



# TO BE SEEN, HEARD AND RECOGNISED

## THE DEFENDERS OF ISLAND COUNTRIES OF AFRICA

2025

## ABOUT THE INTERNATIONAL SERVICE FOR HUMAN RIGHTS

The International Service for Human Rights (ISHR) is an independent non-governmental organisation dedicated to the promotion and protection of human rights. We do this by supporting human rights defenders, strengthening human rights protection systems, and leading and participating in coalitions for human rights change.

## CREDITS

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# FOREWORD

Since the adoption by the United Nations General Assembly of the Declaration on Human Rights Defenders in 1998, there has been a great deal of progress towards better protection of the rights of human rights defenders around the world, and particularly in Africa. At regional level, the African Commission on Human and Peoples' Rights (the African Commission) created the mechanism of the Special Rapporteur on Human Rights Defenders in 2004 through Resolution 69 (XXXV) 03<sup>1</sup>, which was subsequently extended to issues relating to reprisals against defenders engaging with regional human rights mechanisms by Resolution ACHPR/Res.273 (LV) 2014<sup>2</sup>. The African Commission has also adopted more than 10 resolutions on the protection of defenders since the creation of the mandate and established in 2018 a Support Group for the promotion and monitoring of the effective implementation of the Guidelines on Freedom of Association and Assembly in Africa<sup>3</sup> adopted in 2015. At national level, five countries in Africa have adopted national laws to protect and promote the rights of defenders and three of these countries have also established protection mechanisms to ensure the implementation of these laws.<sup>4</sup>



**Commissioner Rémy Ngoy Lumbu**, *Chair of the African Commission on Human and Peoples' Rights, Special Rapporteur on Human Rights Defenders, Focal Point on Reprisals and Focal Point on Judicial Independence in Africa*  
©Photo: ACHPR online

Despite all these advances, the majority of African countries continue to restrict civic space and violate the rights of human rights defenders. In addition, terrorist attacks, unconstitutional changes of government, the use of new technologies to strengthen surveillance of their actions and the failure to implement adequate measures in the face of climate change have a significant impact on the security of human rights defenders. These threats call for stronger and more effective protection of their rights.

As Special Rapporteur on human rights defenders in Africa and focal point on reprisals in Africa, I take an interest in the situation of defenders across the continent and receive numerous cases of violations submitted by civil society in most African countries. However, to date, no information from defenders in Cape Verde, São Tomé and Príncipe, Mauritius, the Seychelles or the Comoros has been communicated with my mandate, and, during my recent promotion mission to Moroni in the Comoros (16 to 22 September 2024), I met a very embryonic civil society. It is therefore difficult to have a real idea of the challenges but also of the progress made in the protection of defenders in these countries.

This pioneering report looks at the situation of human rights defenders in the island countries of Africa. It sheds light on the challenges and needs of civil society in these countries, which are all too often forgotten, particularly the impact of contemporary challenges such as climate change on their work. Above all, it gives a voice to these agents of change who defend the rights of all and strengthen our democracies.

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1 <https://achpr.au.int/en/node/729>

2 <https://achpr.au.int/fr/decisions-communications/273-resolution-sur-lextension-du-mandat-du-rapporteur-special-sur-la>

3 <https://achpr.au.int/index.php/fr/soft-law/directives-sur-la-liberte-dassociation-et-de-reunion-en-afrique>

4 <https://ishr.ch/defenders-toolbox/national-protection/>

# METHODOLOGY

This report is based on a broad analysis of the context, trends, needs, existing mechanisms and policies, gaps and a series of specific cases, which provide in-depth knowledge of the situation of human rights defenders in these island countries. This data is complemented by desk research used to gather information on the historical context and legal framework in which human rights defenders in African island States operate, as well as on the protection and support mechanisms available.

Direct testimonies from defenders and national authorities are the main source of information for this research. Between 2023 and 2024, ISHR was able to visit each country and interview defenders (individual and group interviews) and authorities. Given the geographical scope of the research, this information was also collected via online questionnaires. The data collected through online questionnaires was mainly used to identify trends, gaps and needs in each of the island States, while the face-to-face interviews collected qualitative data to inform the analysis on the same points as well as on specific cases, mechanisms and policies in place to protect defenders.

The selection of defenders interviewed was made with the aim of broadly representing the different issues of importance in the different countries, ensuring the inclusion of different groups of defenders and paying particular attention to groups that were identified as being most at risk, such as women human rights defenders, defenders working on environmental and climate change issues, sexual orientation and gender identity, corporate accountability, and journalists.

Personal information about defenders and other stakeholders will be kept with the utmost care for the safety of interviewees and will not be disclosed. Statements and opinions expressed by interviewees will be reported anonymously or with reference to their organisation.

# SUMMARY

For many years, ISHR's work in Africa has helped to ensure that international and regional human rights mechanisms are connected to the voices of human rights defenders, that these mechanisms are secure, accessible and informed of the challenges defenders face in their environment. ISHR also strives to help human rights defenders strengthen their recognition and legal protection by providing legal and technical advice to civil society organisations, national human rights institutions and States that develop and implement laws, policies and mechanisms that protect human rights defenders and facilitate their work.

In Africa, despite the remarkable progress made in strengthening legal frameworks to better protect defenders on the continent, the majority of countries do not promote the work of defenders and only marginally recognise their rights, failing to provide them with adequate protection. Human rights defenders are regularly victims of harassment, discrimination, persecution, judicial threats, illegal arrest or detention, and many have been forced to flee their countries. Nevertheless, very little information is shared about the environment in which





defenders from African island countries – namely Cape Verde, São Tomé and Príncipe, Comoros, Mauritius, Seychelles and Madagascar – operate or the challenges they face.

The main international mechanisms allowing for sharing and recognising the violations faced by human rights defenders are the Universal Periodic Review (UPR), the periodic reviews by the United Nations treaty bodies, and the periodic review of States by the African Commission on Human and Peoples' Rights (African Commission). While all States diligently submit reports to the UPR, many States are late in submitting their periodic reports to the United Nations treaty bodies or the African Commission. This is particularly true for African island countries, which often lack the human and financial resources to fulfil their treaty obligations. Furthermore, with the exception of the report submitted by Madagascar during the 3rd cycle of the UPR, none of the national reports from African island countries submitted to date provide information on the situation of human rights defenders in these countries, nor on the measures taken by these States to ensure that they can work in a safe and favourable environment, as provided for in the United Nations Declaration on Human Rights Defenders<sup>5</sup>. Furthermore, alternative reports submitted by civil society are almost non-existent, with only one or two organisations having submitted information in most cases. As far as the African Commission is concerned, currently only Mauritius and Seychelles are up to date with their periodic reporting obligations, while Comoros and São Tomé and Príncipe have never submitted a report and Madagascar and Cape Verde only submitted their initial reports in 2008 and 1996 respectively. This lack of compliance by States with their obligations to submit periodic reports, the lack of shared information on the measures implemented in their countries to protect defenders and the lack of civil society

<sup>5</sup> <https://documents.un.org/doc/undoc/gen/n99/770/89/pdf/n9977089.pdf>

engagement with these mechanisms raise questions about the situation of defenders in these countries, their knowledge of the mechanisms and the knowledge and skills of civil society on how to collaborate with these mechanisms. These islands are often known for being tourist destinations and for their economies based largely on fishing, a sector that is gradually being affected by the consequences of climate change. Historically and geographically very isolated, civil society in these countries rarely has the means to attend the sessions of the UN human rights mechanisms or the African Commission.

This is why ISHR wanted to shed light on the situation of defenders working in African island countries, in particular by assessing existing protective measures, identifying good practices and challenges, defenders' protection needs and areas for improvement. Indeed, putting in place appropriate policies and mechanisms at national level will ensure that human rights defenders can work in a safe and supportive environment, and will make it possible to provide adequate responses to potential violations of defenders' rights and to work towards preventing violations in the first place. It is important that the island States of Africa are not left behind and that their civil society is supported and heard.

In particular, this research revealed that the common aspect of being island countries in Africa does not mean that the violations or restrictions faced by defenders in these countries are similar. It is true that in most countries, women defenders seem to face similar difficulties, such as the omnipresence of patriarchy in society, preventing them from feeling free to speak out and claim their rights, and that a number of legal obstacles, such as the Public Assembly Act in Mauritius, which stipulates that the organisation of public gatherings must follow the rule of notification, continue to cause obstacles when authorities request prior authorisation. Nevertheless, while in some of these countries environmental defenders are the target of recurrent attacks, in others, anti-corruption defenders, whistleblowers or defenders of economic and social rights are most at risk.

In most of these countries, there is a real lack of awareness among civil society of their rights and protections, and of the commitments made by their governments at international and regional levels. All too often, governments fail to inform civil society about the violations and risks they face. In addition, the limited funding opportunities offered by these States often force civil society organisations to seek external funding, creating a situation of precariousness and hampering the sustainability of their actions, which all too often rely on voluntary work.

# MAIN CONCLUSIONS

- None of the island countries of Africa has a specific mechanism established for the protection and promotion of the rights of human rights defenders. However, some existing practices and mechanisms are used to this end.
- In most island countries, journalists face numerous attacks or restrictions that prevent them from doing their job freely and regularly lead to self-censorship.
- In these countries, there is a real need to raise awareness of State commitments to defender protection and regional and international mechanisms that underwrite these, among defenders, society and officials.
  - There is a real lack of human and financial resources, which means that these countries are unable to keep up to date with their treaty obligations.
  - There is a lack of access to relevant training to equip civil society organisations and human rights defenders with the knowledge required to work with regional and international human rights mechanisms.
- **In Cape Verde**, there is generally a high level of acceptance of LGBTIQ+ people and those who defend their rights, though a law recognising their rights has not yet been passed.
- **In São Tomé and Príncipe**, working on issues related to good governance can be difficult. In some cases, when defenders denounce corruption, they are the victims of online smear campaigns, and often their profiles on social media and websites are hacked to discredit them and their work.
- **In Comoros**, since the promulgation in January 2022 of a new law on information and communication, a press card has been introduced on the recommendation of the independent National Press and Audiovisual Council, and the right of professional associations to help journalists who are victims of abuse in the exercise of their profession is guaranteed. Nevertheless, the President of the Syndicat National des Journalistes Comoriens continues to call on the President of Comoros to ensure support for island radio stations so that they can operate and exercise their right to freedom of expression.
- **In Mauritius**, a number of restrictions, both legal and financial, are in place that weigh on the work of defenders and contribute to creating a more restrictive working environment. By law, companies are required to devote 2% of their annual profits to corporate social responsibility. These funds can be donated to the NGO of their choice. Since 2019, the State, through the National Foundation for Corporate Social Responsibility, has collected 75% of corporate social responsibility funds<sup>6</sup>. This has significantly hampered the work of civil society, which is unable to access the source of funding on which it used to rely.

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6 <https://www.mra.mu/download/CSRGuide.pdf>



- **In Seychelles**, according to section 25 of the Associations Act 2022<sup>7</sup>, once an association has elected its Board of Directors, it must seek permission from the Registrar's Office for the newly elected member to discharge their work, which constitutes direct government interference in the operation of associations.<sup>8</sup>
- **In Madagascar**, a law to protect and promote the rights of human rights defenders, including whistleblowers, has been under discussion since 2018<sup>9</sup>. Despite the involvement of authorities such as the Ministry of Justice, the High Council for the Defence of Democracy and the Rule of Law (HCDDDE), the Independent National Commission on Human Rights (CNIDH) and members of parliament, the law remains in limbo.

