

Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals against Human Rights Defenders in Africa - 73OS

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INTERSESSION REPORT

Presented by

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Member of the Working Group on Populations/Indigenous and Minority Communities/Working Group on Communications/Committee on Resolutions/Country Rapporteur/Commission of Inquiry on the Human Rights Situation in Tigray Province, Federal Democratic Republic of Ethiopia)

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INTRODUCTION

1. This report is presented in accordance with Rule 25(3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples' Rights (the Commission) and covers activities for the promotion and protection of human rights undertaken during the intersessional period since the 71st Ordinary Session of the Commission held virtually from 21 April to 13 May 2022.
2. This report is divided into four main parts: In the first part, the report presents the activities undertaken in my capacity as Member of the Commission, Member of the Working Group on Indigenous Populations and Minorities in Africa, Member of the Working Group on Communications, Member of the Committee on Resolutions, and Country Rapporteur in charge of monitoring the human rights situation in Cameroon, Côte d'Ivoire, Mali, Togo, Algeria and Egypt. The report also summarizes the activities carried out in my capacity as Member of the Commission of Inquiry on the human rights situation in the Federal Democratic Republic of Ethiopia (Tigray Province).
3. In the second part, the report outlines the activities carried out under the mandate entrusted to me in my capacity as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa. As a reminder, this special mechanism was set up by Resolution ACHPR/69(XXXV)04 of the African Commission and its mandate was renewed by Resolutions ACHPR/Res.83(XXXVIII)05, ACHPR/Res.125(XXXII)07, ACHPR/Res.149 (XLVI) 09, ACHPR/Res.202(L)2011, ACHPR/Res.248(LIV)2013, ACHPR/Res.83(XXXVIII) 05,

ACHPR/Res.273(LV)2014, ACHPR/Res.315(LVII)2015, ACHPR/Res.381(LXI)2017,
ACHPR/Res.425(LXV) 2019, and ACHPR/Res.451(LXVI) 2020.

4. In the third part, it presents a brief analysis of the situation of human rights defenders, freedom of association and assembly, and reprisals in Africa. In the fourth part, it makes recommendations to the various stakeholders interacting with the mandate of the Special Rapporteur.

PART I

ACTIVITIES UNDERTAKEN AS COMMISSIONER (MEMBER OF THE AFRICAN COMMISSION)

5. This part deals with my activities as Commissioner within the Commission and as a member of the various Committees, Working Groups and Commissions set up by the Commission, including the Working Group on Indigenous Populations/Minorities in Africa, the Working Group on Communications, the Committee on Resolutions and the Commission of Inquiry on the human rights situation in the Province of Tigray, Federal Democratic Republic of Ethiopia. It also covers the activities carried out in my capacity as Rapporteur in charge of monitoring the human rights situation in certain States Parties to the African Charter, notably Cameroon, Côte d'Ivoire, Mali, Togo, Algeria and Egypt.

6. During the period under review, the Resolutions Committee did not meet as all resolutions were considered and adopted by the Commission during its plenary sessions.

A. Activities carried out as a Member of the Commission and as a member of the various Committees and Working Groups set up by the Commission.

1. Activity carried out as member of the Working Group on Indigenous Populations/Communities and Minorities in Africa

7. I took part in the Third Regional Forum for Africa and the Middle East on Minorities, held virtually on 6 and 7 September 2022. The event was jointly organized by the United Nations Special Rapporteur on Minority Issues, the Tom Lantos Institute and the Interministerial Delegation for Human Rights of the Kingdom of Morocco. It primarily focused on strengthening the recognition and protection of minority rights and was held as part of the celebration of the thirtieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities adopted by the UN General Assembly on 18 December 1992.

8. During my intervention, I recalled that the issue of minorities is dealt with by a special mechanism under the name of Working Group on Indigenous Populations/Communities and Minorities in Africa. I highlighted the dynamism of this mechanism, which has already adopted the United Nations Declaration, while providing Africa with other standards that address the issue of minorities. I also indicated that in the context of the African Union's Agenda 2063, the basic idea is that no one in Africa, no group of people should be left behind in the long march towards the Africa we want. I further recalled our obligation under the Addis Ababa Roadmap to support this meeting, adding that our institution is willing to build bridges and synergies that are mutually beneficial to the AU and the UN. As a final note, I mentioned the fact that Africa is not developing fast enough because some human rights, including the rights of minorities, are

not enforced (implemented). The conjunction of ideas and efforts between the two mechanisms is, in this context, a step in the right direction.

