

Statement Item 4

Madame Chair:

The International Service for Human Rights (ISHR) welcomes this opportunity to address the African Commission at this 53rd Ordinary Session. ISHR would like to draw to the Commission's attention the criminalization of human rights defenders, a phenomenon increasingly evident across this continent and globally.

Laws that restrict or deny the rights of human rights defenders as outlined in the UN Declaration on Human Rights Defenders are one component. These include laws restricting NGOs from receiving foreign funding; proposed criminalization of 'homosexual propaganda', and laws that limit freedoms of expression, association and assembly on discriminatory grounds.

The enactment and abuse of laws that restrict human rights activism must be consistently challenged. As must the misuse of judicial process against human rights defenders in the form of costly court cases initiated and perpetuated with the purpose of hindering or paralyzing their work.

Such criminalization and stigmatization of human rights defenders facilitate and constitute human rights violations. The level of threats and attacks against human rights defenders across the continent is alarming. They demonstrate that States are not effectively guaranteeing the protection of defenders, or promoting their work, as their human rights obligations require them to do.

Intimidation and attacks against human rights defenders, and others, who engage with human rights bodies in the region, are also common. Human rights defenders provide the African Commission with critical information that enables you to carry out your mandate effectively and hold States to account for their human rights obligations under the African Charter. There are defenders who should be at this session and who are not here, having experienced intimidation at the last session of this body. Such an attack against human rights defenders engaging with the Commission is an attack against the Commission itself, and requires a robust response from this body.

The African Commission took an important step during its 50th session when it adopted its resolution calling on States to prevent and refrain from any act of intimidation or reprisals against those cooperating with the African human rights system. We also welcome recent statements, including during the Opening Ceremony of this session

made by the Chair of the Commission reaffirming the Commission's resolve to deal with reprisals.

It is now time for the Commission to take further steps to show it is serious about ending intimidation and reprisals, to hold perpetrators accountable and provide appropriate remedies to victims.

We would like to make the following recommendations to the ACHPR:

- Urge States to create and sustain an environment that enables human rights defenders to do their work without harm or hindrance. This includes the repeal of laws that criminalize human rights activity, and the introduction of laws that affirm fundamental freedoms of expression, association and assembly, and the rights of defenders to do their work.
- Remind States that any limitations placed on the activities of human rights defenders must be strictly necessary, reasonable and proportionate.
- Follow up swiftly on all allegations of intimidation or reprisals against those engaging with this body.
- Establish a reporting and follow-up mechanism on reprisals. We would recommend that this be in the form of a well- publicized focal point mandated by resolution of the Commission, to receive complaints, analyse information received and draw up reports for the Commission on this issue. Individual Commissioners could be requested to direct cases to the focal point.
- The Commission should report on follow up to cases of reprisals at each Ordinary Session.
- Follow up with member states on reported cases of reprisals should be included in the ongoing work of the Commission, including country visits, and Commissioners activity reports. Any follow-up should ensure that the complainant is not placed in further danger.
- The Commission could liaise with related mechanisms at the regional and international level - including at African Union, the UN and European Union - to

contribute to a global effort to eliminate reprisals against those who cooperate with human rights systems.

While we are aware of the resource constraints facing the African Commission on Human and Peoples' Rights, we are convinced that initial steps with no or limited resource implications can be taken immediately.

I thank you.