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7 <https://www.gazette.sc/sites/default/files/2022-05/Act%208%20-%202022%20-%20Associations%20Act%202022.pdf>

8 <https://www.nation.sc/articles/18916/suspended-provisions-of-associations-act-would-kill-civil-society-ceps-says>

9 <https://ishr.ch/fr/actualites/madagascar-vers-une-meilleure-protection-des-defenseures-des-droits-humains/>

# POLITICAL CONTEXT

Although often presented as a homogenous group, Africa's island States differ from one another in terms of their economic situation, legal framework and vulnerability to the impact of climate change.

## 1. Seychelles

	2024, World Press Freedom Index <sup>10</sup>	2024, People Power Under Attack <sup>11</sup>	Global Freedom Scores from the Freedom in the World DataSet <sup>12</sup>	2023, Corruption Perception Index <sup>13</sup>	2023, Legatum prosperity index <sup>14</sup>	2024, Ibrahim Index of African Governance <sup>15</sup>	Global Index
<b>Score/100</b>	73.75	75	79	71	–	75.3	<b>1st</b>
<b>Rank</b>	37/180	Shrunk	Free	20/180	51/167	1/54	
<b>Position/6</b>	1st	2nd	2nd	1st	2nd	1st	



The Republic of Seychelles has been independent since 1976<sup>16</sup>. It is a multi-party republic governed by a president, a cabinet of ministers and a National Assembly<sup>17</sup>. Seychelles has seen an increase in political pluralism in recent years, with an opposition coalition winning a parliamentary majority in 2016 and an opposition candidate clinching the presidency in 2020<sup>18</sup>.

10 Reporters without borders, <https://rsf.org/en/2024-world-press-freedom-index-journalism-under-political-pressure>

11 CIVICUS, <https://monitor.civicus.org/data/>

12 Freedom House, <https://freedomhouse.org/countries/freedom-world/scores>

13 Transparency International, <https://www.transparency.org/en/cpi/2023>

14 Prosperity Institute, <https://index.prosperity.com/rankings>

15 Mo Ibrahim Foundation, <https://assets.iiag.online/2024/2024-Index-Report.pdf>

16 <https://www.diplomatie.gouv.fr/fr/dossiers-pays/seychelles/presentation-des-seychelles/>

17 <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/seychelles/>

18 <https://freedomhouse.org/country/seychelles/freedom-world/2022>

International election observers assessed the last elections in October 2020 as free, credible and transparent, despite some reports of vote buying and voter intimidation<sup>19</sup>.

After the 2020 elections, citizens continued to exercise their freedom of expression, criticising the government without fear of reprisals, such as police harassment or loss of job or contract, as had been the case in previous years. Journalists were generally free to do their work and were not victims of violence, but many complained of harassment and intimidation and harsh criticism from the authorities because of their reporting<sup>20</sup>. As the government seeks to protect the tourism sector, many sensitive subjects are considered taboo. Government corruption remains a problem, as does prolonged pre-trial detention. Migrant workers remain vulnerable to abuse. According to Freedom House, human rights groups and other non-governmental organisations operate without restriction. However, social discrimination against LGBTIQ+ activists remains a problem despite the decriminalisation of same-sex sexual relations in 2016<sup>21</sup>.

## 2. Mauritius

	2024, World Press Freedom Index	2024, People Power Under Attack	Global Freedom Scores from the Freedom in the World DataSet	2023, Corruption Perception Index	2023, Legatum prosperity index	2024, Ibrahim Index of African Governance	Global Index
<b>Score/100</b>	65.55	75	85	51	–	72.8	<b>2nd</b>
<b>Rank</b>	57/180	Shrunk	Free	55/180	47/167	2/54	
<b>Position/6</b>	2nd	2nd	1st	2nd	1st	2nd	



19 <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/seychelles/>

20 <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/seychelles/>

21 <https://freedomhouse.org/country/seychelles/freedom-world/2022>

The Republic of Mauritius became independent in 1968, although it remained tied to the United Kingdom, with Queen Elizabeth II as its head of State until 1992<sup>22</sup>. Often presented as an example of democracy in Africa, Mauritius currently has an open multi-party system with regular, peaceful transfers of power between the parties through free and fair elections, allowing for stable institutions<sup>23</sup>. Nevertheless, ethnic divisions are playing an increasingly important role in political life<sup>24</sup>. Mauritius is generally seen as a country where civil liberties are respected, with a good record of protecting and respecting human rights<sup>25</sup>. However, corruption remains a central problem affecting the State's administrative institutions and journalists are sometimes victims of harassment and legal pressure. One of the country's leading newspapers, *L'Express*, has been subjected to verbal attacks by authorities, which have also reduced the paper's advertising opportunities.

In Mauritius, LGBTIQ+ people often face threats and discrimination. However, in a historic ruling on 4 October 2023, the Supreme Court of Mauritius declared the ban on sodomy unconstitutional. This landmark decision was a significant step forward for the rights of LGBTIQ+ people in the country. The ruling was based on Section 16 of the Constitution, which emphasises non-discrimination based on various criteria, including gender. The Court relied on the International Covenant on Civil and Political Rights, in particular the interpretation of the term 'sex' by the Human Rights Committee in the landmark Toonen case<sup>26</sup>, which affirmed that sexual orientation is encompassed within the scope of protections against discrimination. In doing so, the Court's interpretation of 'sex' as including sexual orientation rendered section 250(1) of the Criminal Code (relative to the sodomy ban) incompatible with the Constitution<sup>27</sup>.

Although the ruling sets a judicial precedent, it awaits legislative action before being fully incorporated into Mauritian law. The integration of women into the political system has been slow, with women holding some seats in government and other high-level political positions, but generally being under-represented in politics<sup>28</sup>.

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22 [Mauritius', \*Perspective Monde\*](#)

23 <https://bti-project.org/en/reports/country-report/MUS>

24 [Freedom in the world 2021', \*Freedom\*](#)

25 [EU Annual Report on Human Rights and Democracy in the World 2020 Country Update', \*Delegation of the European Union to the Republic of Mauritius and to the Republic of Seychelles\*, 7 July 2021](#)

26 <https://juris.ohchr.org/casedetails/702/en-US>

27 <https://www.wipo.int/wipolex/en/legislation/details/5070>

28 [Freedom in the world 2021', \*Freedom House\*](#)

### 3. Cape Verde

	2024, World Press Freedom Index	2024, People Power Under Attack	Global Freedom Scores from the Freedom in the World DataSet	2023, Corruption Perception Index	2023, Legatum Prosperity Index	2024, Ibrahim Index of African Governance	Global Index
Score/100	72.77	87	92	64	–	69.6	3rd
Rank	41/180	Open	Free	30/180	80/167	3/54	
Position/6	2nd	1st	1st	2nd	3rd	3rd	



©Photo: Réseau CapVerdien des Défenseurs des Droits Humains (RECADDH)

The Republic of Cape Verde is an island country in the Atlantic Ocean covering an area of approximately 4,000Km<sup>2</sup><sup>29</sup>. The country's Constitution was revised in 1992 after 15 years of Marxist rule dating back to the time of independence from Portugal, in 1975. This constitutional text enshrines political pluralism and elections as a means of devolving power to the people, while parliament is vested with the power to oversee government action<sup>30</sup>. Elections are generally peaceful and, in the past, have led to a smooth transfer of power at the top of the State<sup>31</sup>. The country stands out in the region for its working environment for journalists. Freedom of the press is guaranteed by the Constitution, but the heads of the State-owned media, which dominate the media landscape, are appointed directly by the government. As a result, although the law guarantees pluralism, and therefore all political parties can have space in the media, this observation needs to be qualified because, since the heads of the public audiovisual groups are appointed directly by the government, their programmes give priority to those in power.

29 <http://www.claiminghumanrights.org/capeverde.html?L=1>

30 [https://constituteproject.org/constitution/Cape\\_Verde\\_1992](https://constituteproject.org/constitution/Cape_Verde_1992)

31 <https://www.diplomatie.gouv.fr/fr/dossiers-pays/cap-vert/presentation-de-cap-vert/>



The current president and his prime minister are from different political parties. Women make up 49% of the members of parliament as a result of the requirement that at least 40% of electoral lists must contain women. In 2023, the government made efforts to sanction officials who committed human rights violations<sup>32</sup>. While civil liberties are generally protected, access to justice is hampered by an overburdened judicial system, and crime remains a concern. In addition, inequalities persist for women and migrant workers<sup>33</sup>.

## 4. São Tomé and Príncipe

	2024, World Press Freedom Index	2024, People Power Under Attack	Global Freedom Scores from the Freedom in the World DataSet	2023, Corruption Perception Index	2023, Legatum prosperity index	2024, Ibrahim Index of African Governance	Global Index
Score/100	–	82	–	45	–	59.2	4th
Rank	–	Open	–	67/180	87/167	12/54	
Position/6	–	1st	–	3rd	3rd	3rd	



The Democratic Republic of São Tomé and Príncipe has been independent from Portugal since 1975. Like Cape Verde, São Tomé and Príncipe operated for a long time under a Marxist regime before the wave of democratisation in 1990, which saw the adoption of a democratic Constitution guaranteeing political pluralism, judicial control of government action and the protection of fundamental rights and freedoms<sup>34</sup>. Since opening up to a multi-party system, the country has regularly held elections that are considered free, democratic and transparent<sup>35</sup>.

32 <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/cabo-verde/#:~:text=Conditions%20of%20Work-,EXECUTIVE%20SUMMARY,have%20committed%20human%20rights%20abuses>

33 [Freedom in the world 2021', Freedom](#)

34 [https://constituteproject.org/constitution/Sao\\_Tome\\_and\\_Principe\\_2003](https://constituteproject.org/constitution/Sao_Tome_and_Principe_2003)

35 <https://www.diplomatie.gouv.fr/fr/dossiers-pays/sao-tome-et-principe/presentation-de-sao-tome-et-principe/>

The September 2021 elections resulted in a political transition at the top of the State, with the election of a candidate from an opposition party to the Presidency of the Republic. Despite respect for fundamental rights and freedoms, corruption has weakened certain institutions, and threats to the independence of the judiciary are a growing concern<sup>36</sup>. In addition, several coup attempts have been foiled, notably in 2003, 2009 and more recently in 2022. On the night of 24-25 November 2022, the former president of the outgoing National Assembly, Delfim Neves, was arrested along with three men, including an ex-mercenary who had already carried out an attempted putsch in 2009, for attempting to attack army headquarters<sup>37</sup>.

## 5. Madagascar

	2024, World Press Freedom Index	2024, People Power Under Attack	Global Freedom Scores from the Freedom in the World DataSet	2023, Corruption Perception Index	2023, Legatum prosperity index	2024, Ibrahim Index of African Governance	Global Index
<b>Score/100</b>	54.07	41	58	25	–	45.3	<b>5th</b>
<b>Rank</b>	100/180	Suppressed	Partially free	145/180	137/167	34/54	
<b>Position/6</b>	4th	4th	3rd	4th	5th	4th	



Madagascar, the fourth largest island in the world, is renowned for its unique wildlife. Despite its abundant natural resources and the development of tourism, it remains one of the poorest countries in Africa. The country has been independent since 1960 and has experienced repeated episodes of political instability, including putsches, violent unrest, and disputed elections.

