



## PRESS STATEMENT

# CENTRE FOR HUMAN RIGHTS WELCOMES AFRICAN COMMISSION VISIT AS OPPORTUNITY TO CLARIFY SOUTH AFRICAN GOVERNMENT'S POSITION ON INTERFERENCE WITH COMMISSION'S INDEPENDENCE

5 September 2018

---

The Centre welcomes the promotional visit by the African Commission on Human and Peoples' Rights (African Commission) to South Africa. This visit, which takes place from 3 to 8 September, aims to raise awareness about the African human rights system, established under the African Union (AU), and to provide a forum for dialogue about the state of human rights in South Africa.

Having been established in 1987 to supervise states' adherence to the African Charter on Human and Peoples' Rights (African Charter), the Commission is the longest-standing AU human rights body. It is an independent body, composed of eleven African experts, created as an autonomous institution to supervise human rights within member states. Its mandate is to promote and protect the rights of everyone under the jurisdiction of states that have accepted to be bound by the African Charter. All AU member states, with the exception of Morocco, have become a party to the African Charter. South Africa joined soon after its democratic transition, in 1995.

The Commission's delegation consists of three of its members: its Vice Chairperson, Commissioner Lawrence Mute; Commissioner Solomon Ayele Dersso, Country Rapporteur for South Africa and the head of the delegation; and Commissioner Rémy Nguy Lumbu, Special Rapporteur on Human Rights Defenders. During its week-long visit, the delegation is scheduled to meet with relevant Ministers, government officials, and civil society organisations. During the visit, important human rights issues are likely to feature on the agenda, including violence against foreign nationals.

The visit comes at a time of crisis for the African Commission. Very recently, in an unprecedented step, the Commission yielded to the AU Executive Council's directive to withdraw the observer status granted to a South African-based NGO, the Coalition of African Lesbians (CAL). Following the granting of observer status to CAL by the Commission in 2015, the Executive Council has repeatedly called on the Commission to reverse its decision. This call is based on the Executive Council's view that homosexuality, and lesbian persons in particular, are 'un-African'; and that allowing them to participate before the Commission contradicts (undefined) 'African values'.

As the only country in the continent that explicitly commits itself to guarantee full equality irrespective of a person's sexual orientation or gender identity, South Africa can reasonably be expected to voice its concerns about this turn of events. Political interference with the Commission's work is extremely problematic, in that it undermines its independence and autonomy. The South African government's interest in this matter is also heightened by the fact that CAL is located in South Africa and traces its legal existence to the country's laws. The Commission's visit is an opportunity for South Africa to clarify what its role was in the process of political pressure being exerted, and to recommit itself to uphold the independence and autonomy of the Commission.

The visit also provides an opportunity for the Commission to reinforce South Africa's support for the African regional human rights system. On a formal level, South Africa is yet to ratify two important new AU human rights treaties: the Protocol to the African Charter on the Rights of Persons with Disabilities, and the Protocol to the African Charter on the Rights of Older Persons. Although South Africa has accepted the jurisdiction of the African Court on Human and Peoples' Rights (African Court), it has also not yet accepted the option of allowing individuals direct access to the Court. As one of the continent's leading democracies, with significant protection for persons with disabilities and older persons, and a well-functioning, independent and robust judiciary already in place, South Africa is called upon to play a leading role in strengthening the African human rights system by throwing its weight behind these measures.

As part of this promotional visit, the Commission delegation will meet with staff of the Centre on 6 September 2018.

---

For more information please contact

**Prof Frans Viljoen**

Director: Centre for Human Rights  
Centre for Human Rights Faculty of Law,  
University of Pretoria

Tel: +27 (0) 12 420 3228  
Fax: +27 (0) 86 580 5743  
[frans.viljoen@up.ac.za](mailto:frans.viljoen@up.ac.za)