2. Activities carried out as a member of the Working Group on Communications

9. During the period under review, I participated in the meeting of the Working Group on Communications held virtually alongside the session. At that meeting, the Working Group examined complaints filed with the Commission that require special attention, including complaints with specific requests such as the granting of precautionary measures and transfer to the African Court on Human and Peoples' Rights.

3. Activities undertaken as a member of the Commission of Inquiry on the human rights situation in the Federal Democratic Republic of Ethiopia (Tigray Province)

10. We continued to coordinate the activities of the Commission of Inquiry (COI) established under ACHPR Resolution 482 (EXT.OS/ XXXII)2021 on the fact-finding mission to the Tigray Region of the Federal Democratic Republic of Ethiopia, adopted at its 32nd Extraordinary Session on 7 May 2021, and whose mandate has been renewed by various Resolutions, the latest of which is ACHPR Resolution 521 (LXXII)2022 on the Renewal of the Mandate of the Commission of Inquiry on the situation in the Tigray Region of the Federal Democratic Republic of Ethiopia, adopted at its 72nd Ordinary Session held virtually from 19 July to 2 August 2022.

11. In my capacity as Chairperson of the IOC, I have continued to coordinate the various activities undertaken since 31 May 2021 with different stakeholders including the Ethiopian high authorities.

12. In this regard, during the period under review, we had exchanges with H.E. Mr Demeke Mekonen, Deputy Prime Minister and Minister of Foreign Affairs of the Federal Democratic Republic of Ethiopia. The meeting took place on 15 July 2022 in Lusaka, Zambia, alongside the bi-annual coordination meeting between the African Union and the Regional Economic Communities.

13. A detailed report of the findings and recommendations of the Commission of Inquiry will be presented in due course.

B. Activities as Commissioner and Country Rapporteur in charge of monitoring the human rights situation in the States Parties of Algeria, Cameroon, Côte d'Ivoire, Egypt, Mali and Togo

14. In my capacity as Commissioner and Country Rapporteur in charge of monitoring the human rights situation, I have taken various actions and carried out a number of activities in the different States Parties.

15. With respect to **the Republic of Mali**, I issued press releases on 21 June 2022 and 22 August 2022, respectively, following the terrorist attacks in the villages of the commune of Diallassagou and surrounding areas in the cercle of Bankass in central Mali and the attack on 7 August 2022, against a military camp in Tessit in the cercle of Ansogo, in the Gao region. On all these occasions, I expressed the Commission's concern about the increasing frequency of

terrorist attacks that continue to plunge the Malian people into mourning. I strongly condemned these acts, which in each case, resulted in multiple human rights violations, including loss of life, injuries, and material damage. I called on the Malian authorities to redouble their efforts to guarantee security throughout the country and to take appropriate measures to conduct impartial investigations with a view to identifying the perpetrators and accomplices of these attacks and bringing them to justice.