36 <https://documents1.worldbank.org/curated/en/099121423162031487/pdf/BOSIB1002ab3430741837215ce3493252ba.pdf>

37 <https://www.jeuneafrique.com/1396115/politique/coup-detat-dejoue-a-sao-tome-et-principe-lex-president-de-lassemblee-et-un-mercenaire-arretes/>

Nevertheless, its Constitution adopted in 2010 provides in its Title II for the protection of the fundamental rights and freedoms of its citizens.

In addition to its Constitution, Madagascar has specific laws that enshrine the right to freedom of association. Ordinance 60-082 governs public meetings and assemblies. It requires organisers of public meetings to obtain authorisation from municipalities and police headquarters several days in advance<sup>38</sup>. Permission may be refused if the meeting is deemed likely to disturb public order. The ordinance also provides for penalties in the event of incomplete or incorrect information being provided when applying for authorisation. However, the implementation and enforcement of these rights can be inconsistent, often influenced by the political climate and security concerns.

## 6. Comoros

	2024, World Press Freedom Index	2024, People Power Under Attack	Global Freedom Scores from the Freedom in the World DataSet	2023, Corruption Perception Index	2023, Legatum prosperity index	2024, Ibrahim Index of African Governance	Global Index
Score/100	61.47	50	42	20	-	42.8	6th
Rank	71/180	Suppressed	Partially free	162/180	128/167	40/54	
Position/6	3rd	3rd	4th	5th	4th	5th	

The Union of the Comoros is a federation of three main islands in the Indian Ocean. A former French overseas territory, Comoros have been independent from France since 1975<sup>39</sup>. In January 2024, Azali Assoumani was re-elected for a third term as President of the Union of the Comoros. The country has a high population density, which has a significant impact on its natural resources and environment. Moreover, its geographical location makes the country extremely vulnerable to climatic events<sup>40</sup>.

In recent years, Comoros has taken several initiatives to strengthen the protection of rights. In 2019, a new Constitution was adopted, Title II of which guarantees various fundamental rights and freedoms such as freedom of expression, freedom of the press and freedom of association. An important step forward is the introduction of a system of liability for any State agent who violates human rights, as set out in Article 14 of the Constitution<sup>41</sup>.

Comoros is one of the few countries that has never submitted a periodic report to the African Commission on Human and Peoples’ Rights, despite ratifying the African Charter on Human and Peoples’ Rights in 1986. Furthermore, at the international level, Comoros is the only island country that has still not ratified the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights.

38 <https://www.rightofassembly.info/country/madagascar>

39 <https://perspective.usherbrooke.ca/bilan/servlet/BMPays/COM>

40 <https://www.banquemondiale.org/fr/country/comoros/overview>

41 Commission Nationale des Droits de l’Homme et des Libertés (CNDHL) des Comores, *Rapport sur la situation des Droits de l’Homme aux Comores*, 2022, p.3



©Photo: Ministério da Justiça

# PROTECTION FRAMEWORK AND RESTRICTIONS

## 1. Protective framework

### Legal framework

With the exception of Comoros, the island countries of Africa have all ratified the International Covenant on Civil and Political Rights, articles 21 and 22 of which recognise the rights of association and peaceful assembly. They are also all parties to the African Charter on Human and Peoples' Rights, which guarantees the free exercise of the freedoms of association and assembly on the African continent.



In addition, like many countries around the world, island countries include the protection of key fundamental freedoms in their Constitutions. This is particularly true of the fundamental rights and freedoms that strengthen the protection of defenders' rights in these countries, such as freedom of association and assembly<sup>42</sup>. These protections are often reinforced or detailed by the adoption of ordinances or ordinary laws aimed at formalising the use and benefits of these rights and freedoms.

**In Madagascar**, the Constitution was subsequently reinforced in October 1960 by Ordinance no. 60-133 on the general regime for associations, amended by Ordinance no. 75-017 of 13 August 1975<sup>43</sup>. Recognising that this ordinance was increasingly inadequate to govern the rights of NGOs in the country, the National Assembly adopted Act no. 96-030 on the special regime for NGOs in Madagascar<sup>44</sup>, which focuses on the creation, operation and dissolution of NGOs. In 2016, Chapter V of Law No. 2016-020 on the fight against corruption provided for measures to protect whistleblowers, although these have yet to be fully implemented. They should have been implemented by the Independent Anti-Corruption Bureau (BIANCO) but have not yet been<sup>45</sup>. In the same year, press offences were decriminalised, and Article 7 of the new communication code<sup>46</sup>, adopted in 2020, states that 'no journalist may be prevented or denied access to sources of information, or be harassed in any way whatsoever in the regular exercise of his or her duties as a journalist'.

In addition, since 2018, a law to protect and promote the rights of human rights defenders, including whistleblowers, has been under discussion in Madagascar<sup>47</sup>. Despite the involvement of authorities such as the Ministry of Justice, the High Council for the Defence of Democracy and the Rule of Law (HCDDED), the Independent National Commission on Human Rights (CNIDH) and members of parliament, the law has not yet been passed.

**In Comoros**, just like freedom of association and assembly, freedom of expression and of the press are guaranteed by the preamble to the Constitution. The National Assembly adopted a new information code in 2021, accompanied by the creation of a journalistic ethics commission<sup>48</sup>. This new code protects journalists against any pressure to divulge their sources. In addition, Law No. 86-006/AF of 30 May 1986 on the contract of association<sup>49</sup> sets out the procedures for creating and dissolving associations.

**In Seychelles**, in 2015, the National Assembly passed a new law on public gatherings<sup>50</sup> revising the 1993 law, which several observers have credited with allowing a more open and freer political environment. Among other things, the law requires anyone intending to hold or organise a public gathering to notify the Chief Commissioner five days in advance.

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42 Cape Verde: articles 29 and 53 of the Constitution; São Tomé and Príncipe: articles 33 and 34 of the Constitution, Comoros: preamble of the Constitution; Mauritius: article 13 of the Constitution; Seychelles incorporates a Seychelles Charter of Human Rights and Fundamental Freedoms in its Chapter III; and Madagascar: in article 10 of the Constitution.

43 <http://www.droit-afrique.com/upload/doc/madagascar/Madagascar-Ordonnance-1960-133-associations.pdf>

44 <https://www.assemblee-nationale.mg/wp-content/uploads/2020/11/Loi-n%C2%B0-96-030-Portant-r%C3%A9gime-particulier-des-ONGs-%C3%A0-Madagascar.pdf>

45 Law n°2016-020 on the fight against corruption,

46 [https://www.assemblee-nationale.mg/wp-content/uploads/2020/09/Loi-n%C2%B02020-006\\_Comm\\_-m%C3%A9diatis%C3%A9e.pdf](https://www.assemblee-nationale.mg/wp-content/uploads/2020/09/Loi-n%C2%B02020-006_Comm_-m%C3%A9diatis%C3%A9e.pdf)

47 <https://ishr.ch/fr/actualites/madagascar-vers-une-meilleure-protection-des-defenseurs-des-droits-humains/>

48 <https://rsf.org/fr/pays-comores>

49 <http://comoresdroit.comores-droit.com/wp-content/dossier/legislatifs/loisurlesassociations.pdf>

50 <https://seylli.org/akn/sc/act/2015/15/eng@2015-12-31>



In 2012, Seychelles adopted a law on access to public information<sup>51</sup>, followed in 2021 by the decriminalisation of defamation<sup>52</sup>, all of which strengthen the protection of freedom of expression enshrined in Article 22 of the Constitution.

Finally, in **Cape Verde**, the main legislation guaranteeing and regulating the right of assembly is Legislative Decree 406 of 1974<sup>53</sup>.

## Formal and informal mechanisms to protect human rights defenders

In all these countries, the main official mechanism protecting human rights, and by extension human rights defenders, is their respective National Human Rights Institution (NHRI). We had the opportunity to meet these institutions in each of Africa's island countries. It emerged that none of Africa's island countries has a specific mechanism for promoting and protecting the rights of human rights defenders. In the event of a violation, defenders are subject to the procedures in place for all human rights violations.

The President of **Madagascar's** Independent National Commission on Human Rights (CNIDH) – currently one of two national human rights institutions in island countries, along with Mauritius', accredited with 'A' status by the Global Alliance of National Human Rights Institutions – , told us that the institution has a protection service available to defenders in the event of a violation of their rights. The institution also calls on authorities to protect human rights and has already been able to call on the government to take urgent action in cases where the rights of at least three environmental defenders had been violated. One of the cases concerned a defender who was arrested after denouncing the contamination of water with mercury by a Chinese company. The intervention of the CNIDH helped to secure their release. The President added that it was very difficult to intervene in this kind of case given the limited powers of the CNIDH, which can only call on the State. At present, there is no specific mechanism or focal point within the CNIDH to deal with violations against human rights defenders, but there is a real internal desire to set up such a mechanism, particularly in view of the increased number of arrests for reporting corruption on social media.

In **Comoros**, the National Commission of Human Rights and Freedoms (CNDHL) informed us that there is indeed a complaints department, which is very active in the country's prisons, and that it can also take matters into its own hands if it is informed of a violation. According to Comorian civil society, the establishment of the General Delegation for Human Rights by the Ministry of Justice was seen as a key step forward in the promotion of human rights in the country. However, the Delegation's predominantly political approach to human rights issues does not allow for strong collaboration with civil society, which is often seen as quarrelous.

As in Comoros, the **Seychelles** Human Rights Commission (SHRC) has an online complaints procedure. Although the Commission has not yet received any complaints concerning violations against human rights defenders, its Chairman asserts that the institution will take a firm stance on violations against human rights defenders when they are reported to the SHRC.

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51 <https://seylil.org/akn/sc/act/2018/4/eng@2018-07-24>

52 <https://rsf.org/fr/pays-seychelles>

53 <https://www.rightofassembly.info/country/cabo-verde>

**In Cape Verde**, the National Commission for Human and Citizens' Rights (CNDHC) works closely with civil society organisations and defenders, but has no mechanism in place to protect them. It provides training for defenders on existing procedures for reporting violations against them. In the event of a violation being reported, the CNDHC generally goes out into the field to meet the victims and confirm the violation. Otherwise, the Commission's work is generally limited to promotional activities rather than protection. Despite its best efforts, the Commission does not currently have 'A' status. According to the Commission itself, the government must commit to improving the Commission's working conditions, the human resources available to it, and take steps to revise the law establishing the CNDHC, which does not comply with the Paris Principles; nor does the appointment of Commissioners, which is currently done by the government instead of the Parliament. All these shortcomings make it impossible for the institution to be fully involved in the protection of human rights defenders in the country.

In some of these countries, more informal mechanisms have also emerged. These mechanisms are often set up by civil society, as was the case in **Cape Verde**. Since August 2022, Cape Verde has had a new civil society organisation, the Cape Verdean Network of Human Rights Defenders (RECADDH), designed to defend and protect the rights of human rights defenders and fundamental freedoms<sup>54</sup>. In the same month, this organisation<sup>55</sup> contributed to the launch of the eighth Ubuntu Hub City in Praia, Cape Verde. This is an emergency relocation programme based in Africa that aims to protect and support human rights defenders at risk, from which defenders can benefit by contacting various focal points such as RECADDH or African Defenders<sup>56</sup>.

