



***Statement by the Centre for Human Rights, Faculty of Law, University of Pretoria
to the African Commission on Human and Peoples' Rights,
at its 68th ordinary session, Banjul, The Gambia, April 2021,
on the situation of human rights in Africa***

Chairperson of the African Commission and members of the African Commission. The Centre for Human Rights, Faculty of Law, University of Pretoria would like to draw the attention of the Commission, the following issues.

The first issue is the need to build African pharmaceutical manufacturing capacity.

The Centre for Human Rights shares the sentiments of previous NGOs that have spoken during this session on the need for waiver of COVID-19 vaccines patent in order to ensure widespread availability and accessibility of Covid-19 vaccines on the African continent.

In addition to the above, there is the need to acknowledge that the barriers to widespread availability of COVID-19 vaccines in Africa go beyond issues of intellectual property. Limited pharmaceutical manufacturing capacity in African states is an important limiting factor.

We therefore urge Africa government to investigate the barriers to manufacturing of vaccines and other pharmaceuticals, such as inadequate incentives for investment, skills gaps, and weak regulatory environments, and address these with a view to strengthening their capacity -- if not for the current pandemic, then for those of the future.

The Centre for Human Rights urge the Commission to provide further guidance to states on this issue, building on its recent Resolution 449, particularly paragraphs 16 (c) & (d) and also expand on its 2008 Resolution 141 on Access to Health and Needed Medicines in Africa.

The second issue for the attention of the Commission is the ratification of the protocol to the African Charter on the rights of older persons in Africa

The COVID-19 pandemic has disproportionately affected older persons. The risk of hospitalisation and death is significantly higher in persons over 60 years old, and further increases with age. The COVID-19



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pandemic has thus put a spotlight on the rights and health of older persons, and their underlying vulnerabilities such as a lack of access to health care; neglect and abuse in institutions and care facilities.

The Protocol to the African Charter on the Rights of Older Persons in Africa provides guidance to states to more effectively address these underlying vulnerabilities. Sadly, to date, only three states -- Benin, Ethiopia and Lesotho -- have ratified the Older Person's Protocol and the Protocol is still -- four and a half years later -- not in force. We note that 15 states have signed the Protocol; we also note that earlier in this Session, Malawi pledged to become a party to the Protocol.

The Centre urges these 15 states, and Malawi, as well as all other African states, to ratify the Protocol on the Rights of Older Persons to ensure a better protection of its older population and we recommend that the Commission intensifies its campaign for the ratification of the Protocol and in this process closely locate the campaign within the context of COVID-19.

The third issue for the attention of the Commission is state reporting under the protocol to the African Charter on the rights of women in Africa (MAPUTO PROTOCOL)

As of April 2021, the Maputo Protocol has been ratified by 42 African States. Article 26(1) of the Maputo Protocol requires state parties to submit a report every two years to the African Commission, stating measures that have been taken to comply with the provisions of the Maputo Protocol. However, despite this existing obligation, states often do not report or report very infrequently. Reporting states also often do not follow the Guidelines for Reporting.

The Centre encourages states to report, and urges reporting states to follow the Guidelines.

The Centre also makes itself available to provide technical support to strengthen the reporting capacity of state parties to the Maputo Protocol.

The fourth issue for the attention of the Commission is popularising General Comment 6 of the African Commission

In November 2020, the African Commission launched its General Comment 6, which focuses on women's right to property during separation, divorce or annulment. The objective of General Comment 6 is to limit the vulnerabilities that women face when marriages break by providing 'guidance on how marital property should be shared fairly and in a manner consistent with the notion of substantive equality between women and men.

The Centre appeals to the African Commission to popularise General Comment 6, and to encourage states to apply its contents and to report on its implementation in their periodic report to the African Commission.

The final issue for the attention of the Commission is the insurgency in Cabo Delgado province of Mozambique

The Centre notes with concern the escalating state of insurgency and hostility in the Cabo Delgado Province of Mozambique. Reliable reports indicate that violent attacks in the region from insurgents have since 2017 escalated and led to loss of life, internal displacement, and gross violations of human rights in the region.

The situation in Cabo Delgado threatens the peace, security and democracy, as well as several rights protected by the African Charter in Mozambique and the surrounding region, as the violence has been spilling over into the neighbouring Tanzania.

We recommend that the Commission launches an investigation into the human rights abuses reported in the region; and collaborate with other organs of the African Union, particularly the Peace and Security Council to offer assistance in the areas of concern. We also urge the Commission to liaise with the government of Mozambique in order to facilitate a meaningful intervention in the region.

Thank you for your attention, honourable chairperson and members of the African Commission.