16. On 27 September 2022, jointly with the Honourable Idrissa Sow, Chair of the Working Group on the Death Penalty, Extrajudicial, Summary, or Arbitrary Killings and Enforced Disappearances in Africa, we raised with the Malian authorities the reports that the Malian army had launched an air offensive on 7 September 2022, in Talataye, a town in northeastern Mali, resulting in the deaths of 45 civilians. We also noted the Commission's concern about the case of 49 Ivorian soldiers accused of being mercenaries and arrested and detained at Bamako International Airport in Mali on 10 July 2022.
17. With regard to the **People's Democratic Republic of Algeria**, I informed the Algerian authorities on 26 August 2022 about the situation caused by the bush fires in August in the North/East of the country, to obtain information on the measures taken by the State to guarantee and protect the rights of those affected.
18. On 3 October 2022, the Algerian government responded to the urgent appeal. It indicated the major causes of the recurrent bush fires in the northeast of the country. It also outlined the measures taken to deal with bush fires, through the triptych of prevention - response - care, including the adoption of a national strategy for the prevention and control of bush fires and provisions for the care and protection of the rights of those affected.
19. With regard to the **Republic of Cameroon**, on 8 September 2022, I sent a letter of congratulations to the Cameroonian authorities for having complied with its obligations to submit a periodic report on the implementation of the three (03) relevant human rights instruments currently in force, namely The African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) and the Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention). It should be noted that to date, the Republic of Cameroon is the only Member State of the African Union to have reported on the measures taken to implement the provisions of the Kampala Convention.
20. With regard to the **Arab Republic of Egypt**, together with the Special Rapporteur on Freedom of Expression and Access to Information in Africa, we made a submission to the Egyptian authorities on 22 September 2022 regarding allegations of intimidation and obstruction of civil society organizations, activists, and other local groups working on climate change and environmental issues, including difficulties encountered by some in obtaining accreditation to participate in the upcoming Climate Change Conference (COP27 Summit), scheduled for 6-18 November 2022 in Sharm El Sheikh, Egypt.
21. Concerning the **Republic of Togo**, in my capacity as Commissioner in charge of monitoring the human rights situation in Togo, I issued a press release on the terrorist attack perpetrated on 11 May 2022, against a military post of the Togolese armed forces in the locality of Kpékpakandi, Canton of Koundjouaré in the Kpendjal prefecture. On this occasion, I strongly condemned this despicable act, which resulted in the loss of human lives. I urged the Togolese authorities to adopt appropriate measures to guarantee the security of the entire territory in general and the Kpendjal prefecture in particular, in accordance with the obligations arising from the African Charter and other relevant regional and international legal instruments ratified by the Togolese Republic.
22. Also in my capacity as Commissioner-Rapporteur for Togo, I led a delegation of the ACHPR composed of the Honourable Commissioners Marie-Louise Abomo and Idrissa Sow on a promotional visit to the country from 3 to 6 October 2022. The objectives of the mission were,

among others, to assess the general human rights situation in the country and to follow up on the implementation of the recommendations arising from previous missions and those contained in the Concluding Observations following the presentation of the periodic reports on the implementation of the African Charter. During this mission, we met with various State and non-State actors working in the field of human rights promotion and protection in Togo. Through dialogue with the various stakeholders, the progress made and the unresolved challenges were identified. A detailed report on the findings and recommendations of the mission will be presented to the Commission for adoption in due course.

C. Press release on the drama of migrants at the border between the Kingdom of Morocco and Spain

23. On behalf of the Commission, while recognizing that the Kingdom of Morocco is not yet a party to the African Charter, I issued a press release on 30 June 2022, regretting the tragedy that occurred at the level of the border towns separating Morocco and Spain, during an attempt to force people to cross into the Spanish enclave of Melilla bordering the city of Nador located in the northeast of Moroccan territory.
24. On this occasion, the Commission invited Member States of the African Union to do their utmost to provide sustainable solutions to the situation of migrants in Africa with a view to eradicating the phenomenon of illegal and irregular immigration, in accordance with the revised migration policy framework of the African Union and its action plan (2018-2030).

PART II

ACTIVITIES AS SPECIAL RAPPORTEUR ON HUMAN RIGHTS DEFENDERS AND FOCAL POINT ON REPRISALS IN AFRICA

A. PROMOTIONAL ACTIVITIES

I. Participation in an advocacy meeting on the restoration of civic space, Kinshasa, DRC, 29-31 July 2022

25. I took part in an advocacy meeting on the restoration of civic space and the implementation of the revised reports, organized by the Réseau des Femmes Leaders pour le Développement (RFLD) in collaboration with CIVICUS, from 29 to 31 July 2022 in Kinshasa, Democratic Republic of Congo. This workshop was organized within the framework of the CHARM project (Consortium for the Promotion of Human Rights, Civil Liberties and Media Development).
26. On this occasion, I made a presentation on the African human rights system and on Civil Society engagement with the African Commission on Human and Peoples' Rights (ACHPR). I recalled that civil society actors are key actors of change at the international, regional, national and local levels as they play a role in monitoring the implementation of international human rights standards, following up on the implementation of decisions and recommendations of African regional and international human rights mechanisms, and building the capacity of States to ensure the implementation of human rights standards, among others.
27. At the end of the meeting, recommendations were made to various stakeholders.

