

ACHPR/Res. 475 (EXT.OS/ XXXI) 2021: Resolution on the need to protect civic space and freedom of association and assembly

The African Commission on Human and Peoples' Rights (the Commission), *meeting at its 31st Extraordinary Session held virtually, from 19 to 25 February 2021:*

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Considering Article 1 of the African Charter which calls on States Parties to this Charter to adopt legislative or other measures in order to implement the rights and freedoms guaranteed by the said Charter ";

Further recalling human rights instruments, particularly the 1996 Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, the 1998 United Nations Declaration on Human Rights Defenders, the 1999 Grand Bay Declaration and Plan of Action, and the 2003 Kigali Declaration adopted by the First African Union Ministerial Conference on Human Rights in Africa;

Recalling also its Resolutions ACHPR/Res. 69 (XXXV) 2004 and ACHPR/Res.119 (XXXXII) 2007 on the situation of human rights defenders in Africa, Resolution ACHPR/RES. 336 (EXT.OS/XIX) 2016 on measures to protect and promote the work of women human rights defenders, and Resolution ACHPR/Res. 151(XLVI)2009 on the need for a study on freedom of association in Africa;

Bearing in mind the provisions of the Guidelines on Freedom of Association and Assembly in Africa, Guidelines on Policing by Law Enforcement Officials at Meetings in Africa, and General Comment No. 37 of the United Human Rights Committee on Freedom of Association and Peaceful Assembly;

Recalling that the provisions of the African Charter, in particular Articles 9 on freedom of expression and access to information, 10 on freedom of association, 11 on freedom of peaceful assembly and demonstration, and 13 on the right to take part in the conduct of public affairs and the Universal Declaration of Human Rights, in its articles 19 on freedom of expression, 20 on freedom of peaceful assembly and association, and 21 on the right to participate in the conduct of public affairs, give every individual the right to express himself, to assemble, and to take action to expound his ideas, contribute to decisions, and oppose those he does not support;

Recognizing that these freedoms, which constitute "civic space", are an essential element of a vibrant democracy; where debate and discussion

flourish, and where individuals are able to contribute to important decisions that affect them;

Recognizing that civic space is crucial to the survival and development of civil society, but also to defending interests, asserting values, claiming rights, holding those in power accountable, improving living conditions, bringing about positive change in society and cooperating with other actors in a peaceful manner;

Alarmed by the global trend towards the reduction of civic space, which calls into question the right of everyone to make their voices heard, organize and act, and the negative impact this has on development, combating poverty, inequality and injustice;

Deeply concerned by the adoption of restrictive laws and regulations, the limitation of training, registration and operation of CSOs, the restriction of freedom of movement for civil society leaders or human rights defenders, limited political consultation and access to information, systematic violence against human rights advocates, the increase in public intolerance, and stigmatizing statements against those working for the promotion and protection of human rights on the continent;

Concerned further by the increasing number of human rights violations committed by law enforcement officials during recent peaceful demonstrations in many States, including Ethiopia, Nigeria, Cote d'Ivoire, and Guinea and Uganda, through disproportionate and violent interventions by law enforcement officials during protests and peaceful demonstrations;

Reiterating its recommendation to States Parties to ensure that measures taken as part of national responses to the COVID-19 pandemic are not used to discriminate, stigmatize or target particular individuals or groups, including civil society organizations and human rights defenders;

Recalling that civic space is as necessary for those who govern as it is for those who are governed and that it is the very basis of life in society;

The Commission :

1. **Urges States** to ensure that they meet their human rights obligations and that law enforcement officials, when policing protests and demonstrations, use force only as a last resort and always in a lawful, proportionate and necessary manner;
2. **Urges states to refrain from** using the State of Emergency Declarations related to COVID-19 or the fight against terrorism to justify the introduction of repressive measures to restrict the freedoms that constitute the civic space;

3. **Urges** all non-State actors to respect all human rights and not to undermine the ability of civil society to operate safely and unhindered;
4. **Calls upon** States to ensure that the right to a civic space for populations and all individuals is always protected in all situations of crisis including security, environmental, health or other natural disasters.
5. **Calls upon** States to scrupulously ensure, that at all times and in all places, the Guidelines on Freedom of Association and Assembly in Africa are respected.

Done virtually on 25 February 2021