

Resolution on the Situation of Human Rights Defenders in Africa - ACHPR/Res. 376 (LX) 2017

The African Commission on Human and Peoples' Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Bearing in mind its Resolution ACHPR/Res.69 (XXXV) 04 establishing the mechanism of the Special Rapporteur on Human Rights Defenders in Africa and its Resolutions ACHPR/Res.119 (XXXII) 07, ACHPR/Res.196 (L) 11, ACHPR/Res.273 (LV) 14 and ACHPR/Res. 336 (XIX) 16 on the situation of human rights defenders in Africa;

Considering Resolution ACHPR /Res.196 (L) 11 which recognises the difficult environment in which human rights defenders in Africa work;

Considering Resolution ACHPR /Res.245 (LIV) 13 which recognises the challenges faced by women human rights defenders on the African continent regarding the recognition, exercise and enjoyment of their rights;

Further considering the obligations of States Parties under Article 1 of the African Charter and the relevant provisions of regional and international human rights instruments, including the obligation to guarantee the security of persons living in their territories, as well as the freedom of assembly, association, expression, and access to information of human rights defenders and their right to participate in the management and government of their country;

Bearing in mind the instruments for the protection of the rights of human rights defenders, in particular the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998 UN Declaration on Human Rights Defenders), the 1999 Grand Bay Declaration and Plan of Action, and the 2003 Kigali Declaration;

Recognising the importance of the contribution of human rights defenders to the protection of human and peoples' rights, democracy, rule of law, peace consolidation and sustainable development;

Deeply concerned about the situation of human rights defenders in Africa, and their families, who as a result of their activities are victims of several forms of violation, including arbitrary arrest, unlawful detention, acts of torture, inhuman and degrading treatment, extrajudicial and summary execution, killing, enforced disappearance, denial of the right to fair trial, access to medical care and right to food while in detention, and are forced to go into exile;

Also concerned about the persistence of reprisals against human rights defenders who cooperate with human rights mechanisms;

Noting with satisfaction the initiative taken by some States Parties to enact specific laws for the protection of human rights defenders in accordance with international standards and measures for their implementation;

Recalling that States Parties recognised in the 2003 Kigali Declaration "the important role of human rights defenders in the promotion and protection of human rights in Africa";

Conscious of the fact that since the establishment of the mechanism of the Special Rapporteur on Human Rights Defenders in Africa much progress has been made, including the establishment of sub-regional networks of human rights defenders, the study and adoption of the report on women human rights defenders and the Report of the Study of Freedom of Association;

Concerned about new challenges, in particular the increased threats against defenders working on issues including the right to health, the fight against HIV/AIDS, reproductive health, sexual orientation and gender, extractive industries, promotion of democracy and peace, and women rights defenders irrespective of their area of activity;

Concerned by the shrinking civic space through the enactment or amendment of laws within the framework of the fight against terrorism, in particular regarding freedom of association, demonstration, expression and access to information which are the fundamental pillars of the work of human rights defenders;

Convinced that women human rights defenders face obstacles and risks while carrying out their human rights activities;

Conscious that the 1999 Grand Bay Declaration calls on State Parties to "take appropriate steps to implement in Africa the UN Declaration on the Protection of Human Rights Defenders";

Noting the Cotonou Declaration issued at the end of the 2nd International Colloquium on the Situation of Human Rights Defenders in Africa of March 2017;

The Commission calls upon States Parties to:

1. **Comply** with their obligations under the African Charter on Human and Peoples' Rights and other relevant human rights instruments ratified;
2. **Take** the necessary measures to provide human rights defenders with a conducive environment to be able to carry out their activities without fear of acts of violence, threat, intimidation, reprisal, discrimination, oppression and harassment from State and non-State actors;
3. **Adopt** specific legislative measures to recognise the status of human rights defenders, and protect their rights and the rights of their colleagues and family members, including women human rights defenders and those working on issues such as extractive industries, health and HIV/AIDS, reproductive health, sexual orientation and gender identity, promotion of peace and democracy, fight against terrorism, and respect for human rights;

4. **Refrain** from using the fight against terrorism as a pretext to restrict fundamental freedoms, including freedom of religion and conscience, expression, association, assembly and movement;
5. **Enact** specific laws in conformity with the UN Declaration on Human Rights Defenders, the Grand Bay Declaration and Plan of Action, and the Kigali Declaration, and take the necessary measures for their implementation.

Done in Niamey, Republic of Niger, on 22 May 2017