

1 RUE DE VAREMBÉ  
P.O. BOX 16  
CH-1211 GENEVA 20 CIC  
SWITZERLAND

TEL: +41 (0)22 919 71 00  
FAX: +41 (0)22 919 71 25  
[WWW.ISHR.CH](http://WWW.ISHR.CH)

## 57th SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Banjul, The Gambia 4 -18 November 2015

### ***STATEMENT UNDER ITEM 4 – delivered 5 November 2015***

Madame Chair, Honourable Commissioners, State parties, fellow human rights defenders, all protocols observed

The International Service for Human Rights (ISHR) would like to begin by congratulating you and the deputy Madame Soyata-Maija on your election to the Commission. ISHR would like to reiterate our continued support for the Commission.

Madame Chair, The International Service for Human Rights wishes to highlight some progress but also some ongoing concerns in relation to the protection of human rights and HRDs on the continent.

Madam Chair,

In Côte d'Ivoire, we are happy to see that after the adoption and promulgation of the Law on the Promotion and Protection of Human Rights Defenders in June 2014, there are efforts underway to ensure the adoption of a decree, which will be the basis for effective implementation of this law.

The recent peaceful presidential elections illustrated the progress made towards democracy, respect for rule of law and human rights in Côte d'Ivoire. We congratulate Ivorian civil society for the work done to sensitise the population but also to prevent human rights abuses during the past recent election.

We therefore call on other African countries to follow the example of Côte d'Ivoire, and provide human rights defenders with legal recognition and protection at the national level.

While we commend these positive developments, we are gravely concerned about the rapidly worsening situation in Burundi. Since the modification of the constitution to allow the current President to run for another term, human rights defenders have been specifically targeted. Today, most defenders have fled the country while others are hiding to keep themselves and their families safe. Prominent human rights defender Pierre Claver Mbonimpa has survived an attempt on his life, but is still hospitalized.

We urge the African Commission, while conducting its fact-finding mission, to have a particular focus on the situation and security of human rights defenders, and demand

concrete guarantees for their security from authorities. It is unacceptable that Burundi, particularly as a new member of the United Nations Human Rights Council, shows utter disregard for its obligation to protect its human rights defenders.

Madam Chair, during this session the Commission will also review, Burkina Faso, Sierra Leone, Kenya and Algeria. In this regard, we urge the Commission to make the following recommendations to these countries:

#### For Sierra Leone

- Consult and adequately revise the draft NGO Policy of Sierra Leone so as to guarantee freedom of association and expression for national and international NGOs operating in the country.
- Refrain from criminalising the legitimate activities of HRDs and repeal or amend all laws and policies that restrict their activities and rights, including: Part V of the *Public Order Act* (POA) 1965 to render it compatible with international human rights standards on freedom of expression.

#### For Kenya

- Commence the Public Benefit Organizations Act in its **current form** and refrain from starting a fourth attempt to put restrictive conditions to limit the working environment of civil society organizations. This includes laws limiting foreign financial support thus infringing on the rights to freedom of expression and association
- Develop and enact specific laws and policies in line with UN Declaration on Human Rights Defenders, the Kigali and Grand Bay declarations and Human Rights Council Resolutions 22/6 and 24/21 which Kenya supported, to ensure a safe and enabling environment for civil society actors and HRDs.

#### For Burkina Faso

- Consult broadly and inclusively to ensure broad civil society input into the adoption process of the draft human rights defenders protection law
- Guarantee greater transparency in the gold sector of the extractive industry. In particular, mineral resource exploitation must not negatively affect human rights, especially the use of children as laborers
- Integrate gender mainstreaming into the transition process in Burkina Faso, as women make up 52% of the population

#### Algeria

- Immediately end restrictions and harassment of human rights defenders and ensure fair trials for journalists, activists and lawyers. Moreover, Algeria must allow international observers to monitor trials in order to insure transparency.

Madam Chair,

With regard to the study on the situation of Women Human Right Defenders on the Continent already adopted by the Commission in 2014, it is important for the

commission to call on States to implement the recommendation of this study including by:

- a. Establishing a transparent and publicly accessible database for recording attacks against WHRDs and for facilitating follow-up by governmental, non-governmental and community-based actors, while also recognising the need to respect the right to privacy of survivors;
- b. Ensuring due process in regard to accusations of violations, including impartial investigation;
- c. Training the judiciary and public security authorities of the specific risks and protections for WHRDs, pursuant to above para (a) and para(b);

Finally, we call upon member states to refrain from any act of reprisals or intimidation against anyone who engages with the African human rights system, in line with the Commission resolutions 196 and 273 and to cooperate with the Focal Point on Reprisals. We expect that the Commission will react strongly to any allegations of intimidation or reprisals, under the leadership of Mme Alapini-Gansou mandated to coordinate this response.

I thank you