**In Madagascar**, particularly in Antananarivo, embassies have played an important role in protecting defenders. In some cases, they provide financial support, house defenders at risk on their premises, process asylum applications or, more regularly, issue statements of support. Since December 2023, Transparency International Initiative Madagascar has been running whistleblower centres in the country's six provincial capitals and in the southern city of Taolagnaro. These centres organise support for defenders in danger, in particular by contacting pro bono lawyers, through their collaboration with the Bar Association, or by putting them in touch with international NGOs. They also raise awareness and inform citizens about whistleblowing procedures and how to use them responsibly. Transparency International Initiative Madagascar has also produced a short guide to whistleblowing<sup>57</sup> to explain the definition of a whistleblower and how the centres operate. The whistleblower centres also support the call for better legal protection for whistleblowers<sup>58</sup>. Along with Cape Verde, Madagascar is one of only two island countries to have a network of human rights defenders, which was set up in December 2023 following the initiative of organisations such as MSIS-Tatao and Transparency International Initiative Madagascar. However, this network is still not fully effective.

In all these countries, civil society shared the view that it would be more comfortable with stronger protection emanating from civil society itself.

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54 [Cabo Verdean Network of Human Rights Defenders officialized and presented', Inforpress, 19 August 2022](#)

55 Under the initiative of [DefendDefenders](#) and [AfricanDefenders](#)

56 <https://africandefenders.org/what-we-do/hub-cities/>

57 Not yet publicly available

58 <https://www.transparency.mg/actualites/transparency-international-madagascar-lance-les-maisons-des-lanceurs-dalerte/>

## 2. Restrictions

### Legal restrictions

Despite the adoption of numerous laws aimed at protecting the rights and freedoms of defenders in the island countries of Africa and the fact that certain provisions effectively protect these rights and freedoms, others, on the contrary, restrict them.

In most island countries, in addition to being guaranteed by the Constitution, there is a law on freedom of assembly which aims to regulate the way in which this right can be used, particularly in the case of demonstrations. In the case of Seychelles<sup>59</sup>, Mauritius, São Tomé and Príncipe and Cape Verde<sup>60</sup>, the principle of notification in accordance with the spirit of article 21 of the International Covenant on Civil and Political Rights and article 11 of the African Charter on Human and Peoples' Rights is respected in the law. However, the reality is quite different.

**In Mauritius**, under the Public Gatherings Act (PGA), the organisation of gatherings is subject to the notification rule. Section 3(1) states that 'any person wishing to hold or organise a public meeting [...] shall notify the Commissioner in writing at least seven clear days before the meeting is held or organised [...]'<sup>61</sup>. However, on a number of occasions, the Police Commissioner has refused to authorise gatherings on the grounds that people needed authorisation from the authorities, including gatherings of fewer than 12 people which do not require notification under Article 2 (a) of the PGA<sup>62</sup>. In addition, both the Director of Public Prosecutions and civil society organisations confirm the obligation to request authorisation from the authorities before holding any gathering. Gatherings and demonstrations are subject to increased surveillance by the law enforcement. Since 2021, in some cases, militarised police have been deployed at peaceful demonstrations in Port Louis<sup>63</sup>.

**In São Tomé and Príncipe**, the freedoms of assembly and association are guaranteed by Articles 33 and 34 of the Constitution respectively. The civil society organisations ISHR was able to speak to<sup>64</sup> considered that these freedoms were generally applied fairly.

**In Seychelles**, the Public Gatherings Act<sup>65</sup> adopted in 2015 still contains some restrictive provisions, including the need to give five days' notice to the police for gatherings of 10 or more people. It also authorises the Commissioner of Police to impose conditions or refuse the right of assembly for reasons of safeguarding public health, morals and safety, and sets conditions on the time and place of large gatherings<sup>66</sup>.

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59 Seychelles Public Assembly Act 2015, article 4

60 Constitution of Cape Verde, article 53

61 <https://www.global-regulation.com/law/mauritius/11873077/public-gatherings-act.html>

62 <https://lexpress.mu/article/414799/law-and-order-what-police-commissioner-got-wrong-about-his-power-regulate-public>

63 <https://www.forbes.com/sites/nishandegnarain/2021/01/11/mauritius-in-crisis-as-militarized-police-deployed-against-peaceful-protestors/?sh=42f797a8bc48>

64 27 organisations interviewed in total

65 <https://seylli.org/akn/sc/act/2015/15/eng@2015-12-31>

66 <https://www.rightofassembly.info/country/seychelles#>

During our various meetings, the President of the United Workers Union of Seychelles shared with us that in 2021, under the restrictions linked to the COVID-19 pandemic, the United Workers Union of Seychelles notified the relevant authorities of its wish to organise a demonstration against the national television channel of Seychelles. Following this notification, the Union was informed that its request had been rejected on the grounds that the venue was unsuitable for the demonstration. However, the Union decided to still hold its demonstration. Its members went to the site with a number of banners, taking care not to block traffic, and only stayed for about fifteen minutes until the police arrived on the scene. The next day, the police arrived at the President's office with a fine of 5,000 euros for having breached the authorities' decision banning them from holding the demonstration, and threatened him with imprisonment if he refused to pay the fine.

In addition, the Associations Act of 2022<sup>67</sup> is currently under review and some of the suggested amendments are problematic. The text stipulates that once an association has elected its Board of Directors, it must request authorisation from the Registrar's office before the members can exercise their functions. Civil society considers this to be a direct interference by the government, which should not be allowed to take place<sup>68</sup>. One defender added: 'The burden and cost imposed on civil society to submit annual audit reports in order to receive funding and remain on the register is restrictive. This should be done on a case-by-case basis so that small organisations, which often operate on a voluntary basis, can continue to work with the communities they protect.'

**In Madagascar**, while the Constitution guarantees the rights to freedom of association and assembly, many laws refer to the notions of defamation, security and public order, the interpretation of which is antithetical to the right to freedom of demonstration and essentially restricts the activities of human rights defenders in the country. Article 20 of Law 2014-006 on the fight against cybercrime currently punishes any act of defamation made on the internet against State officials and civil servants with two to five years' imprisonment. In addition, although there are no official reports of government monitoring of online activity, the same law prohibits online defamation and the dissemination of 'false information', and has been used to prosecute people for posting on social media<sup>69</sup>. Furthermore, despite constitutional guarantees, freedom of the press is hampered by the security risks journalists face when investigating sensitive issues such as cattle rustling and the illegal extraction and sale of natural resources<sup>70</sup>.

With regard to the implementation of the freedoms of assembly and demonstration, norms and practices clearly run counter to international standards by making their enjoyment subject to authorisation. Article 1 of Ordinance no. 62-017 of 14 August 1962, amending the provisions of Ordinance no. 60-082 of 13 August 1960 relating to public meetings and demonstrations on the public highway, provides that: 'Public meetings, whatever their purpose, are subject to the prior authorisation of the Government Delegate General for the city of Tananarive or the sub-prefects, as the case may be, who may refuse the authorisation requested if the planned meetings are likely to disturb public order<sup>71</sup>'. In practice, the government requires all individuals or organisations wishing to organise a peaceful demonstration to obtain authorisation from the public authorities,

67 <https://www.gazette.sc/sites/default/files/2022-05/Act%208%20-%202022%20-%20Associations%20Act%202022.pdf>

68 <https://www.nation.sc/articles/18916/suspended-provisions-of-associations-act-would-kill-civil-society-ceps-says>

69 [https://edbm.mg/wp-content/uploads/2017/12/Loi-2014\\_006\\_cybercriminalite.pdf](https://edbm.mg/wp-content/uploads/2017/12/Loi-2014_006_cybercriminalite.pdf)

70 <https://freedomhouse.org/country/madagascar/freedom-world/2024>

71 <https://jwf-legal2.fr.gd/Ordonnance-93.htm>

in particular the municipalities and police prefectures. However, the latter rarely grant them, especially when such requests are submitted by opposition political parties<sup>72</sup>. In 2023, security forces regularly prevented opposition party rallies throughout the country and used excessive force to disperse demonstrators<sup>73</sup>.

In addition, on 31 March 2023, the Minister of the Interior issued a decree banning all political demonstrations in the run-up to the presidential election until the start of the presidential campaign, which he justified as a measure necessary to preserve public order<sup>74</sup>. On 2 and 3 October 2023, a demonstration organised by 11 opposition candidates was dispersed by the police, who used tear gas and arbitrarily beat and arrested dozens of demonstrators and passers-by<sup>75</sup>.

**In Comoros**, while freedom of assembly is protected by the Constitution, the organisation of meetings and demonstrations is subject to authorisation. Organisers of demonstrations are required to obtain permits and approvals for all demonstrations from the prefecture, at the risk of being arrested or detained for organising an 'illegal' demonstration<sup>76</sup>. According to the Comoros National Human Rights Commission, prefectures almost systematically reject requests from political parties for demonstrations or meetings. This must change<sup>77</sup>.

Opposition rallies organised before and shortly after the March 2019 presidential election were violently dispersed. Public gatherings were banned under COVID-19 measures in 2020, which remained in force for much of 2021 and 2022<sup>78</sup>. In 2022, the organisation Hifadhwi, which works to protect the rights of women and children, was denied permission to organise demonstrations, including on the day of the fight against violence against women. In addition to requiring prior authorisation for the organisation of meetings and demonstrations, according to several Comorian civil society organisations with whom ISHR spoke, the government also actively restricts the itineraries of these demonstrations. This was the case on 21 September 2023, during the peaceful march for Peace Day organised by the Réseau d'engagement solidaire pour la paix et l'Inclusion Régionale (RESPIR). Finally, although Article 3 of Law No. 86-006/AF of 30 May 1986 on the contract of association provides for a simple procedure for registering an association<sup>79</sup>, according to civil society in Comoros, for several years the Ministry of the Interior has been working to increase the administrative burden for organisations wishing to obtain legal status, which has had a discouraging impact on civil society.

Unfortunately, the laws and regulations protecting freedom of association, assembly and demonstration are not the only ones to present restrictions on the rights of defenders.

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72 <https://www.amnesty.org/fr/location/africa/southern-africa/madagascar/report-madagascar/>

73 <https://mg.usembassy.gov/fr/rapport-2023-sur-la-situation-des-droits-de-lhomme/>

74 <https://www.madagascar-tribune.com/Manifestations-et-reunions,28077.html>

75 <https://news.un.org/fr/story/2023/10/1139492>

76 <https://km.usembassy.gov/fr/rapport-2022-sur-la-situation-des-droits-de-lhomme/>

77 Commission Nationale des Droits de l'Homme et des Libertés (CNDHL) des Comores, *Rapport sur la situation des Droits de l'Homme aux Comores*, 2022, p. 15

78 <https://freedomhouse.org/country/comoros/freedom-world/2023>

79 <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/96294/113754/F1499456538/COM-96294.pdf>



**In Madagascar**, the communication code, adopted in July 2016, prohibits criticism of government representatives or members of law enforcement. In addition, it gives judges powers to authorise searches of media houses and confiscate equipment in the event that the press offence is characterised, yet the latter is described in vague terms and leaves room for interpretation<sup>80</sup>. As a result of these factors, human rights defenders working in journalism in Madagascar often practise self-censorship. However, the 2020 reform of the Communication Code provides for fines for ‘disseminating false news’, ‘contempt’ and ‘defamation’. The Code also gives the authorities the power to close down media outlets or halt programmes likely to disturb public order. A new National Authority for the Regulation of Media Communication (ANRCM) is expected to issue licences, but this has not yet been implemented. The law on access to public information has been waiting to be passed for 16 years<sup>81</sup>.

