

**Statement of the International Service for Human Rights at the opening of the 47th ordinary session of the African Commission on Human and Peoples' Rights, Banjul, Gambia**

**Agenda Item 4**

Madam Chairperson, Honorable Commissioners, Distinguished Participants,

Ladies and Gentlemen,

The International Service for Human Rights (ISHR) would like to begin its statement by recalling the role of human rights defenders as major actors in the protection and promotion of fundamental rights, rule of law, and good governance, as promoted in the African Charter on Human and Peoples' Rights and all international and regional human rights instruments. As such, human rights defenders are major actors and partners in development, as well as guardians of sustainable peace and democracy.

Madam Chairperson, by adopting the United Nations (UN) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, otherwise known as the UN Declaration on Human Rights Defenders, Member States officially recognized the rights of human rights defenders in the fulfillment of their missions. In order to foster the implementation and monitoring of the Declaration, regional protection mechanisms have been put in place, such as the mechanism of the Special Rapporteur on Human Rights Defenders of the African Commission.

Madam Chairperson, despite these international legal framework and regional mechanisms, the ISHR is concerned about the risks faced by human rights defenders while carrying their activities. The 2009 Report of the UN Special Rapporteur on the situation of human rights defenders put particular emphasis on the greater sophistication of human rights violations through laws adopted to restrict the rights to defend human rights in several States Parties to the African Charter. On the basis of the 28 communications sent to African States, the Special Rapporteur on human rights defenders gave evidence of laws restricting rights, such as freedom of expression, freedom of association and right to access funding.

The ISHR would also like to draw the attention of the African Commission to the concerns expressed by the non governmental organizations (NGOs) who participated in the NGO Forum prior to this session of the ACHPR, regarding the serious situation of certain groups of human rights defenders. In that respect, we would like to draw the attention of the ACHPR to the particular vulnerabilities and risks faced by women human rights defenders, human rights defenders working on the rights of lesbian, gay, transgender and inter-sex persons; defenders working on economic, social and cultural rights and human rights defenders who are at higher risk of attack during election periods in Africa.

Customary norms detrimental to human rights (and in particular women's rights); the influence of religious powers over law-making processes; and the misuse, abuse or non application of national legislation by many governments raise many challenges to the realization of an environment conducive to the activities of human rights defenders.

The Resolution 13/13 adopted in March 2010 on Protection of Human Rights Defenders by the UN Human Rights Council calls upon Member States to take necessary measures at the local level to ensure the effective protection of human rights defenders.

The International Service for Human Rights invites the African Commission to urge Member States to protect human rights defenders within their countries and to fulfill their obligations in accordance with the UN Declaration on Human Rights Defenders, the Kigali Declaration and Plan of Action, the Grand Bay Declaration and other applicable international and regional human rights instruments.

Mindful of the necessity to move away from a climate of distrust between NGOs and governments, and in order to ensure an ongoing dialogue between them, the UN Human Rights Council, in its Resolution 13/13, urges Member States to put protection mechanisms in place in consultation with human rights defenders, as well as focal points for HRD within the government.

In this regard, the International Service for Human Rights invites the African Commission to take a closer look into State Parties' national legislations, especially the law-making process, during its country visits and promotion missions. This would help the Commission to identify the gaps in the fulfillment of State Parties' human rights obligations, as well as good practices. The identification of good practices in the implementation of national laws is particularly important to ensure greater respect of human rights in general at regional and international levels, and greater protection of human rights defenders in particular.

The ISHR welcomes the adoption by the African Commission, at its 46th session, of the Resolution on the Need to Conduct a Study on Freedom of Association in Africa. It also welcomes the commitment of the Special Rapporteur on human rights defenders in Africa to involve human rights defenders in this process. The ISHR will be happy to contribute to the development of the study through its expertise in this area and as requested by the Commission.

The International Service for Human Rights would like to end this statement by expressing its wish to see the cooperation between regional and international mechanisms put clearly on the agenda of the Commission and tackled under specific thematic. The added-value of this form of cooperation is to strengthen the protection of human rights and human rights defenders at the level of all mechanisms. We would like to remind Member States of the African Commission that to fail to cooperate with mandate holders, either of the UN or of the African Commission, is to fail to fulfill adequately their human rights obligations.

Therefore, we call on the African Commission to urge member States to offer their full cooperation with the mandate of the ACHPR Special Rapporteur on human rights defenders in Africa, the mandate of the UN Special Rapporteur on Human Rights Defenders and all other mandate holders in order to ensure that they are able to fulfill effectively their mandates.

Madam Chairperson, Ladies and Gentlemen, I thank you for your attention.

13 May 2010