

ACHPR65 | Protecting human rights defenders through protection laws in Africa

On 23 October the African Commission's Special Rapporteur on human rights defenders and Focal point on reprisals organised a panel on the protection of human rights defenders with a focus on protection laws.

Since the adoption by Côte d'Ivoire in 2014 of a law specifically promoting and protecting the rights of human rights defenders, many countries in Africa have followed in their footsteps. It was the case of Burkina Faso and Mali which respectively adopted similar laws in 2017 and 2018. Other countries in Africa are currently in the process of adopting such laws and the panel was a unique opportunity for the panellists to share their experiences, in particular the challenges in the enactment of such laws.

'Africa is clearly a step ahead regarding the enactment of laws protecting human rights defenders. However, one remaining challenge is the inclusion in those texts of a large definition of defenders, as inclusive as the one adopted by the UN through the UN Declaration on defenders' said Michel Forst, UN Special Rapporteur on the situation of human rights defenders.

During his intervention, Hassan Shire, DefendDefenders' executive director, emphasised the need for defenders to be legally protected at the national level for their everyday work. 'Protecting human rights defenders in national legal frameworks is necessary to protect those targeted for their legitimate human rights work. Defenders bring the voices of the people to the world. They speak truth to power, often to those who do not wish to hear it' said Shire.

The representative of the government of Burkina Faso shared the country's specific experience which led to the adoption of the defenders' law in 2017. Following advocacy by local organisations, Burkina Faso was the second country in Africa to adopt such a law. 'We realised very early on how crucial the inclusion of civil society in those processes is. They gave very valuable inputs and are still doing so as we work towards the establishment of our protection mechanism' the representative said.

Finally, the African Commission's Special Rapporteur on the situation of human rights defenders emphasised the importance for States to create a legal framework protecting defenders to ensure they are able to contribute to the protection of human in their countries. 'It has never been a crime to protect human rights and it should never be' he concluded.