**In Mauritius**, a number of restrictions, both legal and financial, are in place and weigh heavily on the work of defenders, contributing to a more restrictive working environment.

*‘Companies are required to devote 2% of their annual profits to corporate social responsibility. These funds can be donated to the NGO of their choice. Since 2019, the State, through the National Foundation for Corporate Social Responsibility, has been collecting 75% of corporate social responsibility funds. This has considerably hampered the work of civil society, which is unable to access the source of funding it used to rely on.’<sup>82</sup>*

**A Mauritian defender**

In addition, several NGOs have complained that they are unable to carry out their work in the best way possible for fear of being deprived of these funds.

There are strong restrictions on freedom of the press and expression. In 2021, a highly controversial law on media regulation was passed, calling into question the confidentiality of sources, tightening the conditions under which radio stations can operate, and increasing judicial sanctions against journalists. Since 2018, amendments to the law on information and telecommunications have provided for prison sentences for the authors of online content deemed ‘upsetting’ or ‘disturbing’. Certain laws dating from the colonial period, such as the Official Secrets Act, are still in force, and civil servants who divulge sensitive information to journalists risk punishment<sup>83</sup>.

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80 <http://www.justice.mg/wp-content/uploads/2019/02/L2016-029.pdf>

81 <https://rsf.org/fr/pays-madagascar>

82 <https://www.mra.mu/download/CSRGuide.pdf>

83 <https://rsf.org/fr/pays-maurice>

## Restrictive practices

In addition to official restrictions that limit defenders' activities and, in some cases, violate their rights, there are also institutionalised or ad hoc practices that prevent defenders from enjoying their rights.

**In Mauritius**, according to the Kinouété Association, following a new internal policy of the National Human Rights Commission (NHRC), defenders working to protect the rights of people in prison are no longer able to submit complaints on their behalf directly to this institution. Prisoners, who often lack the necessary knowledge and resources, now have to submit their own complaints and demands to the NHRC. This organisation also claims to have been denied access to the prison, which would have enabled them to inform prisoners of their rights and the means of redress in the event of a violation of their rights.

Moreover, the definition of human rights and fundamental freedoms included in the Constitution only mentions civil and political rights (see Chapter 2 (3))<sup>84</sup>. The mandate of the NHRC is based on the definition included in the Constitution, which implies that the NHRC does not consider itself to be the appropriate body to deal with issues related to economic, social and environmental rights or sexual orientation and gender identity. This limits the possibility for defenders of these rights to denounce the rights violations of which they are victims.

Both private and public media can operate in the country. However, the Independent Broadcasting Authority (IBA) sits within the government, under the authority of the Prime Minister, which seriously undermines its independence. In addition, the chairman of the IBA and the members of its board of directors, which deals with complaints against the media and journalists, have all been appointed by the political party currently in power and disproportionately attack private media, which often support the opposition<sup>85</sup>.

According to a group of organisations, including Access Now, in 2021 the Information and Telecommunications Authority proposed further amendments to the Information and Communication Technologies Act that would further hamper the work of defenders and set a dangerous precedent by allowing State surveillance of their conduct online. The new National Digital Ethics Committee would be responsible for identifying 'illegal and harmful content'. However, this term is not clearly defined, leaving the Committee with unacceptable discretion<sup>86</sup>.

Lastly, journalists deplore the fact that they are subject to a system similar to that of radio licences, which can make the renewal decision unilateral with no real means of contesting it. Such a system is presented as one of the causes of self-censorship and a Damocles' sword constantly hanging over journalists.

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84 [https://www.constituteproject.org/constitution/Mauritius\\_2016?lang=en](https://www.constituteproject.org/constitution/Mauritius_2016?lang=en)

85 <https://freedomhouse.org/country/mauritius/freedom-world/2022>

86 <https://www.accessnow.org/wp-content/uploads/2021/05/Mauritius-ICT-Act-Submission.pdf>

According to civil society in **Madagascar**, protection of public order is often cited in order to restrict the enjoyment of fundamental freedoms, just as human rights defenders are regularly accused of undermining State security in order to repress them. In **Comoros**, non-governmental organisations (NGOs) are regularly confronted with bureaucratic interference, in particular through the requirement to obtain permits from senior officials in order to visit prisons. Despite the risks, some NGO representatives have spoken out against the climate of repression in recent years<sup>87</sup>. In addition, because of the prejudices that exist both within the institutions and among the public, defenders who denounce violations are regularly categorised as being part of the political opposition. According to the organisations interviewed, the work of nominally non-governmental organisations that are in reality organised by the government – also known as GONGOs – has caused difficulties. In the run-up to the presidential elections in January 2024, the government did not, as usual, consult with a broad group of civil society organisations on election observation, but only with GONGOs, which meant that civil society organisations were not involved in a uniform manner.

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87 <https://freedomhouse.org/country/comoros/freedom-world/2022>



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# VIOLATIONS OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS

## 1. Groups facing higher risks

During our various meetings with defenders from island countries, they often mentioned groups of defenders who are most at risk in their country or region. In **Mauritius**, 60%<sup>88</sup> of the defenders interviewed mentioned the risks encountered by journalists. In **Cape Verde** 65%<sup>89</sup> mentioned people defending women's rights, while in **Madagascar** 45%<sup>90</sup> mentioned environmental defenders, particularly those concerned about the impact of climate change, and land rights defenders.



88 48 defenders were interviewed in Mauritius

89 90 defenders were interviewed in Cape Verde

90 70 defenders were interviewed in Madagascar

## Women and LGBTIQ+ human rights defenders

In most of these countries, women are trying to overcome patriarchy and heteronormativity, and are working on issues of gender-based violence and discrimination, reproductive health and sexuality. They are actively combating social stereotypes and discrimination, as well as cultural and religious expectations that expose them to numerous risks in the conduct of their activities.

Violence against women is still very present in the **Mauritian and Cape Verdean** societies. In Port Louis, women human rights defenders face reprisals for supporting other women wishing to leave abusive relationships. The Groupement Social de Souillac accompanied a victim of gender-based violence to a centre for women who have endured physical assault, and that same evening the victim's husband burst into the home of the defender who had helped her, armed with a sword. Organisations defending women's rights claim to travel the length and breadth of the island to listen to the difficulties faced by women in the country, including access to drinking water and psycho-social support for women whose children are drug addicts, which can prove risky for defenders. In **São Tomé and Príncipe**, SOS Femmes deplores the social pressure put by the alleged perpetrator or his family on the organisation when it reports cases of sexual abuse. This pressure often takes the form of phone calls and text messages.

In **Seychelles**, the members of the Commission for Women in Enterprise are striving to give women the means to compete and create their own products. Nevertheless, when women value and defend economic rights by trying to support the economic initiatives of other women, they regularly face social stereotypes and banking institutions encourage them to go look after their home instead of engaging in such activities.

People working to put an end to violence and discrimination based on sexual orientation and gender identity are often marginalised because they defend rights that are not always accepted and recognised in African societies, and face multiple forms of violation. Nevertheless, some progress has been made in island countries.

In **Cape Verde and Madagascar**, although the law does not criminalise same-sex relationships between adults, it does not prohibit discrimination based on sexual orientation, gender identity or expression, or sexual characteristics.

In **Madagascar**, people and defenders of the LGBTIQ+ community regularly face considerable social stigma and discrimination in society and within their own families, forcing them to hide their identity for fear of reprisals, particularly in rural areas such as the southern town of Tuléar. Some have been refused employment because of their sexual orientation or because their outward appearance does not correspond to the gender assigned to them on their identity card<sup>91</sup>. In Tuléar, defenders of the rights of LGBTIQ+ people were banned from organising a carnival aimed at raising awareness of integration and the rights of all individuals. When they announced their intention to organise this carnival on social media, they faced online harassment and were contacted by authorities in the town of Tuléar, which formally forbade them from talking about LGBTIQ+ issues and organising this carnival.

Despite the fact that **Cape Verde** is considered to be an accepting country towards the LGBTIQ+ community, there are only three organisations active throughout the country that protect the rights of this community. According to Associação LGBTI Praia, in Cape Verde, despite the there

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91 <https://mg.usembassy.gov/fr/rapport-2023-sur-la-situation-des-droits-de-lhomme/>



being no legal restrictions on their work, defenders working to protect the rights of LGBTIQ+ people do not go public for fear of reprisals. Some parts of the country are more open to the acceptance of LGBTIQ+ people and the work of defenders protecting their rights. On the other hand, the islands of Fogo, Santo Antao and Brava are much less open to this. Furthermore, access to funding is prioritised for high-profile organisations to the detriment of LGBTIQ+ organisations. Human rights defenders protecting the rights of communities face increased LGBTIQ+-phobia from the population, and Cape Verde has no law protecting them from this LGBTIQ+-phobia<sup>92</sup>.

In December 2022, on the basis of its Diagnostic Study on the social and legal situation of LGBTIQ+ people<sup>93</sup>, the National Commission for Human Rights and Citizenship drafted an anti-discrimination bill, which has been submitted to Parliament and is awaiting scrutiny and approval. This law does not just concern the LGBTIQ+ community, but anyone who is a victim of discrimination of any kind. An anti-discrimination law is currently being discussed in Parliament on the basis of the CNDHC report<sup>94</sup>.

**In Mauritius**, LGBTIQ+ people are often victims of threats and discrimination and according to Collectif Arc En Ciel, LGBTIQ+ defenders continue to be discriminated against. They continue to fear the repercussions of exercising their right to assembly since the government failed to prosecute the religious groups that blocked the gay pride parade in June 2018<sup>95</sup>. Indeed, the organisations Collectif Arc En Ciel and RekonekT often receive threats for taking part in these events. Article 250 of the Penal Code criminalises consensual same-sex relationships, punishing them with a 5-year prison sentence, which is often used as a basis for discrimination against the LGBTIQ+ community<sup>96</sup>. However, on 6 September 2019, 4 Mauritians took a case to the Supreme Court on the constitutionality of section 250<sup>97</sup>. In a landmark ruling on 4 October 2023, the Supreme Court of Mauritius declared the ban on sodomy unconstitutional. This landmark decision marked a significant advancement for the rights of LGBTIQ+ people in the country<sup>98</sup>.

## Environmental, land rights and climate justice defenders

The impact of climate change on African island countries, such as numerous natural disasters, as well as the extraction and mismanagement of natural resources, have led to a growing number of defenders speaking up against governments' actions. For example, because **Seychelles** is so vulnerable to rising sea levels, environmentalists in the country are actively campaigning for climate change mitigation and adaptation strategies. This is why the government has also made it one of its priority issues at the United Nations.