II. Participation in the launch of the Ubuntu Hub Cities initiative, 24 August 2022 in Praia, Cabo Verde.

28. I took part in the launch of the 8th Ubuntu Hub City organized by the Pan African Network of Human Rights Defenders (AfricanDefenders) on 24 August 2022 in Praia, Cabo-Verde. The Ubuntu Hub City initiative is a program designed to protect human rights defenders at risk and to provide an alternative to political asylum, by temporarily relocating them to a safe place (city) in the African cultural environment, so they can continue their work in defence of the rights of others. The program has already impacted several cities in Africa, including Tunis (North Africa), Abidjan and Accra (West Africa), Kampala (East Africa), Johannesburg, Pretoria and Cape Town (Southern Africa). The city of Praia will thus fill the gap in Portuguese-speaking Africa.
29. In my official launch speech, I expressed my support for this initiative, known as Ubuntu Hub City, which is indispensable to our continent if the defence of human rights is to be a concrete and living enterprise therein. I also noted that this program can provide security and sustainability to the work of human rights defenders and is a complementary element to the work of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa.
30. On the sidelines of the official launch, I participated in two important meetings. The first meeting was organized around the Minister of Justice, Her Excellency Joana Rosa. We discussed the sovereign choices of this country, in particular that of having, in addition to the National Human Rights Commission (which falls under the purview of the Ministry of Justice), the institution of the Ombudsman of the Republic (which comes under the Parliament). The Minister stated that this system does not weaken but rather strengthens the human rights promotion and protection system in Cabo Verde.
31. The second meeting was held in the office of the Mayor of the City, the Honourable Francisco Carvalho. On this occasion, I reminded the Mayor of the importance of bringing African solutions to African problems through the Ubuntu Hub City initiative. I indicated that with this initiative, the City of Praia is becoming a "Champion City" and that this model deserves to be replicated in several other cities in Portuguese-speaking Africa.
32. I seize this opportunity to congratulate Mr. Hassan Shire, Executive Director of the East and Horn of Africa Human Rights Defenders Network and President of AfricanDefenders, the initiator of this program.

III. Participation in the Meeting for the Validation of the Draft Model Guide and Guidelines for the Protection of Women Human Rights Defenders in Africa, 6 September 2022

33. I participated in a meeting for the validation of the draft model guide and guidelines for the protection of women human rights defenders in Africa organized virtually on 6 September 2022 by Equality Now with its partners including UN Women, Spotlight Initiative and the Solidarity Movement for African Women's Rights.
34. In my intervention at this meeting, I indicated that the issue of protecting human rights defenders in general and women human rights defenders in particular is at the heart of the special mechanisms within the ACHPR. I presented the various initiatives taken by the Commission on this issue for a number of years, including the 2012 ACHPR Resolution/Res.230 (LII) on the need for a study on the situation of women human rights defenders in Africa due to the challenges they continue to face on the continent with regard to the recognition, exercise and enjoyment of their rights. I also highlighted ACHPR Resolution 336 (EXT.OS/XIX) 2016 on measures to protect and promote the work of women human rights defenders which

denounces the impunity enjoyed by perpetrators of violence against human rights defenders and publicly reaffirms the legitimacy of the work of women human rights defenders.

35. I reiterated the importance of adopting "specific legal measures" to ensure the protection of women human rights defenders, noting that some countries in West Africa have already done so (Cote d'Ivoire and Mali) while others have failed to do so (Burkina Faso). In conclusion, I expressed a note of hope that other countries that adopt specific laws on the protection of human rights defenders should, with civil society lobbying, adopt specific measures on the protection of women human rights defenders.

IV. **Joint Declaration on the Protection of the Right to Freedom of Peaceful Assembly in Emergency Situations, 15 September 2022**

36. Together with the United Nations Special Rapporteur on the Rights to Freedom of Assembly and Association, the Inter-American Commission on Human Rights (IACHR) and its Special Rapporteur on Freedom of Expression, and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), we issued a statement on 15 September 2022, on the protection of the right to freedom of peaceful assembly in emergency situations. The declaration set out the general principles of the right to freedom of assembly in emergency situations. It further highlighted the various obligations of States, including the obligation to allow, protect and facilitate assemblies and protests in emergency situations, the obligation to ensure accountability and redress for human rights violations in the context of assemblies, and the obligation to ensure dialogue and public participation. The statement also recalled the obligations of the international community in relation to assemblies.

