

ACHPR/Res. 345(LVIII) 2016: Resolution on the Situation of Human Rights Defenders in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session held in Banjul, Islamic Republic of Gambia, from 6 to 20 April 2015;

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

Recalling Commission Resolution ACHPR/ Res. 69 (XXXV) 04 on the protection of human rights defenders (HRDs) in Africa and Resolutions ACHPR/ Res. 104, ACHPR / Res. 119 XLII. 07 and ACHPR/ Res.196 (L) 11 on the situation of human rights defenders in Africa;

Recalling the human rights protection instruments, in particular the United Nations Declaration on Human Rights Defenders of 1998, the Grand Bay *Declaration* and Plan of Action of 1999 adopted by the OAU Ministerial Conference on the promotion and protection of human rights in Africa, the Kigali Declaration adopted in 2003 by the African Union (AU) Ministerial Conference on human rights in Africa;

Recalling further Commission Resolution ACHPR/Res.273 (LV) 2014 on the expansion of the mandate of the Special Rapporteur on Human Rights Defenders in Africa and Resolution ACHPR/Res.336 (E XT.OS/XIX) 2016 on measures to protect and promote the rights of women human rights defenders ;

Deeply concerned about the situation of human rights defenders including those working on land and environmental issues in States Parties to the African Charter, particularly those who, because of their activities, are subjected to several violations of their fundamental rights, such as arbitrary arrest, illegal detention, extrajudicial killing, denial of the right to defence, denial of medical treatment and food during their detention;

Further concerned about the situation of human rights defenders in some African countries where they are regularly victims of judicial harassment, arbitrary arrest and detention, travel ban, freezing of funds, space restriction, prohibition of demonstration and assembly, arbitrary suspension of their activities;

Commending the efforts of some States Parties to promote and protect the rights of human rights defenders;

The Commission:

- i. *Reminds* all States Parties to the African Charter on Human and Peoples' Rights of their obligation to promote and protect the rights and freedoms enshrined in the African Charter and other relevant human rights instruments;
- ii. *Strongly condemns* obstacles to the activities of **human rights defenders and all forms of violence and reprisals against them**;
- iii. *Urges* all States Parties to meet their obligations under the United Nations Declaration on Human Rights Defenders, the Grand Bay Declaration, the Kigali Declaration and the Principles and Guidelines on Human and Peoples' Rights while Combating Terrorism in Africa;
- iv. *Urges* States parties to release arbitrarily detained human rights defenders and put an end to all forms of harassment and other acts of intimidation against human rights defenders including individuals or groups of individuals who cooperate with or bring matters before African human rights mechanisms;
- v. *Calls on* States parties to take the necessary measures to conduct independent investigations into violations of the rights of human rights defenders and prosecute the perpetrators;
- vi. *Encourages* States parties to enact specific laws on the protection of human rights defenders.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016