**In Madagascar**, defenders working on environmental issues or corruption are subject to harassment and threats from private and public entities. Jeannot Randriamanana was arrested and detained at the Mananjary central prison after denouncing on social media that local people had still not received any aid for the damage caused by two cyclones in February 2022. Angélique

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92 <https://expressodasilhas.cv/pais/2022/06/15/presidente-da-associacao-lgbti-da-praia-reconhece-melhorias-na-questao-dos-direitos-humanos/80569>

93 [https://www.cndhc.org.cv/images/download/estudo\\_diagnostico\\_sobre\\_a\\_situacao\\_social\\_e\\_juridica\\_das\\_pessoas\\_lgbti\\_em\\_cabo\\_verde\\_net.pdf](https://www.cndhc.org.cv/images/download/estudo_diagnostico_sobre_a_situacao_social_e_juridica_das_pessoas_lgbti_em_cabo_verde_net.pdf)

94 <https://expressodasilhas.cv/pais/2022/12/22/cndhc-aguarda-discussao-de-lei-contra-discriminacao-no-parlamento/83567>

95 <https://www.france24.com/en/20180606-mauritius-church-condemns-blocking-gay-rights-march>

96 <https://antislaverylaw.ac.uk/wp-content/uploads/2019/08/Mauritius-Criminal-Code.pdf>

97 <https://youngqueeralliance.com/2022/06/02/section-250-young-lgbt-mauritians-seek-for-justice-at-the-supreme-court/>

98 <https://ishr.ch/latest-updates/lgbtiq-mauritius-legal-triumph/>

Descampe, President of the Razan'ny Vohibola community association, is actively involved in protecting the Vohibola forest, in eastern Madagascar. On 5 July 2023, she took a photo of three men illegally cutting down trees in the forest. These men then went to her home and threatened to kill her<sup>99</sup>. Despite filing a complaint, which was later reclassified as a simple assault, she is still waiting for justice to be served<sup>100</sup>.

In Majunga, in the north-west **of Madagascar**, the Groupement des associations de la société civile, has around 40 members comprising organisations and individuals promoting good governance in the field of the environment, the extraction of natural resources and land rights. These members admit that they do not feel safe when carrying out their activities. This is a feeling shared by defenders in Antananarivo, Tuléar and Toamasina with whom ISHR spoke in February 2024. Indeed, the lack of clarity of the legal framework protecting human rights, the existing laws restricting these rights and the inexistence of a specific legal framework protecting human rights defenders fuel this insecurity. In addition, human rights defenders fighting the illegal trafficking of natural resources, such as rosewood, and campaigning against extractive activities, as well as those working on corruption, are particularly at risk<sup>101</sup>. In particular, they face threats and reprisals that can result in death, especially in areas where major development projects linked to the extractive industries are taking place<sup>102</sup>.

## Journalists

In each of the island countries, the profession of journalist, particularly when it involves denouncing human rights violations, acts of corruption, bad governance or highlighting the negative influence of politicians on institutions that are supposed to guarantee press freedom, is connected to a risk of reprisals. **In Seychelles and Cape Verde**, journalists have been known to practise self-censorship for fear of reprisals.

**In Comoros**, freedom of expression, opinion and information are guaranteed by Article 28 of the Constitution and by the law. According to the CNDHL, the promulgation in 2022 of the new information code resulting from law N°21-011/AU of 08 June 2021 is a major step forward for freedom of expression. According to Article 158 of the law, 'in the exercise of their profession, professional journalists shall have free access to sources of information'. Article 159 establishes the protection of journalists' sources. It states that 'journalists are not obliged to disclose their sources and may not, in this case, be questioned by the public authorities'. Journalists are therefore legally protected against possible abuse by the authorities. The law established a press card on the recommendation of the independent National Press and Broadcasting Council, and the right of professional associations to assist journalists who are victims of abuse in the exercise of their profession, among other provisions<sup>103</sup>. The President of the Syndicat National des Journalistes Comoriens continues to call on the President of the Republic to ensure support for island radio stations so that they can operate and exercise their

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99 <https://www.amnesty.org.uk/files/2023-07/UA07023.pdf?VersionId=fMocWuPWTMqxXyD4y43B58JmYurWqLsE>

100 <https://www.amnesty.be/veux-agir/agir-individus/reseau-actions-urgentes/article/defenseure-droits-environnementaux-danger>

101 <https://www.frontlinedefenders.org/en/location/madagascar>

102 <https://naturaljustice.org/protecting-tomorrow-documenter-le-courage-et-la-resilience-des-defenseurs-de-lenvironnement-en-afrique/>

103 <https://km.usembassy.gov/fr/rapport-2022-sur-la-situation-des-droits-de-lhomme/>

right to freedom of expression<sup>104</sup>. Nevertheless, journalists note an atmosphere of intimidation, with frequent arrests and police custody.

The atmosphere of repression and the use of censorship laws to muzzle journalists has led to widespread self-censorship. In 2018, press freedom was curtailed with the closure of several private radio stations, while criticism of President Azali Assoumani and the constitutional referendum increased. In 2019, during the presidential campaign, authorities cracked down on social media sites and questioned individuals about their online activities. Two radio hosts highly critical of the government were imprisoned for ‘inciting rebellion and contempt’. The government also decided to close telecommunications services for one day at the end of March<sup>105</sup>. That same year, the Association Conseil de la Paix (CAP) hosted a radio programme to raise public awareness on peace related issues. Following the broadcast of one of these programmes, an authority contacted CAP to order them to stop. In January 2020, editor-in-chief Moinadjoumoi Papa Ali and news director Binti Mhadjou, both of Comoros Public Radio and Television, were suspended by the Minister of Information, who accused them of favourably covering participants in a strike. They resumed their duties in March<sup>106</sup>. According to the journalists interviewed, in 2022 the President of the Republic had also promised to create a fund to support the media, but unfortunately this has still not been set up. In addition, the new Minister of Finance, Kamalidine Souef, had publicly threatened journalists, stating that if they ever criticised him, he would have them ‘torn to pieces’<sup>107</sup>.

**In Mauritius**, journalists are often silenced by the government, which uses legal and financial means to do so. During an interview with the editor-in-chief of RadioPlus, a private radio station owned and broadcast by the Defimedia group, a number of alarming questions were raised about the government’s treatment of the media. Many radio stations depend on advertising revenue, and the State decides how these contracts are awarded. In 2020, Radioplus benefited from one such contract with the government, but when it denounced the unjustified allocation of funds during COVID to non-medical companies, the government cancelled the contract, leaving it in a disastrous financial situation. Their journalists were also summoned by the police. Again, according to RadioPlus, journalists are discredited online for their work. Fake profiles are created on social media platforms and used to publish false information about journalists, sometimes linking them to infamous drug traffickers<sup>108</sup>. Journalists and their families do not feel adequately protected, including legally, and often have to rely on support from the public or civil society organisations. They live in constant fear of being sued for defamation when they publish information against the government. In November 2022, four journalists critical of the government filed a complaint denouncing the cyber-harassment to which they were subjected the same month in Mauritius<sup>109</sup>.

Since the revision of the Information and Communication Technology (ICT) Act in 2016, journalists can be sentenced to up to ten years in prison for content that is ‘offensive’ and ‘likely to cause harm’ (Article 46 (ga))<sup>110</sup>. This provision is extremely vague and open to abuse, which is not in line with international standards on freedom of expression.

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104 <https://lagazettedescomores.com/soci%C3%A9t%C3%A9/le-nouveau-code-de-l%E2%80%99information-est-enfin-promulgu%C3%A9-.html>

105 <https://freedomhouse.org/country/comoros/freedom-world/2020>

106 <https://freedomhouse.org/country/comoros/freedom-world/2021>

107 <https://freedomhouse.org/country/comoros/freedom-world/2022>

108 <http://www.mauritiustimes.com/mt/how-do-you-prove-that-the-drugs-were-planted-by-the-police/>

109 <https://rsf.org/en/rsf-deplores-online-harassment-four-mauritian-journalists>

110 [https://www.icta.mu/documents/2022/09/ict\\_act.pdf](https://www.icta.mu/documents/2022/09/ict_act.pdf)

Finally, in **São Tomé and Príncipe**, investigative journalists have been threatened and attacked online by ruling party activists for exposing corruption.

*'Working on good governance issues can be difficult. In some cases, when defenders denounce corruption, they are the victims of online smear campaigns, and often their profiles and websites are hacked to discredit the information published on these platforms.'*

A defender from São Tomé and Príncipe

## 2. Risks faced by human rights defenders

While it is important to highlight the groups of defenders most at risk in island countries, other groups are also victims of violations, discrimination or attacks for their work in defending human rights.

In **Comoros**, although violations against human rights defenders are not systematic, civil society feels increasingly threatened and the regulations in place do not provide support or protection for these actors. In a growing number of cases, they are facing physical and verbal attacks, as well as online harassment, for asserting the rights of certain groups. In 2019, during the presidential campaign, the authorities launched a crackdown on social media sites and questioned individuals about their online activities. In addition, the government also took the decision to close telecommunications services for one day at the end of March<sup>111</sup>. In addition as mentioned above, in 2019, the association Conseil de la Paix (CAP) hosted a radio programme to raise awareness on peace-related issues. Following one of their broadcasts, authorities contacted CAP to order them to stop hosting the programme. There is growing concern in the country about the continued and often lengthy detention of civil society activists and members of the political opposition, as well as the unjustified prosecution of journalists. In 2019, as Comoros prepared for early presidential elections, gendarmes prevented a peaceful march organised on 16 February in Moroni to protest against the growing number of arrests and imprisonments of dissidents of President Azali.

The government of **São Tomé and Príncipe** issued a 15-day ban on all demonstrations, citing the need to preserve peace and order during preparations for the XIVth summit of the Community of Portuguese-speaking Countries (CPLP), scheduled for 27 August 2023. The authorities said that security forces were being mobilised to secure the city for the summit and therefore could not guarantee safety in the event of demonstrations ahead of the event. The decision was taken after relatives of Lucas Lima, the sole survivor of a group of five men allegedly tortured by the army after an attempted coup in November 2022, planned a demonstration to demand justice. Following the ban on public gatherings, the relatives cancelled the demonstration. The opposition, led by the Movement for the Liberation of **São Tomé and Príncipe** – Social Democratic Party (MLSTP-PSD), also criticised the ban, saying that the CPLP summit should not

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111 <https://freedomhouse.org/country/comoros/freedom-world/2020>

be used as a pretext to justify restrictions on the enjoyment of human rights and the suppression of democratic principles<sup>112</sup>.

Many defenders denounce the discrimination they face in the professional sphere for their human rights activities. Some see their careers completely blocked, forcing them to abandon their activism. One of the defenders interviewed shared their experience, explaining that they had been director of the incarceration department and had a different vision of protecting detainees.

They were then transferred to another department for criticising and denouncing irregularities in violation of human rights. As a result, they were discriminated against by their own colleagues because they denounced the department's human rights violations. Similarly, the defenders interviewed in Port Louis (**Mauritius**) and Mindelo (**Cape Verde**) denounced the reprisals they face when they defend human rights. All too often, they are threatened with losing their jobs and, in some cases, this has actually happened. In other cases, their activism can be used against them when they are unemployed and looking for work. In Port Louis, some defenders of the rights of people with disabilities spoke of the difficulties they encounter in finding work, which prevent them from continuing their work as defenders.

Over the past three years, lawyers in **Mauritius** have felt increasingly unsafe when taking up human rights cases. They do not feel safe to exercise their profession without fear and independently due to persecution by the Special Striking Team, a section of the Mauritian Police Force. A number of police officers have been found to have planted drugs in the cars and homes of prominent lawyers known to be involved in human rights cases<sup>113</sup>. Furthermore, at one of the last meetings with civil society prior to the submission of Mauritius' UPR report, participants mentioned that the President had threatened NGOs, saying that if they were not happy with what was included in the report they would be barred from further consultations.

