

FORUM ON THE PARTICIPATION OF NGOs IN THE 77th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS.

SUB REGIONAL UPDATE ON THE STATUS OF DEMOCRACY, RULE OF LAW, AND HUMAN RIGHTS (EAST AND HORN OF AFRICA)

In recent months, the East and Horn of Africa region continues to witness a relentless assault on democratic principles and human rights, including constraints on civic space, and ongoing conflict and violence in Ethiopia, Somalia, South Sudan, and Sudan. According to CIVICUS, the majority of countries in the East and Horn of Africa were classified as repressed (Burundi, Ethiopia, Somalia, South Sudan, Sudan, Tanzania and Uganda) one as obstructed (Kenya) and two as closed (Djibouti and Eritrea). The ratings are based on the state of civic space focusing on the realization of the rights to freedom of association, peaceful assembly, and expression. Countries are categorized as either open, narrowed, obstructed, repressed, and closed- that respective order.

The sub-region also witnessed widespread harassment, intimidation, and attacks on human rights defenders (HRDs). Exercising civil liberties of the rights to free expression, association and peaceful assembly is challenging, more so for minority and vulnerable populations. Additionally, laws are selectively applied against those with critical and dissenting opinions. During the reporting period, HRDs working on sexual orientation and gender identity and expression (SOGIE) were repeatedly attacked in Burundi, Kenya, and Uganda. Additionally, environmental HRDs faced acute risks in Tanzania and Uganda.

Attacks on democracy stand as a foundational issue that underpins political, social, and economic challenges across the East and Horn of Africa. The trend of extending presidential term limits to enable serving presidents continue their political reign sets the stage for political crises and abuse of the rule of law. For instance, in Rwanda, the President's confirmation of his candidacy for a fourth term in the upcoming presidential election raises concerns about the consolidation of power and a lack of political pluralism in the country.

The recurring theme of law enforcement resorting to excessive force to quell protests has been evident forexample in Kenya. During protests in Kenya, the police employed disproportionate

and violent tactics to disperse demonstrators, tragically resulting in the loss of lives, arbitrary arrests including those of 300 individuals, among whom were prominent opposition figures. Additionally, the climate of fear and repression leading up to elections in countries like Somaliland and Tanzania stifles the democratic process. Furthermore, ongoing repression and censorship of critical and dissenting opinions continue to cause constant threat on democracy across the region.

Media freedom continues to be under attack for reporting on critical issues and giving a platform to dissenting opinions. Djibouti and Eritrea remain the worst violators of press freedom according to leading press indices. Additionally attacks continue to be extended online with websites and social media platforms often blocked and online activism closely monitored.

These issues represent critical societal transformation challenges hence need for urgent structural reforms and collective effort involving intergovernmental institutions to facilitate a peaceful democratic transition. Urgent, collective action is needed to safeguard HRDs, uphold democratic principles, and protect human rights. We call on governments in the region to honor international commitments, while regional, international institutions and civil society organisations play crucial roles in holding governments accountable and promoting a more just and democratic future.

Recommendations to the African Commission on Human and Peoples' Rights

- Urges all member States to ensure the protection of HRDs by observing the African Charter on Human and Peoples' Rights and the United Nations Declaration on Human Rights Defenders.
- Urge member States to cease the harassment and arbitrary detention of HRDs, including those working on politically sensitive topics such as environmental rights, governance, and human rights, women's rights, and minorities, including the sexual minorities community
- Call on governments to cooperate, with African and international human rights mechanisms, including those established by the African Commission and the United Nations, to effectively investigate human rights violations, and to hold those responsible accountable.

- Urge governments to implement resolutions and decisions of the African on Human and Peoples' Rights.
- Call on the Federal Government of Ethiopia through independent and impartial bodies to investigate allegations of human rights violations thoroughly and effectively.
- Call on the Eritrea and Uganda government to implement recommendations provided during their state review.
- Adopt a resolution condemning ongoing human rights violations committed by Eritrean authorities, both at home and abroad in the context of the war in Tigray, and urging the government of Eritrea to address outstanding issues, including those highlighted in the Commission's Resolutions on the Human Rights Situation in Eritrea (ACHPR/Res.91(XXXVIII)05) and on the General Human Rights Situation in Africa (ACHPR/Res.207(L)2011).
- Adopt a resolution on the human rights situation in Burundi, including the situation of human rights defenders and civil society, and that calls upon the government to extend an invitation to the Commission to undertake a general human rights promotion mission in Burundi.
- Call on Tanzania to implement the African Court on Human and Peoples' Rights ruling to amend its National Elections Act and Criminal Procedure Act