

Resolution on the need for a Study on the situation of human rights defenders working on sexual and reproductive health rights issues - ACHPR/Res.558 (LXXV) 2023

Jun 15, 2023

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 75th Ordinary Session held from 3 to 23 May 2023 in Banjul, The Gambia;

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);

Recalling also that Article 45 (1)(a) of the African Charter mandates the Commission to "collect documentation, make studies and carry out research on African problems in the field of human and peoples' rights" with a view to promoting and protecting human and peoples' rights on the continent;

Recalling that Article 14 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) specifically protects the health and reproductive rights of women;

Bearing in mind the instruments for the protection of human rights defenders, in particular the Grand Bay Declaration and Plan of Action adopted by the first Organisation of African Unity Ministerial Conference on Human Rights in Africa, held from 12 to 16 April 1999 in Grand Bay (Mauritius), and the Kigali Declaration adopted by the African Union Ministerial Conference on Human Rights in Africa, held on 8 May 2003 in Kigali (Rwanda);

Also bearing in mind the Cotonou Declaration adopted at the 2nd International Symposium on the Situation of Human Rights Defenders in Africa held in March 2017;

Reiterating the commitment made by African Union Member States in the Grand Bay (Mauritius) Declaration to implement the provisions of the United Nations Declaration on Human Rights Defenders;

Noting Resolution ACHPR/69(XXXV) 04 on the protection of human rights defenders in Africa and Resolutions ACHPR/Res.119 (XXXII) 07, ACHPR/Res.196 (L)11, ACHPR/ 125 (XXXII) 07, ACHPR/Res.248 (LIV) 13, ACHPR/273 (LV) 14, ACHPR/Res.336 (XIX) 2016 and ACHPR/Res.376 (LX) 2017 on the situation of human rights defenders in Africa;

Also noting Resolution ACHPR/Res.196 (L) 11 which recognises the difficult environment in which human rights defenders in Africa operate, and Resolution ACHPR/Res.245 (LIV) 13 on the challenges that women defenders continue to face on the African continent with regard to the recognition, exercise and enjoyment of their rights;

Further noting Resolution ACHPR/Res.110(XXXI)07 on the Health and Reproductive Rights of Women in Africa which highlights concerns relating to reproductive health care and the quality of services available to women in Africa, including the inability of existing healthcare institutions to provide adequate pre-post-natal care for mothers and babies, the high rate of maternal mortality in a number of African countries, and the prohibition of abortion except where necessary to save the woman's life;

Considering the obligations of States Parties to the African Charter, in particular, the obligation to ensure the safety of individuals living in their respective countries, and to guarantee the freedoms of assembly, association and expression of human rights defenders;

Concerned about the difficult environment in which human rights defenders operate, including those working on issues relating to health, sexual and reproductive health, characterised in many countries by, inter alia, the persistence of arbitrary arrests and detentions, acts of harassment, rape, threats and other forms of intimidation, as a result of their activities;

Also concerned about the social, religious and cultural resistance faced by human rights defenders working in the field of sexual and reproductive health;

Also concerned about the many obstacles to the work of human rights defenders, in particular, the tendency to criminalise their activities, especially those who work with regional or international bodies tasked with the promotion and protection of human rights;

Determined to ensure the promotion, realisation and protection of the rights of human rights defenders, in order to enable them to fully and freely perform their role in the promotion and protection of human rights on the continent;

Reaffirming the vital role of human rights defenders in upholding the principles of equality, dignity, freedom, justice, peace, solidarity and democracy in African societies;

Convinced that conducting a study on the situation of human rights defenders working on sexual and reproductive health rights issues in Africa will facilitate the development of suitable strategies for the protection of human rights defenders on the continent, and contribute to the improvement of their situation;

Decides :

i. **Entrust** the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and the Special Rapporteur on the Rights of Women in Africa with the preparation of a Study on human rights defenders working on sexual and reproductive health rights issues, and to present the Study to the Commission for consideration and adoption within a period of one (1) year; and

i. **Calls** on all stakeholders, in particular States Parties to the African Charter, National Human Rights Institutions and civil society organisations to contribute to the Study.

Done in Banjul, The Gambia, 23 May 2023