In Africa, most countries do not have a legal framework to protect those who dare to denounce corruption from intimidation or other forms of reprisal. In **Madagascar**, the disclosure of certain information of public interest can lead to prosecution of defenders and whistleblowers. On 23 November 2023, Ketakandriana Rafitoson, Executive Director of Transparency International Initiative Madagascar (TI-MG), was summoned by the head of the central department for the fight against forgery, fraud and falsification to make a statement at the offices of the economic police in Antananarivo. This summon came following a complaint lodged by the Groupement des Exportateurs des Litchis (GEL), a business lobby and private organisation entrusted by the government with the management of Madagascar's lychee industry in 2011. The complaint followed reports of potential corruption, fraud and money laundering in the lychee sector, filed by TI-MG on 10 November with the Antananarivo Anti-Corruption Court<sup>114</sup>. Thomas Razafindremaka, president of the organisation 'Gny To tsy mba Zainy' (GTZ), which fights corruption in the Ihorombe region of Madagascar, was subjected to excessive judicial harassment for accusing the president of the district electoral commission and the deputy candidate of Ihosy of alleged corruption during the legislative elections of 27 May 2019. He was sentenced to two years in prison on 21 November 2023 for fraud and usurpation of title. This strategy of intimidation has been denounced by local Madagascar organisations<sup>115</sup>.

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112 <https://achpr.au.int/en/inter-session-activity-reports/special-rapporteur-prisons-conditions-detention-and-policing-14>

113 <https://www.facebook.com/watch/?v=529752235460962>

114 <https://www.amnesty.be/infos/actualites/article/madagascar-directrice-convoquee-denonce-faits-corruption>

115 <https://www.frontlinedefenders.org/fr/case/human-rights-defender-thomas-razafindremaka-detained-and-charged>





©Photo: Transparency International, Madagascar

# THE NEEDS OF DEFENDERS IN ISLAND COUNTRIES

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## 1. Resources

During our various interviews with civil society in African island countries, one issue seemed to be common to all countries: the lack of resources available to civil society organisations from national authorities and the lack of access to resources available outside national institutions. This lack of resources is not limited to financial resources or to civil society organisations. It also affects State institutions whose main function is to protect human rights, and in particular human rights defenders.

In **Comoros**, according to some civil society organisations based in Moroni, the State provides little or no financial support for civil society activities. The State does not currently have any budget line for this purpose, forcing civil society to seek external funding, creating a situation of precariousness and hampering the sustainability of their actions, many of which rely on voluntary work. In addition, the National Commission on Human Rights and Freedoms continues to face challenges, such as a crucial lack of resources, which prevents it from fully implementing the Paris Principles and, as a result, it is not accredited by the Global Alliance

of National Human Rights Institutions (GANHRI). In addition to Comoros, **Cape Verde and São Tomé and Príncipe's** civil society also feels that the support provided by the State is non-existent and that it is often difficult to interest foreign donors in supporting their work, as the language barrier does not make the task any easier. In São Tomé and Príncipe, in the rare cases where organisations receive funding from donors other than the State, the internal rule is often that 5% of the amount allocated is given to the organisation's associates. Most of the other employees work on a voluntary basis. The defenders are in desperate need of training in fundraising and sound financial management. Indeed, the demands of donors are considerable and weigh heavily on small human rights organisations in São Tomé and Príncipe.

The resources needed also include all the mechanisms that can strengthen the protection of human rights defenders. **In Mauritius**, civil society would like to see the establishment of a human rights defenders' network that would make it possible to develop a framework for protecting the well-being of activists, strengthen public solidarity with the actions of defenders and increase human rights education, which would encourage the activism of the younger generation. As in Comoros, **in Madagascar**, despite the contribution of independent bodies such as the HCDDDED and the CNIDH to the consolidation of democracy and respect for the rights of human rights defenders, these bodies are struggling to carry out the activities for which they were set up, mainly as a result of budget shortfalls that slow down their operations and undermine their effectiveness.

## 2. Strengthening regional and international cooperation

Historically isolated and geographically remote, members of civil society in these countries feel that they have long been left behind and have not benefited from constant support from human rights organisations working at the international level. They feel isolated because they have less access to support from international NGOs than in other countries where violations are more visible. This has also led civil society organisations to develop less interest in international and regional human rights mechanisms, and to lack the financial means to attend their sessions when defenders are aware of them. In fact, only 8% of the defenders interviewed<sup>116</sup> had collaborated with international or regional human rights mechanisms in the past.

*'It is essential that the international community is informed of what is happening in Mauritius and the challenges facing civil society. The restrictions may not be the most obvious, but they do exist and go against Mauritius' international obligations.'*

**Lindley Couronne, President of the organisation DIS MOI**

Most of these countries have ratified the United Nations treaties. Nevertheless, they struggle to submit their periodic reports on time. In some cases, they have never submitted an initial report. This is the case of **Comoros** and **São Tomé and Príncipe**, where the State has never submitted a report to the African Commission.

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<sup>116</sup> 246 defenders were interviewed across the island countries of Africa

*'It is very important that we continue to put pressure on São Tomé and Príncipe to submit its first periodic report to the African Commission on Human and Peoples' Rights. The country's review would provide us with a unique opportunity to share the rights violations we face in São Tomé and Príncipe.'*

Domitília Trovoada Sousa, Executive Director of the Associação São-tomense de Mulheres Juristas

**The Union of the Comoros** is also late in submitting a large number of reports to the United Nations treaty bodies. It has not yet submitted a report to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights<sup>117</sup>. This delay also prevents civil society from submitting alternative reports on these issues and engaging with these mechanisms. To deal with this delay, Comoros recently set up the Inter-ministerial Committee for the Preparation of Reports and Monitoring, which is responsible for preparing and submitting initial and periodic reports. Similarly, in October 2022, **Cape Verde** set up the Interministerial Commission responsible for preparing and submitting initial and periodic reports. Nevertheless, these institutions are struggling to become fully effective.

In 2023 and 2024, the African Commission stepped up its efforts to work with the governments of island countries, particularly those that were late or had never submitted a report, by organising promotional visits. In 2023, Commissioner Maria Teresa Manuela attended a meeting organised by the Cape Verde Network of Human Rights Defenders, bringing together several human rights organisations, to discuss the situation of human rights defenders in the country, identify the risks they face and analyse their protection needs<sup>118</sup>. In September 2024, the African Commission visited **Cape Verde**<sup>119</sup> and **Comoros**<sup>120</sup> to learn about the issues at stake in these countries and to raise authorities' awareness of the need to ratify the African Commission's treaties and to prepare and submit reports. The government of Cape Verde then committed to submit its missing reports in 2025.

*'With the review of Cape Verde by the UPR and the accumulated delay in the submission of the periodic report to the African Commission, the National Commission on Human and Citizens' Rights wishes to strengthen its cooperation with international and regional human rights protection mechanisms. This is why we have organised training workshops for the Interministerial Commission for the preparation of national reports, so that Cape Verde can submit its first report to the ACHPR and be up to date with the submission of its reports to the United Nations treaty bodies.'*

Arlindo Sanches, Legal Officer at the National Commission for Human and Citizens' Rights

117 [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Countries.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx)

118 <https://achpr.au.int/en/inter-session-activity-reports/special-rapporteur-prisons-conditions-detention-and-policing-14>

119 <https://achpr.au.int/fr/news/press-releases/2024-09-25/mission-de-promotion-republique-cap-vert-16-20-septembre-2024>

120 <https://achpr.au.int/fr/news/communiqué-de-presse/2024-09-20/communiqué-de-presse-sur-la-mission-de-promotion-en-union-des>

On the other hand, according to the **Seychelles** Ministry of Foreign Affairs, the drafting of reports to the treaty bodies is not attributed to a specific government body and is therefore the responsibility of the foreign ministry. To support the latter and compensate for the lack of human resources, the Council of Ministers has agreed to set up a report-drafting committee which will report to the Council. The Office of the High Commissioner for Human Rights and the Commonwealth organisation have offered their support to the Committee, but in 2023 the appointment of members was still pending. The Seychelles Human Rights Commission, for its part, has stated that it is working towards obtaining affiliate status with the African Commission.

### 3. Changes needed to provide better protection for defenders

Our various interviews with defenders and the authorities of the island countries highlighted the changes identified by civil society in these countries as being necessary to strengthen the promotion and protection of defenders' rights. These are both institutional changes and measures that can be implemented by civil society itself.

As mentioned above (Chap II, B. 2.), in **Mauritius** the mandate of the National Human Rights Commission is based on the definition of human rights included in the Constitution, excluding economic, social and cultural rights, environmental rights or rights relating to sexual orientation and gender identity. For civil society, it is important that the NHRC is able to act to protect the victims of violations of all human rights in the country. Furthermore, although the NHRC is an 'A'-status national human rights institution according to the Global Alliance of National Human Rights Institutions (GANHRI)<sup>121</sup>, and is therefore considered to be in compliance with the Paris Principle, the Prime Minister of Mauritius is the appointing authority for the Chairperson and members of the Commission, which interferes with the independence of the NHRC<sup>122</sup>.

In 2016, **Mauritius** passed the Independent Police Complaints Commission Act, which created the Independent Police Complaints Commission (IPCC). This body was set up in 2018. Although the institution has been recognised for prosecuting significant cases of police misconduct, a number of cases and complaints brought by defenders have not yet progressed.

In all these countries, the defenders were unanimous in their desire to energise civil society so that it can initiate and implement its own prevention and protection measures. In a country like **Cape Verde**, which already has a network to support human rights defenders, the desire is to strengthen the structure, connect it more closely to defenders and reinforce its actions to promote the work of defending human rights. In countries such as **Seychelles** and **Mauritius**, there is a strong desire to establish such a network, which would enable defenders to defend rights and improve the image of defenders in their countries through impactful campaigns.

During our interviews, many defenders expressed a general lack of knowledge about the work of defending human rights but also, more generally, about human rights and the way in which international and regional standards are reflected in the protection of human rights at national level. According to defenders in Mindelo (**Cape Verde**), the State does not publicise the rights of defenders and does not raise awareness of the violations and risks they may face. There is a real need to make the whole population aware of the work of human rights defenders and to make

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121 <https://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhri/ganhri-status-accreditation-chart.pdf>

122 [https://www.pulp.up.ac.za/images/pulp/books/legal\\_compilations/NHRI/Chapter%2012%20NHRI.pdf](https://www.pulp.up.ac.za/images/pulp/books/legal_compilations/NHRI/Chapter%2012%20NHRI.pdf)

defenders aware of their rights, in particular by strengthening human rights education in the education system from the earliest age and by prioritising human rights issues in State resources. Civil society, just like the general public, believes that it too needs to improve its knowledge of the measures in place and the procedures available to help it protect itself. In Mindelo, the organisations admit that they need to know their own defence mechanisms. For example, there are ways of reporting violations anonymously to the police; it is important that this information is easily accessible and that civil society is made aware of the procedure to use it.