V. **Meeting with participants of the ROADDH/WAHRDN workshop, Lomé, Togo, 5 October 2022**

37. On the sidelines of this promotional visit, I participated in a **technical capacity building workshop for Francophone members and Guinea Bissau on fundraising and communication strategies**. This is a support project for the institutional strengthening of the West African Network of Human Rights Defenders (WAHRD). This activity was held at the Hotel M'rode in Lomé.
38. On 5 October 2022, on the sidelines of the promotional mission to Togo, I took part in a technical capacity building workshop on fundraising and communication strategies organized by the West African Human Rights Defenders Network (WAHRDN) for human rights defenders from the nine French-speaking countries of West Africa and Guinea Bissau. This activity was held from 4 to 6 October 2022 in Lome, Togo. It was organized within the framework of the "ROADDH/WAHRDN Institutional Strengthening Support Project".
39. During this meeting, I welcomed the holding of this workshop which provides HRDs with tools to mobilize the funds necessary for the promotion and protection of human rights. I exchanged with participants, country by country, which allowed me to have an overview of the situation of human rights and human rights defenders in the 10 countries attending the ROADDH/WAHRDN activity.
40. I seized the opportunity to remind participants of the importance of the status of privileged partners that NGOs have acquired in relation to the Commission through the attribution of observer status with the latter. To this end, I encouraged those who have not yet done so to

submit their applications for observer status, a status that allows them to collaborate officially with the Commission.

VI. Participation in the Coordination Meeting on the Implementation of the ACHPR Guidelines on Freedom of Association and Assembly in Africa, Banjul, The Gambia, 19 October 2022

41. I participated in a meeting organized by the Support Group of the Mechanism on the Promotion and Monitoring of the Effective Implementation of the Guidelines on Freedom of Association and Assembly in Africa, held on 19 October 2022 in Banjul, The Gambia. The meeting was attended by members of the Support Group. The United Nations Special Rapporteur on the right to peaceful assembly and association, Mr. Clément Voulé, was also present. The meeting was convened to discuss strategies for promoting and monitoring the effective implementation of the ACHPR Guidelines on Freedom of Association and Assembly in Africa.
42. At the meeting, participants noted that respect for and protection of freedom of assembly and association are increasingly threatened on the continent due to the restriction of the right of association and assembly, particularly through the repression of peaceful demonstrations and the culture of impunity for human rights violations by State actors; the adoption of a legal and judicial environment hostile to the work of civil society organizations and laws impacting access to resources for NGOs that raise additional concerns about the total closure of space for civil society.
43. Noting these trends, the meeting underscored the need for the Support Group to lead proactive and reactive initiatives to promote and protect the rights of association and assembly in Africa; identifying areas of intervention for their effective protection, including the implementation of the related Guidelines.
44. The meeting drew up a new plan of action for 2023 requiring the renewal of its mandate which could not be done under Covid- 19 (3 years). In 2023, the Group will embark on the major task of publishing a continental report containing country-specific fact sheets to show the compatibility or non-compatibility of national constitutions, laws and regulations with the Guidelines on Freedom of Association and Assembly.
45. **Preparation of the Study on Human Rights Defenders in Exile**
45. The study on the situation of human rights defenders in exile is initiated by Resolution ACHPR/Res.439 (EXT.OS/XXVII) 2020 adopted by the Commission at its 27th Special Session held from 19 February to 4 March 2020, in Banjul, The Gambia. The purpose of the study is to analyze, at continental level, the realities experienced by human rights defenders in exile in Africa.
46. The Commission entrusted the study to the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa. 1. In an effort to enrich the study, comments and contributions were collected from various stakeholders following the publication of the draft study on the Commission's website. The draft study is currently being finalized and will be presented for adoption by the Commission during this Session.
47. I would like to take this opportunity to thank the East and Horn of Africa Human Rights Defenders Network and the Pan-African Network of Human Rights Defenders for the technical support provided to the mechanism in conducting the study.

