

**PANEL ON THE AFRICAN DECLARATION ON THE PROMOTION OF THE ROLE OF  
HUMAN RIGHTS DEFENDERS AND THEIR PROTECTION IN AFRICA.**

*Organised by the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in  
Africa.*

**77<sup>TH</sup> ORDINARY SESSION OF THE ACHPR  
DAY SIX: Wednesday 25 October 2023 | 11.00 - 12.00  
Arusha, Tanzania**

**Concept Note**

**A. Introduction**

1. The African Commission on Human and Peoples' Rights (the Commission) was established on 2 November 1987 under Article 30 of the African Charter with a dual mandate to promote and protect human and peoples' rights on the African continent as defined by Article 45 of the African Charter.
2. As part of its dual mandate to promote and protect human rights, the Commission has created subsidiary mechanisms under its Rules of Procedure to deal with specific issues and challenges. At its 35th Ordinary Session, the Commission created the mandate of the Special Rapporteur on Human Rights Defenders (Resolution 69), in view of the recurrence of attacks on members of civil society and individuals involved in the promotion and protection of human rights, as well as the failure to respect some freedoms guaranteed by the African Charter and linked to the proper functioning of the civic space and civil society. At the 55th Ordinary Session of the Commission, the mandate was extended to cover reprisals (Resolution 273), in response to the growing number of obstacles to the activities, and any other form of violence, of persons cooperating with the African human rights system. .
3. Furthermore, several other regional and international instruments have been developed in response to the challenges faced by civil society and human rights defenders in carrying out their activities.
4. At the regional level, in addition to the Guidelines on the Right to Freedom of Association and Assembly, a number of declarations have been adopted. These include the Grand Bay Declaration<sup>1</sup>, which recognises the importance of promoting an African civil society, including its NGOs, rooted in the realities of the continent, and urges African governments to work constructively with them in order to consolidate

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<sup>1</sup> 1999 Grand Bay Declaration and Action Plan, [https://www.achpr.org/fr\\_legalinstruments/detail?id=44](https://www.achpr.org/fr_legalinstruments/detail?id=44)

democracy and sustainable development. It calls on States Parties to "take the necessary steps to ensure the implementation of the United Nations Declaration on Human Rights Defenders".

5. The Kigali Declaration<sup>2</sup> also recognises the important role of civil society organisations in general, and human rights defenders in particular, in the promotion and protection of human rights in Africa, and calls on Member States and regional institutions to protect the rights of human rights defenders and to encourage the participation of civil society organisations in decision-making through consultative means with a view to consolidating participatory democracy and sustainable development, and stresses the need for these organisations to be independent and transparent.
6. The Cotonou Declaration of 1<sup>st</sup> April 2017 is part of the Commission's commitment to preserve a free and democratic space for the civic participation of civil society in advancing the rule of law, good governance and human rights in Africa. Additionally, the Cotonou Declaration reiterates the obligations of States Parties to the African Charter under Article 1 and the relevant provisions of regional and international human rights instruments, in particular the obligation to guarantee the security of persons living on their territories, as well as the freedoms of assembly, association, expression and access to information of human rights defenders and their right to take part in the management and conduct of the affairs of their countries.
7. At the international level, the United Nations Declaration on Human Rights Defenders, adopted in 1998 by the General Assembly, requires States to recognise the value and important contribution of human rights defenders to peace, sustainable development and human rights; to respect human rights defenders without discrimination, to protect them against any arbitrary action resulting from the legitimate exercise of the rights referred to in the Declaration, and to ensure their access to effective remedies in case of violations and to prompt and impartial investigations into alleged violations; strengthen their action by creating an enabling environment, through legislative, administrative and other measures, by raising public awareness of human rights, by establishing independent national institutions for the promotion and protection of human rights and by encouraging human rights education.
8. Despite the progress made in creating mechanisms and instruments to protect civic space and human rights defenders, it must be indicated that these have not been enough to create and promote an environment conducive to the role of human rights

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<sup>2</sup> 2003 Kigali Declaration, [https://www.achpr.org/fr\\_legalinstruments/detail?id=39](https://www.achpr.org/fr_legalinstruments/detail?id=39)



defenders in Africa. Only four countries - Côte d'Ivoire, Mali, Niger and Burkina Faso - have adopted laws on the protection of human rights defenders.