*'Civil society has an important role to play in promoting human rights in Cape Verde. However, how can we fulfil our role when we are not aware of the treaties signed by Cape Verde and the possibility of contributing to the review of our State by the treaty bodies? The language barrier can be difficult to overcome, but the State should be able to facilitate the sharing of this crucial information.'*

A defender from Cape Verde

According to civil society in **Comoros**, the creation of the General Delegation for Human Rights by the Ministry of Justice was seen as a key step forward in the promotion of human rights. However, its predominantly political approach to human rights issues does not allow for strong collaboration with civil society, which is often perceived as seeking conflict. In addition, the National Commission for Human Rights and Freedoms (CNDHL) is gradually working more and more with civil society, and would like it to be in a better position to support the institution when it faces threats and attacks.

In **Seychelles**, defenders shared that it can be difficult to obtain the assistance of police officers when they report a violation. It is often necessary to use their connections, if they have any, with higher ranks to hope for action on their part.

Finally, to strengthen the protection and full implementation of human rights, the government of **São Tomé and Príncipe** has announced plans to create an independent national institution dedicated to the promotion of human rights. The aim of this initiative is to improve the quality of life of citizens, strengthen the consideration and protection of human rights and related mechanisms, and increase the capacity of public institutions<sup>123</sup>.

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123 <https://achpr.au.int/en/intersession-activity-reports/special-rapporteur-prisons-conditions-detention-and-policing-14>



# RECOMMENDATIONS

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## Education and promotion of the rights of human rights defenders

### All African island States must:

- ensure that defenders are aware of their rights
- ensure that the public is aware of the positive work carried out by the defenders
- demonstrate strong, high-level political support for human rights defenders through public statements by State representatives that raise awareness, recognise and support human rights defenders
- develop and adopt specific laws and policies to recognise and protect the work of human rights defenders and to give full effect to the UN Declaration on Human Rights Defenders at the national level.

### → Mauritius must:

- refrain from criminalising the legitimate activities of human rights defenders and repeal all aspects of laws and policies that restrict their rights, activities and access to funding, as recognised and enshrined in the UN Declaration on Human Rights Defenders, including corporate social responsibility funds and Article 250 of the Penal Code in accordance with the right to privacy of every individual
  - ensure that the law on public gatherings is implemented considering its content, in particular the notification rule, and its objective of guaranteeing the rights to freedom of association and peaceful assembly
  - adopt a law on freedom of information in line with Article 19 of the Universal Declaration of Human Rights (1948).
- **In Madagascar**, civil society is calling on the government to adopt a law to recognise and protect human rights defenders, including whistle-blowers, in order to give full effect to the UN Declaration on Human Rights Defenders at national level and to guarantee a safe and favourable environment for human rights defenders.

## Protecting groups of defenders at risk

### All African island States must:

- put an end to the stigmatisation of women human rights defenders to enable them to assert their rights in a safe environment
- ensure that journalists can do their work in a healthy and safe environment that does not force them to resort to self-censorship for fear of reprisals, in particular by revising the Communication Code and the law on cybercrime **in Madagascar** to ensure and effectively guarantee the right to freedom of expression

- guarantee a favourable environment for the fight against climate change and the protection of the environment by condemning the abusive use of legal proceedings against defenders of these rights.
- **Cape Verde** and **Madagascar** must support and publicly recognise the rights of LGBTIQ+ people, including the defenders protecting their rights, through the adoption of a law that explicitly promotes and protects the rights of LGBTIQ+ people against discrimination.
- **Mauritius must:**
  - amend the law on the Independent Broadcasting Authority with regard to the appointment of the chair person of the board of directors, in order to guarantee their independence and that of the institution by means of a mixed appointment by different authorities
  - ensure that advertising contracts awarded to the media are impartial and free from the influence of the executive.
- In **São Tomé and Príncipe**, and in **Madagascar**, authorities must implement appropriate measures, in particular through the use of positive narratives, to protect defenders denouncing acts of corruption against online smear campaigns and the hacking of their profiles on social media and websites aimed at discrediting the information they publish.

## Strengthening State institutions

- **Cape Verde** and **Madagascar** must provide the necessary human and financial resources to their national human rights institutions to enable them to fully adhere to the Paris Principles and obtain accreditation with the World Alliance of National Human Rights Institutions.
- **Cape Verde** and **Comoros** must make their Interministerial Commissions, established to prepare reports to international and regional human rights bodies, operational so that they can work with civil society to submit their overdue reports to treaty bodies.
- **Mauritius** must ensure that the mandate of the National Human Rights Commission includes all human rights, not just civil and political rights, in order to guarantee the protection of all victims of rights violations, including defenders of the rights of LGBTIQ+ people.
- **Madagascar** must allocate the necessary financial resources to independent human rights institutions, in particular the HCDDDED and the CNIDH, so that they can carry out their missions as set out in their mandates.
- **São Tomé and Príncipe** must create an independent national institution, in accordance with the Paris Principles, dedicated to the promotion of human rights, including the promotion and protection of human rights defenders.

## Strengthening protection processes

### All African island States must:

- include financial support for civil society activities in the annual budget adopted by the State to ensure their sustainability.
- **Cape Verde** must ensure that civil society is consulted and included in the development and implementation of human rights strategies and measures in the country.
- **Mauritius must:**
  - carry out prompt, thorough, independent and impartial investigations into all threats and attacks against human rights defenders, in particular those involving the security forces
  - amend the Constitution to include the economic, social and cultural rights guaranteed by the Universal Declaration of Human Rights
  - raise awareness of human rights defenders' rights among police officers to ensure prompt, thorough, independent and impartial investigations into all threats and attacks against human rights defenders.
- **Seychelles** and **Mauritius** should include the protection of defenders' rights in police training programmes, to ensure that police are aware of defenders' issues and can provide adequate protection.
- **Comoros** and **Madagascar** should authorise lawful requests for demonstrations, including by opposition political parties, in accordance with Article 19 of the Constitution (Comoros) and Article 10 of the Constitution (Madagascar) respectively, and guarantee the right to freedom of peaceful demonstration.
- **Comoros must:**
  - reduce the red tape involved in registering NGOs to enable civil society to continue to flourish
  - respect the international principles relating to freedom of association and assembly and put an end to the system of authorisation for the holding of demonstrations and introduce a system of notification.
- **Madagascar** is encouraged to establish a platform for regular dialogue between civil society and the government to enable the inclusion and contribution of civil society in the development and implementation of human rights strategies and measures in the country.
- **Seychelles** should amend the Associations Act 2022 to ensure that it does not give the executive the power to interfere in the operation of associations.

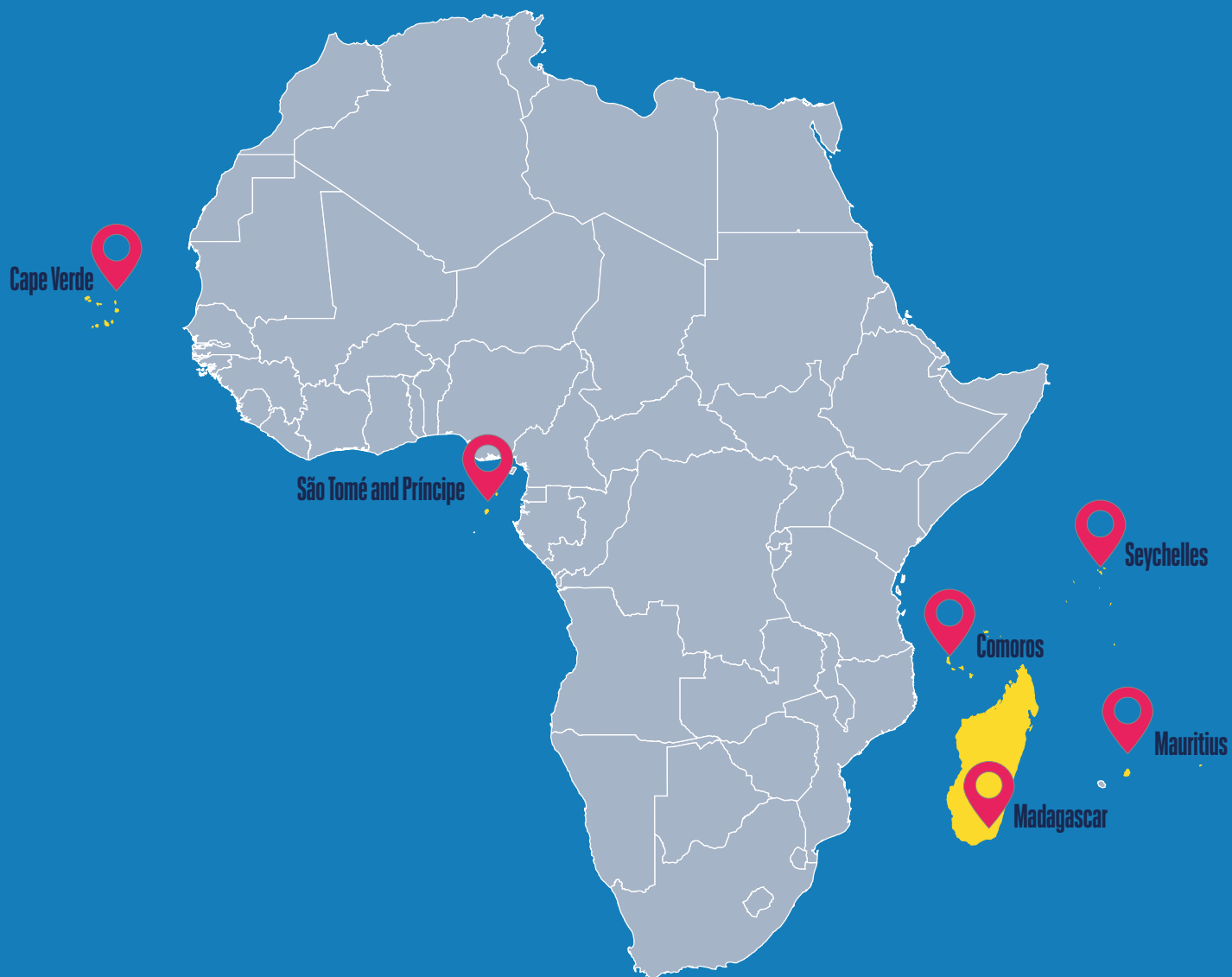
## Strengthening collaboration with the international community

### All African island States must:

- submit their overdue reports to the treaty bodies of the United Nations and the African Union and provide information on the measures implemented to ensure the promotion and protection of defenders' rights at national level.
- **Cape Verde**, which aspires to become a member of the Human Rights Council, must include the promotion and protection of human rights defenders in its foreign policy.
- **Mauritius** should extend a standing invitation to the Special Procedures of the Human Rights Council, as well as to relevant regional mandate holders, and invite and facilitate visits by the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on freedom of opinion and expression and the UN Special Rapporteur on the rights to freedom of association and peaceful assembly.
- **Comoros** is encouraged to disseminate to the authorities and the population the treaties and conventions ratified by the government to ensure that the rights protected by them are effectively incorporated into the national legal framework and that appropriate measures to implement them are undertaken.

### → The international community must:

- provide technical assistance to African island States in the implementation of these recommendations, in particular in the areas of capacity building for the protection of human rights defenders and cooperation with UN and African human rights bodies
- establish financial support for civil society organisations and human rights defenders at local level, and adopt measures to encourage applications from organisations from African island countries, such as removing language barriers and reducing administrative and legal obstacles to applying for and obtaining funding
- consider opportunities for peer learning and experience sharing between civil society organisations and human rights defenders from African island States
- consult and include civil society from island countries in the development of strategies to strengthen their support for the protection of defenders' rights in these countries.







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