VIII. Second Regional Consultation on the Restoration of the Civic Space to enhance Human Rights protection in Africa

48. The Second Regional Consultation on the Restoration of the Civic Space to enhance Human Rights protection in Africa mentioned in our previous report and scheduled to be held in September 2022 for State actors and representatives of national human rights institutions did not take place and was postponed to a later date.

B. PROTECTION ACTIVITIES

I. Urgent Appeals

49. During the period under review, the mechanism received complaints of alleged human rights violations, which it followed up according to the specific needs of each case. Some of these complaints concern allegations about the human rights situation or human rights violations committed in the States Parties for which I am Country Rapporteur while others relate to violations committed against human rights defenders. Thus, during the period under review, seven (7) urgent appeal letters were sent to the States Parties of Cameroon, Egypt, Eswatini, Mozambique, DRC, Somalia and Zambia. The allegations primarily concerned cases of judicial harassment, arbitrary arrest and detention, intimidation and obstruction of the activities of human rights defenders, including those working on the issue of sexual orientation; as well as restrictions on freedom of association and demonstration.

II. State Responses

50. During the period under review, the mechanism received no responses from States to the urgent appeals on alleged human rights violations against human rights defenders sent during the intersessional period. We therefore urge the States concerned to take the necessary steps to respond to correspondence addressed to them, in order to clarify the measures taken to remedy the situations brought to their attention.

PART III

ANALYSIS OF THE SITUATION OF HUMAN RIGHTS DEFENDERS IN AFRICA

51. The situation of human rights and human rights defenders has evolved positively in some countries while in others it continues to deteriorate.
52. In the following section, we present an overview of the situation of human rights defenders, freedom of association and assembly, demonstration and defence of human rights in some countries.
53. With regard to positive developments, the mechanism welcomes the following advances:
54. In **Niger**, the law establishing the rights and duties of human rights defenders was adopted by the National Assembly on 15 June 2022. The provisions of the law aim to protect human rights defenders and take into consideration the specificities of women defenders and disabled defenders. It defines the rights and duties of human rights defenders, their responsibilities as well as the remedies, sanctions and reparations in case of violations of their rights. The Republic of Niger is thus the fourth African country to adopt a legal instrument for the protection of human rights defenders, after Côte d'Ivoire, Mali and Burkina Faso.
55. **Togo** and **Cameroon** are in the process of adopting a law on human rights defenders.

56. Areas of concern include the persistence of legislative frameworks that obstruct the proper functioning and conduct of activities of associations and non-governmental organizations in some States.
57. We encourage States to develop and implement stronger and more adequate national laws, policies and programs for the protection of human rights defenders.

A. FREEDOM OF ASSEMBLY AND DEMONSTRATION IN AFRICA

58. Freedom of assembly and peaceful protest are fundamental to collective expression and the defence of all human rights. However, this right is often subject to restrictions in some States Parties.
59. Some States continue to use Covid-19 related preventive measures to unduly restrict the freedoms (rights) of association and assembly, particularly for opposition political actors, civil society and human rights defenders. In other countries, a state of emergency for security reasons has also become a means of restricting the right to assembly.
60. In **Chad**, the arbitrary arrest and detention of members of the opposition coalition Wakit Tama and numerous Chadians from labour and civil society movements on 14 May 2022, during a demonstration. The mechanism also noted the use of force by Chadian riot police during a demonstration in support of the main opposition leader, Succès Masra, who was summoned by the N'Djaména prosecutor on 9 September 2022. It also notes the use of lethal force during demonstrations organized on 20 October 2022 by the opposition against the two-year extension of the transition period, which resulted in the death of over 50 people and the injury of several hundred in N'Djaména and other provinces of the country. A joint press release was issued.
61. In **Sudan**, the deadly clampdown that left at least nine people dead during a demonstration held on 30 June 2022 in Khartoum against the rule of General Abdel Fattah al-Burhane, head of the army and author of the putsch that has plunged the country into violence and a serious economic crisis since October 2021.
62. In **Togo**, a state of emergency for security purposes, which strengthens the powers of the civil authorities in matters of personal security and limits public and individual freedoms, was declared on 13 June 2022 and was extended through the adoption of a bill by the National Assembly on 6 September 2022.
63. In the **Democratic Republic of Congo**, the violent dispersal of a peaceful demonstration by the opposition and civil society on 6 May 2022, in front of the Parliament in Kinshasa, the purpose of which was to demand a political consensus on the ongoing electoral reforms. The mechanism also notes the arrest and detention of members of the Lucha Movement while they were mobilizing to organize a peaceful anti-MONUSCO march on 27 July 2022. Attention should be drawn to the violent repression, resulting in deaths and injuries, of a demonstration organized on 15 August 2022 in Goma, Butembo and Uvira to call for the departure of MONUSCO, which was accused of passivity in the face of armed violence.
64. In **Burkina Faso**, the Patriotic Movement for Preservation and Restoration (*Mouvement patriotique pour la sauvegarde et la restauration*), in its communiqué no. 3 of 1 October 2022, suspended the activities of civil society organizations relating to demonstrations and calls for popular protests throughout the country.
65. In **Guinea**, the mechanism noted the use of excessive force that resulted in injuries and destruction of property during clashes that occurred on 20 October 2022 between demonstrators and law enforcement officers amid protests against the extension of the political transition in Guinea. A joint press release was issued.
66. The Commission recalls its Guidelines on Freedom of Association and Assembly in Africa which it adopted to assist States Parties, including policy makers, law drafters and legislators, to

