally, Amnesty International would also like to use this opportunity to call on state parties to ensure that the ongoing African Union institutional reform initiative does not undermine the mandate, independence and autonomy of regional human rights bodies, and in particular the African Commission.