

## **61<sup>st</sup> session of the African Commission on Human and Peoples' Rights**

November 2017 – Banjul, the Gambia

### ITEM 5 – Human rights situation in Africa

Madam Chair, Honourable Commissioners, State Parties, Fellow Human Rights Defenders, the 61<sup>st</sup> session of the African Commission on Human and Peoples' Rights again provides the opportunity for the International Service for Human Rights to highlight some progress and some ongoing concerns faced in the protection of human rights in the continent.

Madam Chair,

ISHR would like to highlight some of the significant progresses made for the protection of human rights on the continent, in particular the protection of human rights defenders.

To name a few, in June 2014, Cote d'Ivoire was the first country to adopt a specific law for the promotion and protection of human rights defenders. The implementation decree was adopted in February 2017, an important step towards the recognition and protection of defenders in the country.

We would also like to congratulate Burkina Faso which became the second country to adopt a law promoting and protecting the work of human rights defenders in June 2017.

It is also worth mentioning that in January 2017, the government of Mali adopted a draft law which is currently being reviewed by the national assembly. ISHR and its partners are working to ensure that this law is in compliance with the principles stated in the UN Declaration for the protection of human rights defenders.

Few other African countries, including Sierra Leone, Niger, Guinea and the Democratic Republic of Congo have started the process towards the adoption of a law ostensibly for the promotion and protection of human rights defenders. It is important to highlight here, Madam Chair, that these laws must

be in conformity with both the Declaration on HRDs and the African Charter, should create a conducive environment for defenders' work, and must not contain any provisions - or be implemented in a way - to restrict this vital work. We invite them to follow the example of Cote d'Ivoire and Burkina Faso by referring to the Model Law on the promotion and protection of human rights defenders produce by ISHR in collaboration with 27 high level experts.

Madam Chair,

While we acknowledge this important progress, we remain deeply concerned about the deterioration of the human rights situation in some of the state parties, namely Burundi, South Sudan, Eritrea and the Democratic Republic of Congo.

In Burundi, as the report of the UN Commission of Inquiry established by resolution 33/24 in September 2016 concludes, there are "reasonable grounds" to believe that crimes against humanity have been and continue to be perpetrated in Burundi since April 2015. The report also highlights that a majority of violations are committed by the country's defence and security forces. Human rights defenders are constantly targeted and victims of arbitrary detention. In spite of this worsening situation, Burundian authorities continue to deny access to the country to the Commission of Inquiry and refuse to cooperate with regional and international mechanisms in order to end the gross human rights violations in the country. Moreover, the 3 experts of the UN Investigative Commission including one commissioner from the African Commission on Human and Peoples' Rights, were declared persona non-grata in October 2016. This behaviour is wholly incompatible with Burundi's status as a sitting member of the Human Rights Council and the African Union's support for their continuing membership. In the same regard, we are deeply concerned by the recent endorsement and election of the DRC to the Human Rights Council, which reflects poorly both on the Africa Union and the Africa Group.

In closing we ask this Commission to call on the government of Burundi to:

- Fully collaborate with regional and international human rights mechanisms, including the UN Commission of Inquiry, and address the worsening human rights situation in the country.
- To take all necessary measures to end the current impunity by bringing perpetrators of human rights violations to justice.

- To guarantee the right to freedom of expression and association by ending the suspension of human rights NGOs who are seen to be critical of the government.

I thank you.