ensure that legislation, policies and administrative practices are in line with best practices and international standards and that measures do not unjustifiably infringe on the freedoms of association and assembly.

67. We encourage States to make use of these Guidelines and note in particular the important role of national courts in ensuring the freedoms of association and assembly. We also call on national human rights institutions and NGOs to monitor the implementation of these Guidelines and to share information relevant to our mandate.

B. THE ISSUE OF REPRISALS ON THE CONTINENT

68. Acts of reprisal are still very much present and manifest in various forms, including systematic harassment, undue restrictions on access to meetings of human rights bodies, various threats, physical violence and other abuses, unjustified restrictions on the activities of civil society organizations, spying, burglary of the headquarters of organizations and associations, defamation, suspension of accreditation, arbitrary arrests and detentions, and repetitive legal proceedings, among others.
69. These cases of reprisals are practically common to all countries, with a degree of seriousness that varies from country to country.
70. In **Burundi**, the mechanism notes the reprisals and judicial harassment suffered by lawyers who defend victims of human rights violations in cases involving personalities close to the ruling party.
71. We call on States to investigate threats and intimidation of human rights defenders and to ensure that rights holders and victims obtain justice and adequate reparations.

PART IV. CONCLUSIONS AND RECOMMENDATIONS

A. CONCLUSIONS

72. The number of complaints received by the mechanism has remained constant, however, we have been receiving regular complaints about some countries more than others, and we try to verify the veracity of these complaints before contacting the State concerned.
73. In this regard, we wish to emphasize that the follow-up of our urgent appeals, both in terms of actual reception by the States and implementation of our recommendations, continues to be a major challenge.
74. With regard to its activities, the mandate continues to work with States on the following issues:
- The proper implementation of human rights norms and standards relating to human rights defenders, notably through recommendations on State reports, country visits, fact-finding missions, urgent appeals and other means.
 - The adoption of laws on the protection of human rights defenders and, in this regard, reiterates its availability to accompany them in the different stages of the adoption of these laws.
75. The mandate will continue to review legislation and policies that impose restrictions on public freedoms and reduce the role and operational space of civil society actors as well as strengthen collaboration with all human rights defenders and pursue the dialogue with States and other stakeholders.

B. RECOMMENDATIONS

76. The recommendations made in our previous reports are still valid. The mandate would like States Parties and various actors including those from civil society to take ownership of them and work towards their effective implementation.

z. To the States Parties:

