

The Forum on the participation of NGOs in the 73rd session of the African Commission on Human and Peoples' Rights

Sub regional update on the status of democracy, human rights, and rule of law in East and Horn of Africa

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Honorable commissioners, Colleagues, friends

AfricanDefenders and DefendDefenders take this opportunity to Celebrate the 35 years of the African Commission on Human and Peoples' Rights and have reflected on its impact on the realisation of fundamental rights and freedom Africa. We acknowledge the notable strides to advance and protect human and peoples' rights. Its special mechanisms have enabled it to respond to human rights violations on the continent.

The Commission has been successful in discharging its mandate, despite the challenge in asserting its autonomy and independence. Its work is frustrated by the continuous interference from the political organs of the African Union under the guise of protecting state sovereignty and integrity. As a result, states are reluctant to comply and implement its resolutions and recommendations. This limits its effectiveness.

However, with regards to democracy, rule of law and human rights in the sub region, over the past six months, there have been increased reports of undue restrictions to civic space and human rights violations. Conflict and authoritarianism remain key drivers of shrinking civic space. In **Ethiopia**, the ceasefire failed to hold, as conflict renewed in the Tigray region in August, further undermining the country's stability. The recent announcement of peace talks is yet to be followed, by concrete steps based on the recognition that there will not be a military solution to the conflict. **Djibouti** and **Eritrea** remained closed, repressive states. Peaceful protests in the region have been on the rise and have been met with excessive and, in some cases, lethal force in **Sudan, South Sudan, Somaliland, Kenya, and Uganda**. The rights of defenders working on sexual orientation gender identity and expression have also come under repeated attack in **Kenya, Tanzania, and Uganda**.

While we witnessed peaceful transitions of power in **Kenya** and **Somalia**, following elections, there was an increasing trend of disinformation and misinformation campaigns in Kenya, which aimed at exacerbating existing political and inter-communal tensions in the country. However, **Somalia** continues to face humanitarian challenges and insecurity. More than seven million people have been affected by the severe humanitarian crisis brought on by the drought, which includes acute malnutrition, child mortality, food shortages, and mass displacement. Terrorist group Al-Shabab continues to conduct indiscriminate and targeted attacks on civilians. Somalia remains one of the most dangerous countries in the world for journalists with members of the press working in a hostile environment that is intolerant of critical voices.

Grave human rights violations continue to be committed in Burundi by security forces and members of the ruling CNDD-FDD's youth league, the *Imbonerakure*. Civil society organisations (CSOs) have documented human rights violations, including arbitrary detentions and arrests, torture, enforced disappearances, and killings. Despite the President Evariste Ndayishimiye's commitment to addressing impunity, limited structural changes have been recorded.

Hostilities in Ethiopia have not ceased despite a recent announcement of peace talks facilitated by the African Union mediation. Violence and intercommunal conflicts have also been documented in regions of Afar, Oromia, Amhara, and Benishangul Gumuz, including attacks against civilians, sexual violence, arbitrary arrests, forced displacement, and ethnic cleansing. At the same time, the government continues to limit the freedom of expression through arbitrary arrests of journalists and media actors.

Severe restrictions on the rights to freedom of opinion and expression, peaceful assembly, and association are recorded in Rwanda over the past 6 months. Political parties, CSOs, and the media are under intense pressure. With a space for independent human rights work in the country that is close to non-existent, most HRDs and human rights organisations are forced to operate from outside the country.

Intercommunal tensions and fighting are ongoing in several areas of **South Sudan**, threatening the peace process. Human rights violations, including abductions, widespread conflict-related sexual violence and sexual and gender-based violence, and attacks on civilians, including deliberate starvation, have been documented. The implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS, September 2018) has been slow and piecemeal.

Since the military Takeover of 25 October 2021 in Sudan, numerous human rights violations have been documented. Security forces clamped down on protestors. According to the Sudan Central Committee of Doctors, at least 116 people have died since October 2021. It is estimated that over 6,000 have been wounded. Despite the military lifting the state of emergency, security forces relentlessly used excessive force to disperse protestors with near-total impunity. There is no immediate hope for a clear road map to established civilian government and there is a growing violence and intercommunal conflicts in Blue Nile, West Kordofan, and Darfur.

In **Tanzania**, public assemblies and demonstrations by members and supporters of the political opposition continue to be disrupted. In May 2022, officers arrested 20 members of the Chadema party's youth branch for illegal assembly. The order to revise the restrictive media laws has failed to materialise. In addition, the Tanzania Communications Regulatory Authority (TCRA) recently suspended DarMpya, an online newspaper. Positively, the task force responsible for reviewing Tanzania's Constitution is set to present its final report to President Samia Suluhu, a progressive step towards the constitutional review process.

Finally, in **Uganda**, during the reporting period, opposition figure Kizza Besigye was arrested twice and put under house arrest for planning a demonstration against the high cost of living. The government dispersed peaceful protests using excessive and unwarranted violence and arrested several protestors. In the most recent instance of

intimidation of CSOs, the National Bureau for Non-Governmental Organisations (NGO Bureau) suspended the operations of Sexual Minorities Uganda (SMUG) for failing to register with the NGO Bureau. The Parliament also recently passed the amendment of the Computer Misuse Act which has now been assented to by the President, a restrictive law that curtails digital rights, threatens citizen journalism, and stifles freedom of expression.

Considering the updates and trends observed, we make the following recommendations to the African Commission on Human and Peoples' Rights:

- Call on all member States to adopt specific legislative measures to recognize and protect the status of HRDs, and provide a working environment conducive for civil society, as per Res. 376 (LX) 2017 adopted by the Commission during its 60th Ordinary Session in Niamey, Niger.
- Call on States to abide by the African Commission's Guidelines on Freedom of Association and Assembly adopted by the Commission during its 60th ordinary session.
- Call on the Federal Government of Ethiopia through independent and impartial bodies to investigate allegations of human rights violations thoroughly and effectively and to hold those responsible accountable, and urge the government to cooperate with African and international mechanisms, including the African Commission-established Commission of Inquiry on Tigray and the International Commission of Human Rights Experts on Ethiopia established by the UN Human Rights Council.
- Condemn the human rights violation in Sudan and calls for restoration of the civilian-led Transitional Government and urges respect for human rights and fundamental freedoms including the right to freedom of association and peaceful assembly; and
- Urge the government of South Sudan to immediately establish and operationalise the Hybrid Court for South Sudan and other transitional justice institutions as per Chapter V of the Revitalised Peace Agreement (R-ARCSS), and to ensure accountability for crimes committed since 2013, and to put an immediate end to harassment, intimidation, and repression, including by the National Security Service, of independent human rights actors and those reporting on human rights in the country.