



**COMMUNIQUE FROM THE
REGIONAL CONFERENCE ON RECLAIMING SPACE FOR HUMAN RIGHTS
DEFENDERS IN AFRICA**

**Hotel La Mada, Nairobi, Kenya
(18 - 19 August 2015)**

PREAMBLE

WE, human rights defenders from National Human Rights Institutions, Civil Society Organisations (CSOs), and the media from Burundi, Côte d'Ivoire, Kenya, Liberia, Nigeria, Rwanda, Tanzania, The Gambia, Uganda, Sierra Leone, South Africa, Swaziland, Zimbabwe

REAFFIRMING the importance of the Universal Declaration of Human Rights and the International Covenants on Human Rights as basic elements of international efforts to promote universal respect for and observance of human rights and fundamental freedoms and the importance of other human rights instruments adopted within the United Nations system, as well as those at regional level.

REAFFIRMING the importance of the observance of the purpose and principles of the Charter of the United Nations for the promotion and protection of all human rights and fundamental freedoms for all persons in all countries of the world

RECOGNISING the standards set out by the UN Declaration on Human Rights Defenders in December 1998 and other national, regional and international human rights instruments and mechanisms that ground the work of human rights defenders;

TAKING NOTE of the African Commission on Human and Peoples Rights resolution (ACHPR / Res.302 (LVI) 2015, that calls upon the Republic of Kenya to take all necessary measures to ensure prior and impartial investigations in the event of the freezing and suspension of assets of individuals and various civil society organisations suspected of supporting terrorist groups;

RECOGNISING the role of the human rights defenders in protection and promotion of human rights, democracy and rule of law in Africa at the grassroots, national and global level;

HEREBY note the following:

That there are increasing threats to the human rights defenders and their work in Africa,



That there is ongoing criminalisation, by state agencies, of human rights defenders' work by enactment of coercive, prohibitive and restrictive legislation and amendments to existing legislation to limit the space for CSOs and media. This is the case in Ethiopia with the enactment of the Charities and Societies Proclamation Act of 2009.

That human rights defenders working on issues of countering violent extremism terrorism and anti-radicalisation have been stigmatised and negatively profiled by the state for their human rights work. Religious profiling, contrary to the fundamental right of non-discrimination, has prevailed with the states alleging association of CSOs and human rights defenders with terrorist groups and branded as sympathisers. In Kenya, Muslims for Human Rights (MUHURI) and HAKI Africa were in April 2015 listed as entities alleged to be linked to Al Shabaab. Consequently, their bank accounts were frozen and their operations crippled.

That freedom of press is curtailed by the increasing state control exercised by governments across Africa to limit information flow which is increasingly hampering public participation and accountability. In Swaziland, there is no space for private owned media houses with the only media house being state owned. While in Liberia, journalists and media houses face numerous reprisals for their reporting with government machinery being used to intimidate and shut down media houses.

That the freedom of assembly has been grossly limited by states who assault and arrest human rights defenders who come together to advocate against human rights violations perpetrated by state and non-state actors. In Burundi, human rights defenders who peacefully demonstrated against President Nkurunziza's attempt to amend the Constitution of Burundi to legalise a third term in office were met with unwarranted force, brute hostility, arrest and murderous attacks.

That there have been attempts across Africa to limit the resources available to CSOs to carry out their human rights work. Similar to the Charities and Societies Proclamation Act of Ethiopia that limits foreign funding to CSOs, Kenya has attempted, by way of amendment of the Public Benefits Organisations Act 2013, to cap foreign funding to CSOs at 15%. A similar attempt to enact injurious legislation is ongoing.

That human rights defenders' lack of confidence in judicial processes due to diminishing judicial independence, with the judiciary in many instances acting at the behest of the executive overtly and covertly through the imposition of prohibitive bail terms for human rights defenders, unfavourable rulings that inhibit the work of human rights defenders and prolonged court cases. In Kenya, the judiciary has imposed high and prohibitive fines on human rights defenders of Kshs 200,000 (USD 2,000) or Kshs 300,000 (USD3,000) for involvement in peaceful demonstrations. The courts in Liberia have also been viewed



to take a middle ground position where they don't dispense justice in the interest of victims.

To provide an enabling environment for the operation of human rights defenders and CSOs, we hereby call upon the Government of Kenya to:

1. Implement resolution ACHPR / Res.302(LVI) 2015 by ensuring impartial investigations in cases where human rights defenders have been accused of collaboration with terrorist groups;
2. Cease interfering with the operations of independent entities like MUHURI and HAKI Africa and provide immediate feedback on the findings of the investigations undertaken by the Criminal Investigation Department, Kenya Revenue Authority and the NGO Coordination Board. We also urge that the state to forthwith cease any further harassment of human rights defenders and CSOs;

To support enabling environment for the operation of human rights defenders and CSOs, we hereby call upon Funding Agencies of Human Rights Work in Africa to:

3. Put in place a dual resourcing mechanism for human rights defenders and CSOs for both rapid response capability and long term strategies. This should be through setting up a rapid support mechanism and establishing a realistic strategy plan with both rapid and long term programmes.
4. Provide funding support for coordinated mechanisms for holistic (legal, medical, psychosocial, physical movement) support to human rights defenders at the national and grassroots level

To support enabling environment for the operation of human rights defenders and CSOs in Africa to:

5. Develop solidarity mechanisms for regional and grassroots CSOs for learning and lessons sharing;
6. To Lobby for legislation that supports and safeguards the work of human rights defenders through undertaking civic awareness among the citizens, capacitating parliamentarians and developing a model legislative framework on the protection of human rights defenders
7. Develop a common communication strategy for CSO messaging that ensures accuracy, balance and clarity to relevant stakeholders;
8. To be aware of new, emerging and mutating forms restrictive legislation and develop counter measures.



We the delegates of this conference unanimously adopt and commit to the implementation of the recommendations therein.

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MANDEEP TIWANA
HEAD OF POLICY AND RESEARCH
CIVICUS

On behalf of human rights defenders from:

- BURUNDI
- CÔTE D'IVOIRE
- KENYA
- LIBERIA
- NIGERIA
- RWANDA
- TANZANIA
- THE GAMBIA
- UGANDA
- SIERRA LEONE
- SOUTH AFRICA
- SWAZILAND
- ZIMBABWE