- i. Adopt laws on the protection of human rights defenders and their activities following the example of Côte d'Ivoire, Burkina Faso, Mali and Niger;
 - ii. Publicize the law on human rights defenders among administrative, judicial and security authorities in order to remove all forms of restrictions on the work of human rights defenders;
 - iii. Ensure that the draft laws on the protection of human rights defenders are in line with international legal standards in order to create a legal environment favorable to their work;
 - iv. Refrain from adopting repressive laws that restrict the civic space and legitimate activities of human rights defenders to promote and defend human rights;
 - v. Adopt special laws to address the protection of human rights defenders during health and security crises or other continental or global crises;
 - vi. Ensure that mechanisms established for the protection of human rights defenders are inclusive and include representatives of civil society in their composition;
 - vii. Raise awareness and build the capacity of different actors, including defenders, on the laws and regulations governing the promotion and protection of human rights;
 - viii. Take all appropriate measures to ensure that defenders carry out their activities in conditions of security, free of any threats to their physical and moral integrity;
 - ix. Pay particular attention to the situation of women human rights defenders, which remains a constant concern for the Special Rapporteur mechanism;
 - x. Establish adequate mechanisms for the reparation of damages suffered by human rights defenders in the course of their work;
 - xi. Refrain from deregistering NGOs and civil society organizations that work to promote and protect human rights and strengthen civic and democratic space by promoting freedom of expression, association, and peaceful assembly for all human rights defenders;
 - xii. Ensure that measures taken by States to combat terrorism are consistent with the African Commission's Declaration of Principles on Freedom of Expression in Africa and the Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa;
 - xiii. Engage in dialogue and consultation with human rights defenders and publicly recognize and support their work through communication and information campaigns;

- xiv. Encourage and promote the organization of defenders' work in associative networks at the national, sub-regional and continental levels;
- xv. Be more proactive in the responses brought to their attention regarding allegations of violations of defenders' rights by my mechanism and other mechanisms of the Commission.

z. To the African Union and other regional and sub-regional bodies:

- i. Recognize the essential role of human rights defenders in the effective implementation of democratic principles, the rule of law, good governance and sustainable development in Africa;
- ii. Encourage Member States and the organs of the African Union to conduct awareness campaigns on the fundamental role played by human rights defenders;
- iii. Protect the civic space of civil society in general and human rights defenders in particular
- iv. Create a space for dialogue between States, human rights defenders and other key actors on challenges, good practices and progress in the protection of human rights defenders;
- v. Encourage and support full collaboration between national, regional and international human rights mechanisms.

z. To national human rights institutions:

- i. Fully exercise their promotion and protection mandates to hold States accountable for violations against human rights defenders and intervene in support of defenders who are victims of human rights violations;
- ii. Establish internal mechanisms on the protection of human rights defenders within the institution and ensure that they are adequately resourced and actively engage with all human rights defenders;
- iii. Perpetuate initiatives related to the regular holding of the NHRI Forum as a prelude to the Sessions of the Commission.

z. To civil society organisations:

- i. Continue to collaborate with national, regional and UN mechanisms for the promotion and protection of human rights, in order to prevent and respond to human rights violations committed against populations and human rights defenders;
- ii. Avoid focusing solely on the fulfilment of certain human rights (e.g., the right to freedom of assembly) at the expense of others (e.g., the right to life; economic, social and cultural rights; and collective rights) and seek to maintain the necessary balance so that the fulfilment of some rights does not result in the destruction of others;
- iii. Establish and strengthen networks of national and regional advocates to promote collaboration and cross-sectoral approaches that build alliances with diverse groups;

- iv. Develop innovative approaches to engage the general public, political actors and other opinion leaders, including the media, in the work of human rights defenders;
- v. Comply with existing laws and regulations and conduct their activities in accordance with international, regional and national texts on the subject;
- vi. Avoid political instrumentalisation of their activities and contribute to each other's capacity building;
- vii. Pursue their activities for the promotion and defence of human rights and engage in a constructive dialogue with the different actors.

z. To the media

- i. Initiate dialogue with all human rights defenders and support their efforts to advance human rights, the rule of law, social change and development;
- ii. Work in solidarity with human rights defenders to enable them to be well informed and to inform the public properly.

z. To religious and traditional leaders

- i. Strive to remove impediments to the work of human rights defenders and civil society organizations, particularly access to communities;
- ii. Strive to prevent negative practices that discriminate against women human rights defenders and defenders working with people who are criminalised and/or discriminated against, such as sex workers, people living with HIV, and people with diverse sexual orientations and gender identities.

z. To technical and financial partners

- i. While thanking them for their constant support, I encourage them to maintain their support to the mechanism, to the States Parties, to the national institutions and to the civil society, in their actions to enhance the promotion and protection of the rights of human rights defenders.

This is the content of my report to the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights in accordance with Rules 25(3) and 64 of the Rules of Procedure (2020).