

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

Luanda, 28th April to 12th May 2014

Item 8 : Interactive dialogue with the Special Rapporteur on the situation of Human Rights defenders in Africa

Madam Chair,

The International Service for Human Rights takes the opportunity of this interactive dialogue to congratulate the special rapporteur for the work done during the intersessional period.

We particularly refer to the adoption by the Commission during its 15th extraordinary session of the study on the situation of women human rights defenders in Africa that your mandate led in accordance with resolution 230 of the African Commission. We hope that this study and its findings will help state parties to better understand the particular situation in which women human rights defenders operate, the role that they play in the promotion and protection of human rights on the continent and to take appropriate measures at the national level to create an enabling environment for their work.

We thank the Commission for the adoption of this study and encourage them to take necessary measures to bring the State party to implement its recommendations. Among these measures we suggest that the Commission adopts a resolution specifically calling on the State party to implement the recommendations of the Study.

Madam Rapporteur,

Freedom of association and peaceful assembly continue to be of concern on the continent. Numerous statements made during this session highlighted the restrictions imposed by some States Parties through the adoption of laws, which restrict the work of human rights defenders and discriminate against certain groups of defenders.

We welcome the study conducted by your office with the support of the study group on the laws governing freedom of association and peaceful assembly on the continent and the enjoyment of these rights. We hope that once adopted, the findings of this study will enable States Parties to harmonize their legislation with the provisions of the African Charter on Human and Peoples' Rights by amending national laws that restrict the exercise and enjoyment of these rights.

Madam Rapporteur,

We welcome your press release of 10 March 2014 raising your concerns about the provisions in the Ugandan anti-homosexuality law which violates the rights guaranteed in the African Charter on Human and People's Rights, including rights to freedom of association and assembly, and freedom of expression, the right to information, and the right to physical integrity, to mention just a few.

We call on the Ugandan Government to implement the recommendations contained in the press release to take the necessary steps for the effective protection of all persons against discrimination and violence, regardless of their sexual orientation, and to maintain an atmosphere of tolerance towards sexual minorities in the country, and to ensure that human rights defenders work in an enabling environment.

Madam Rapporteur,

The contribution of civil society is very important in the work of the African Commission as in any independent and effective human rights mechanism. It is therefore necessary to protect and consolidate civil society space in its engagement with the African Commission on Human and People's Rights. We therefore welcome the call made by the Chairperson of the Commission in her opening speech of the session inviting States parties to refrain from any action aimed at preventing civil society and any person in general from cooperating with the African Commission.

Too often some States parties under the pretext of false information exercise reprisals against their citizens who provide such information to the Commission.

We would like to highlight that the Commission itself is able to assess the accuracy of the information provided to it. In addition, this Commission provides an opportunity for each State Party wishing to provide contrary information.

Reprisals cannot therefore be justified. Preventing people from providing information to the Commission is to deprive the Commission from necessary and useful information to discharge its mandate of promoting and protecting human rights.

We invite States parties to comply with resolution 196 of the African Commission and refrain from any reprisals against those who cooperate with the Commission and prosecute and punish any state agent who exercise such reprisals.

We ask the Commission to take additional measures to receive and investigate cases of reprisal and to hold States concerned to their obligations.

Thank you