

**56<sup>th</sup> SESSION OF THE AFRICAN COMMISSION ON PEOPLES' AND HUMAN RIGHTS**

**Banjul, 21 April to 7 May 2015**

**STATEMENT UNDER ITEM 7, IN RESPONSE TO THE ACTIVITY REPORT OF  
THE SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS**

**Madame Chair, Honourable Commissioners, State parties, fellow  
human rights defenders.**

On behalf of ISHR, I would like to welcome the report of the Special Rapporteur, as well as her ongoing and principled support for human rights defender protection and participation across the continent.

In preparing our submissions to the Commission and in researching our new report on how to ensure a conducive legal environment for human rights defence, we have identified several obstacles to a safe and enabling environment for human rights defenders, and would like to discuss three of these challenges today.

Firstly, we wish to raise the need for States to review and modify legislation which unduly regulates human rights defence, particularly regulations which restrict the freedoms of assembly, association and expression.

This includes laws which effectively prohibit the peaceful **protests** protected by Charter article 11, such as Nigeria and Uganda's Public Order Acts and Egypt's Law 107. Whilst Sierra Leone has been an ally in advocating for civil society space at the UN, its Public Order Act demonstrates the urgent need for the Government to bring national laws into line with international commitments.

We also include laws which contravene article 10 of the Charter by hindering the **establishment of civil society organisations**. The Commission has rightly called for Ethiopia to amend its Civil Societies Proclamation, but Kenya, Sierra Leone and Uganda all have NGO Regulations which require urgent review.

Allowing civil society to organise and speak freely does not mean that the government agrees with their proposals. It simply demonstrates that a country's leaders are willing to listen, believe in freedom and are committed to allowing full citizen participation in the country's development.

We include too **legislation which punishes free speech**, contravening article 9. In the Gambia the Information and Communications Act contains provisions to silence criticism and dissent, as do Angola and Uganda's criminal defamation laws. Freedom of information is also crucial in facilitating human rights defence, so Sierra Leone and Nigeria's Freedom of Information laws should be lauded. Nonetheless their full implementation is imperative.

We recognise terrorism's threat to the liberties laid out in the Charter. However, as UN Human Rights Council Resolution 22/6 makes clear: States must guarantee that **anti-terror and national security legislation** does not hinder the work and safety of human rights defenders. Lamentably, such laws have been used to do just that, as demonstrated by the continued imprisonment of Ethiopia's Zone9 Bloggers and the frozen accounts of Muslims for Human Rights in Kenya.

Therefore, we call upon States to identify and amend all laws which restrict human rights defence, and we ask that the Special Rapporteur and the Commission work together with human rights defenders, to assist in this endeavour.

We also urge you to help States develop **specific legislation for the recognition and protection of human rights defenders**, and commend recent commitments by Burkina Faso, Sierra Leone and Tunisia, to do just that. We call on them to guarantee human rights defender input in drafting the laws, and we also stand ready to advise and assist States in this respect.

Reprisals against defenders interacting with the Commission is the second challenge we would like to address.

Madame Special Rapporteur and Madame Chairperson: we congratulate you both for acting upon cases of reprisals and **raising this issue with relevant State delegates**.

We celebrate Commission Resolution 273, which made the Rapporteur a Focal Point for reprisals, because it represents a commitment to formal, concrete responses.

We salute your attendance, Madame Rapporteur, at February's consultation of activists from across Africa, and in Banjul last week, when more defenders complemented this analysis.

We expect our final submission on the **effective operationalization** of the Focal Point to be ready within the coming months and urge States and the Commission to take on board this civil society contribution.

The report will call for awareness-raising regarding the Focal Point, but also for each Commissioner to **mainstream** efforts to prevent and ensure accountability for reprisals. It will ask that cases of reprisals and **published** and call for the mandate to be granted adequate **resources**.

The final challenge highlighted in our research are the additional and specific risks facing particularly vulnerable groups of defenders.

UN Special Procedures have shown **how activists working on corporate accountability**, for example, face high levels of delegitimisation, arbitrary detention, murder and attacks by non-State actors. The roots of their risk lie in the inadequate consultations of communities affected by business projects.

**Defenders working on LGBTI rights** are increasingly exposed to criminalisation and attack by anti-homosexuality laws which prohibit even the discussion of the issue at stake. Therefore we celebrate Resolution 275 on sexual orientation and gender identity passed at the last session and also welcome the granting of Observer Status to CAL at this session. This will allow Southern African LGBT defenders to bring their voice to the Commission and therefore also contribute to their protection.

**Women human rights defenders** meanwhile, face threats from their own communities and violence exacerbated by discriminatory laws and the targeting of their family members.

We therefore encourage you, Commissioners and States, to recognise – publically and explicitly – the legitimate and vital role of these groups of defenders, and to ensure that any laws passed or amended to protect defenders in general, respond to the protection needs of these groups.

I close, Honourable Commissioners, by highlighting the issue of impunity, which drives attacks against human rights defenders and allows for the abusive use of national laws against them. All threats and attacks on human rights defenders represent an attack on all of our freedoms. They must be investigated and the perpetrators sanctioned.

We look forward to working together with the Commission, States and civil society to tackle these challenges and ensure a safe and enabling environment for all human rights defenders. I thank you.