

ISHR statement for item 6: Cooperation between the ACHPR and NGOs:

Madame Chair:

ISHR welcomes the opportunity the Commission provides during its Ordinary Sessions to reflect upon how its cooperation and partnership with NGOs working in the field of human rights might be strengthened. The importance of the role of human rights defenders, and of State obligations to enable their work, are specifically acknowledged by several African human rights instruments. Through its resolutions and practice the African Commission has recognized how vital defenders' contributions are to the work of the mechanism. We would like to draw the Commission's attention to several ways in which we believe NGO engagement with this body and its work, could be better enabled and promoted:

1/ During the 25th Anniversary of the Commission last October, several recommendations were made relating to improving the working and processes of the Commission. Several of these have been voiced repeatedly, including at the session held for the 30th anniversary of the African Charter. We consider that the Commission should seriously consider these recommendations and define a means for their implementation that result in changes that enable the work of NGOs.

21/ Over the last days we have heard several States commit to submitting their periodic reports to the Commission. A couple of these same States have made the same commitments at previous sessions without reports being forthcoming. Whilst the African Charter indicates that States should submit reports every two years, the ACHPR guidelines for state reporting appear to leave the reporting scheduling in the hands of the state. In all regards, a doable and predicible schedule for state reporting is required. NGO engagement in the process - including in submitting shadow reports - relies on this.

Whilst we agree that the reporting process should be one centred on constructive dialogue, with certain flexibility where states are unable to report in exceptional circumstances, ultimately the process cannot allow for member states to avoid their responsibility altogether. By what other means will the human rights situation in those countries be comprehensively examined by this body, for the good of all right holders?

3/ ISHR has been actively engaging with the African Commission for over a decade, and we have witnessed a sharp increase in numbers of defenders engaging directly during Ordinary sessions. We urge the Commission to ensure that in granting observer status enabling full participation by defenders, it does so to defenders from across the rights spectrum thereby ensuring that this Commission is receiving a comprehensive picture of the human rights violations and challenges faced across this continent.

4/ The newly re-formulated ACHPR website provides greater access to relevant information, including concluding observations made to States. ISHR would like to congratulate the ACHPR for these advances and encourage the Commission to continue making information available swiftly and in ways that enable civil society to play their part in pressing States in regard to their obligations to report, and in relation to implementation of Commission decisions and recommendations.

We would like to make the following recommendations to the Commission:

- With a mind to the recommendations made during the 25th Anniversary session of the African Commission, we would urge the Commission to produce a road map for the implementation of those recommendations it accepts and supports, and provide an explanation in the case of rejecting any recommendations. This would enable defenders to better support the Commission in its work.
- Establish a realistic schedule for State reporting to the Commission on their obligations under the African Charter and relevant protocols. The Commission should make this schedule public to enable civil society to hold states to account for the production of reports and to press states where reports are overdue or not forthcoming.

We would like to note that without resourcing, the Commission is hamstrung in its efforts to do the work it has been mandated to do by State parties to the Charter. If States are serious about guaranteeing and respecting human rights, this includes adequately resourcing the human rights mechanisms they created to assist them meet those commitments.