9. It is therefore necessary to adopt a regional declaration in order to appropriate at continental level the conventions and other standards or directives adopted at United Nations level, especially the 1998 United Nations Declaration on Human Rights Defenders, and to tackle the causes and aspects specific to the African context in order to find appropriate solutions to remedy the situation and thus restore a civic space conducive to the promotion and effective protection of human rights. This is the same logic that our continent has followed in the context of international conventions on human rights, which have been duplicated or adapted to the realities of our continent.
10. It is therefore by virtue of the mandate deriving from Article 45 of the Charter that the Commission adopted, at its 65<sup>th</sup> Ordinary Session, held from 21 October to 10 November 2019, in Banjul, The Gambia, Resolution ACHPR/Res.432(LXV) 2019 on the drafting of an African Declaration on the promotion of the role of human rights defenders and their protection in Africa.
11. In this resolution, the Commission entrusted the drafting of this declaration to the mechanism of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa.
12. In accordance with this resolution, the Special Rapporteur's Mechanism has commissioned the preparation of a draft declaration which will be presented to the African Commission during its ordinary sessions for consideration and adoption before being presented to the legislative bodies for final adoption.
13. The resolution also recommended the adoption of an inclusive approach by all stakeholders in the drafting of this Declaration, while inviting state and non-state actors to lend their support to the realisation of this project.
14. With this in mind, the Mechanism plans to organise a panel discussion on the Draft declaration. It will take place on 25 October 2023, on the margins of the 77<sup>th</sup> Ordinary Session, which will be held from 20 October to 9 November 2023 in Arusha, Tanzania.

### *Panel Objectives*

#### **B. General Objective**

15. The overall aim of the Panel will be to initiate discussions on the draft Declaration and gather opinions with a view to improving its content.

#### **C. Specific Objectives**

16. The Panel's specific objectives are to:

- Conduct an awareness-raising campaign among the Member States of the African Union (AU) on the need to adopt an African Declaration on Human Rights Defenders;
- Establish a discussion between the Commission, the Member States and other stakeholders on the content of the Declaration before it is examined and adopted at Commission level;
- Raise awareness among all stakeholders to initiate strategies and actions to strengthen support for human rights defenders and encourage their protection at national, regional and international levels;
- Build the capacity of those involved in strengthening the African system for the protection of fundamental rights in order to advocate the adoption of the Declaration.

#### **D. Expected Results**

17. The expected results include the following:

- Drafting of an African Declaration on the promotion of the role of human rights defenders and their protection in Africa, in collaboration with all stakeholders including States;
- Recommendations are made to ensure that stakeholders can work towards enabling human rights defenders to fully and freely carry out their role in the promotion and protection of human rights on the continent;
- The development of appropriate strategies for the protection and improvement of the situation of human rights defenders on the continent.

#### **E. Expected Impact**

- African Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa adopted and implemented.
- Increase in the number of countries adopting laws to protect human rights defenders.

#### **F. Format, Date and Place**

18. The Panel will bring together the Chairperson of the ACHPR and Special Rapporteur on Human Rights Defenders in Africa and Focal Point on Reprisals in Africa with representatives of States Parties, NHRIs and civil society, as well as the UN Special Rapporteur on Freedom of Assembly and Association.



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19. The Panel will be held during the 77<sup>th</sup> Ordinary Session organised from 20 October to 9 November 2023, in Arusha, Tanzania, on **Wednesday 25 October 2023, from 11am to 12pm (local time).**

#### E. Terms and Conditions

- Duration: 1 hour
- Presentations: 30 minutes
- Plenary discussions and closing remarks: 30 minutes

#### F. Agenda

**11:00 -11:10 - Honourable Rémy Ngoy Lumbu**, *Chairperson of the Commission and Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa - Moderation of the Panel and Presentation of the Draft Declaration on the Promotion of the Role of Human Rights Defenders and their Protection in Africa* (10 minutes)

**11:10-11:15 - Mr Joseph Bikanda**, *Coordinator of AfricanDefenders - The Point of View of Civil Society Organisations* (5 minutes)

**11:15-11:20 - Mr. Richard Sawadogo**, *Vice-President of the National Commission for Human Rights of Burkina Faso - The Point of View of National Human Rights Institutions* (5 minutes)

**11:20-11:25- Mr. Sedia Gounto Jean-Claude**, *Advisor in charge of development issues at the Embassy of Côte d'Ivoire in Ethiopia, Permanent Representation of Côte d'Ivoire to the AU and UNECA - The Point of View of States Parties* (5 minutes)

**11:25-11:30: Mr. Clément Voulé**, *United Nations Special Rapporteur on Freedom of Assembly and Association - The Point of View of the UN Mechanism* (5 minutes)

**11:30-12:00:** Interaction with participants (30 minutes)

**12:00-12:04 - Closing** remarks by **Honourable Commissioner Rémy Ngoy Lumbu** (4 minutes).