

ACHPR/Res.471 (LXVII) 2020: Resolution on the Mandate Renewal of the Support Group of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa for the promotion and effective implementation of the Guidelines on Freedom of Association and Assembly in Africa

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 67th Ordinary Session held virtually, from 13 November to 03 December 2020;

Recalling its mandate of promotion and protection of human and peoples' rights in Africa, pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Considering its Resolutions ACHPR/Res.69 (XXXV) 04 on the protection of human rights defenders in Africa, ACHPR/Res.119 (XXXXII) 07, ACPHR/Res.196 (L) 11, ACHPR/Res.125 (XXXXII) 07, ACHPR/Res.248 (LIV) 13 and ACHPR/Res. 273 (LV) 14 on the mandate and the situation of human rights defenders in Africa;

Further recalling its Resolutions ACHPR/Res.151 (XLVI) 09 and ACHPR/Res.186 (XLIX) 11 on the need to conduct a study on freedom of association and assembly in Africa and the appointment of members of the Study Group on Freedom of Association and Assembly; ACHPR/Res.319 (LVII) 15 on the development of guidelines on freedom of association and assembly in Africa; ACHPR/Res. 406 (LXIII) 18 on the establishment of a Group to support the mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa for the promotion and effective implementation of the Guidelines on Freedom of Association and Assembly in Africa;

Considering the expiry of the mandate of the Support Group during the 67th Ordinary Session of the African Commission held virtually in November 2020;

Concerned about the numerous restrictive measures taken by governments on the pretext of containing and stopping the COVID-19 pandemic without taking into account the negative impact on the rights to freedom of peaceful assembly and association, and on civic space and participation in the conduct of public affairs, as well as the abuse and misuse of public health emergency measures to silence dissent in many countries;

Further concerned by the continuing trend to progressively restrict civic space, the adoption/revision by some States of legislative and regulatory provisions which considerably curtail the exercise of the right to freedom of association and assembly of human rights defenders and civil society organizations and infringe upon the citizen's enjoyment of the right to

freedom of association, assembly and expression in physical and online spaces as well as during elections;

Emphasizing the importance of freedom of association and assembly in the work of the African Commission and for the effective implementation of the African Union's Agenda 2063;

Taking into account the adoption by the United Nations Human Rights Committee of General Comment No. 37 on Article 21 on Freedom of Peaceful Assembly, as well as the Joint Declaration of 10 December 2020 on the Right to Freedom of Peaceful Assembly and Democratic Governance by the United Nations Special Rapporteur on Freedom of Peaceful Assembly and Association, the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa of the African Commission on Human and Peoples' Rights, the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights, and the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), which strengthen the African Commission's Guidelines;

Emphasizing further the need to assist States in ensuring the effective implementation of the Guidelines;

Bearing in mind the importance for the African Commission to monitor implementation of the various instruments it develops as well as the difficulties faced given the limited resources available to the African Commission to carry out this mission;

Conscious of the role of National Human Rights Institutions as local partners in the dissemination and promotion of instruments developed and adopted by the African Commission and in monitoring their implementation;

Emphasising the valuable contribution and support provided to the Special Rapporteur's mandate by Non-Governmental Organizations and National Human Rights Institutions in the African human rights architecture and to the mandate of the African Commission; in particular, in documenting, monitoring and following up on the commitments of States parties regarding the implementation of the various instruments to which they are parties;

Conscious of the need for the effective implementation of the Guidelines to ensure protection and respect for freedom of association and assembly during the post-Covid-19 period;

The Commission decides to:

1. Renew, for a period of two (2) years, the mandate of the Support Group of the Special Rapporteur on Human Rights Defenders and Focal Point

on Reprisals in Africa to promote and monitor the effective implementation of the Guidelines on Freedom of Association and Assembly in Africa and to:

- a. Monitor implementation by governments, parliaments and other State entities and advocate for the adoption of national laws and regulations that are in line with the Guidelines of the African Commission on Human and Peoples' Rights and the Human Rights Committee's General Comment No. 37 on the Right of Peaceful Assembly as well as the Joint Declaration of the Special Rapporteurs on the Right to Freedom of Peaceful Assembly and Democratic Governance;
- b. Conduct research and document the situation of freedom of association and assembly in Africa;
- c. Monitor and evaluate the impact of COVID-19 measures adopted by States on the enjoyment of the rights to freedom of association and peaceful assembly across Africa so as to inform the African Commission's dialogue with States and civil society.

2. Appoint the following organizations as members of the Group:

- International Center for Not-for-Profit Law (ICNL);
- West African Human Rights Defenders Network (WAHRDN);
- International Service for Human Rights (ISHR);
- Institute for Human Rights and Development in Africa (IHRDA);
- East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net);
- African Centre for Democracy and Human Rights Studies (ACDHRS);
- Central Africa Human Rights Defenders Network (REDHAC);
- Human Rights Institute of South Africa (HURISA);
- Associação Justiça, Paz e Democracia (AJPD);
- Network of African National Human Rights Institutions (NANHRI);
- Southern Africa Human Rights Defenders Network (SAHRDN);
- North Africa Human Rights Defenders Network (CIDH);
- International Federation for Human Rights (FIDH).

Done virtually, 03 December 2020