

International Service for Human Rights (ISHR) Statement to the 48th Session of the African Commission for Human and People's Rights

Banjul, 10 November 2010

The cooperation of human rights defenders is indispensable to the working, development and effectiveness of human rights mechanisms. In our work to encourage effective engagement by human rights defenders with such mechanisms, and work to make the mechanisms more responsive to the demands of civil society, the International Service of Human Rights (ISHR) has noted with great concern the phenomenon of increasing reprisals against those cooperating with the human rights mechanisms at both international and regional level.

At the level of the United Nations, we have seen reprisals against human rights defenders manifested through threats, intimidation, sexual harassment and fatal attacks, aimed at deterring human rights defenders from providing country-specific information. As the regional human rights systems increasingly develop their direct contact with human rights defenders and other rights-holders, it is imperative and urgent that monitoring and reporting mechanisms are put in place to effectively address reprisals against those who cooperate with regional human rights bodies and their Special Procedures.

The Inter-American Human Rights System is already making frequent use of its precautionary and provisional protection measures issued throughout the year to demand State protection for individual human rights defenders, particularly those subject to reprisals for submitting cases to the Inter-American Commission or for collaborating with its Special Rapporteurs.

As African human rights defenders' critical engagement with the African Commission is growing, both at its regular sessions and with its rapporteurs, their exposure to reprisals is increasing. This needs to be acted upon by the African Commission in order to protect human rights defenders and safeguard the important NGO cooperation already achieved. Incidents of reprisals will not only violate defenders' basic rights but will also jeopardise the indispensable NGO support currently enjoyed by the Commission. An attack against an individual cooperating with the Commission should be considered an attack against the Commission itself. Preventative, monitoring and reporting measures should therefore be designed to curb this phenomenon.

The International Service respectfully suggests that the Commission considers establishing, through a resolution at this session, a joint African Commission – NGO Forum Working Group with a mandate to analyse the risks of reprisals against defenders and propose concrete measures to be discussed and adopted at the 49th session of the ACHPR. Such measures should consider and build upon mechanisms in place at the UN and in the Inter-American systems. They should both press States to prevent reprisals, and hold States accountable for violations against human rights defenders cooperating with the African Commission.

In regard to civil society cooperation, we recall the African Commission's long standing practice of granting observer status to NGOs to support its mandate to protect and promote human rights Africa. As an organisation working to defend all rights including those associated with sexual orientation and gender identity, we are greatly concerned at the denial of observer status to the Coalition of African Lesbians (CAL). We are concerned that this decision will be interpreted as a rejection by the Commission of the rights of lesbian, gay, bisexual, transgender and intersex people. It may be seen as a failure of the Commission to be constant and unequivocal in reaffirming the indivisibility, interdependence and universality of human rights. Given the particular level and nature of risks, threats and constraints faced by LGBTI human rights defenders, we are greatly concerned at the risk of elevated stigmatisation of those working on LGBTI rights through this decision. We respectfully request the Commission to reconsider its decision in regard to CAL - an organisation whose mandate, objectives and activities are consonant with the fundamental principles and objectives of the African Charter.