

## 55TH SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

Luanda, Angola – 28 April to 12 May 2014

### STATEMENT UNDER ITEM 4 – REPRISALS

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

The 55<sup>th</sup> African Commission on Human and People's Rights again provides the opportunity for the International Service for Human Rights to highlight some ongoing concerns faced in the protection of human rights in the continent despite the progress made in recent years.

Democracy, the rule of law, and good governance remain fragile or non-existent in many of the States parties. Human rights defenders working to promote these values and raise the voices of victims are, in many cases, subjected to attacks and reprisals.

The adoption of laws that restrict and shrink the space of civil society is increasingly used by some States to silence human rights defenders. We are concerned about the passage of new laws in Uganda and Nigeria both of which target human rights defenders who take a stand for equality and against discrimination, effectively criminalising their work.

In the days immediately prior to this meeting, national, sub-regional, pan-African and international NGOs came from across Africa to hear and share testimonies and experiences on the human rights situation on the continent.

The NGO Forum adopted a range of important resolutions and recommendations as an outcome of this meeting, all of which we strongly commend to the Commission.

Madame Chair, we are deeply concerned about gross violations against human rights defenders, including torture and ill-treatment, arbitrary arrest and detention, enforced disappearances and even death. We urge States parties to investigate, prosecute and ensure accountability and remedy for such violations and call on the Commission to follow up States in this regard.

We recognise the important work of the African Commission's Special Rapporteur on Human Rights Defenders, acknowledge her support for civil society, and emphasise the importance of her work in investigating and following up on cases.

Madame Chair, we express our grave concern about the widespread lack of both physical and legal protection of human rights defenders, together with the criminalisation and stigmatisation of their work, across the continent.

We urge States to avoid the use or misuse of laws, malicious prosecutions, unfair trials and judicial harassment to criminalise the legitimate and important work of human rights defenders, including journalists. We also call on States to ensure that any legal or other restrictions on the work of human rights defenders are for a legitimate purpose and are strictly necessary and proportionate, including in relation to counter-terror laws and measures.

Madame Chair, States have an obligation to ensure that human rights defenders can undertake their important work in a safe and enabling environment. In this regard, we call on States to uphold the

rights of freedom of expression, association and peaceful assembly for all. We call on States to avoid the stigmatisation of human rights defenders, including by State officials, and to publicly recognise the value and importance of their work.

We further urge States to develop, enact and ensure the effective enforcement of specific national laws and policies which recognise and protect the work of human rights defenders in accordance with the International Declaration on Human Rights Defenders.

States should also recognise and respond to the particular support and protection needs of certain groups of human rights defenders, including journalists, women human rights defenders, and defenders working on issues of sexual orientation and gender identity.

We also call on States to protect the friends, families, organisations and associates of human rights defenders from harassment, intimidation, threats and reprisals in connection with the work of defenders.

Madame Chair, attention continues to be paid at the international level to the issue of reprisals. At the Human Rights Council last month Botswana led a statement joined by 55 other States condemning reprisals and calling for a more effective and unified response by the UN against reprisals. We recognise and commend Botswana for this initiative as well as several other States in this room that supported it: Benin, Congo, Cote d'Ivoire, Sierra Leone, Tunisia and Togo.

It is 2 years since the Commission passed its resolution ACHPR/Res.196 (L) 2011 condemning reprisals against any person in connection with their cooperation with the African human rights system. We welcome the Chairperson's statement condemning reprisals and calling for implementation of this resolution. Implementation requires taking concrete steps to prevent and ensure redress for reprisals by creating a follow-up mechanism to receive information, and to monitor and follow up on cases. It is vital that the Commission acts decisively to protect defenders in their all-important role engaging with this Commission.