

LOOKING BACK:

The impact of the Universal Declaration of Human Rights and the UN HRD Declaration on the work of human rights defenders in Africa



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01.

ACRONYMS



AfricanDefenders	Pan African Human Rights Defenders Network	REDHAC	Réseau des Défenseurs des Droits Humains en Afrique Centrale
African Commission AU	African Commission on Human and Peoples' Rights African Union	RENAMO	Mozambican National Resistance
African Charter	African Charter on Human and Peoples' Rights	SOGIE	Sexual orientation and gender identity and expression
CBBDH	Coalition Burundaise des défenseurs des droits de l'homme	Southern Defenders	Southern Africa Human Rights Defenders Network
CEPO	Community Empowerment for Progress Organisation	SSHRDN	South Sudan Human Rights Defenders Network
CIHRS	Cairo Institute for Human Rights Studies	Sudan Defenders	Sudan National Coalition for Human Rights Defenders
CHRR	Centre for Human Rights and Rehabilitation	SUDO	Sudan Social Development Organisation
CSOs	Civil society organisations	UNHRC	UN Human Rights Council
DefendDefenders	East and Horn of Africa Human Rights Defenders Project	WAHRDN	West African Network of Human Rights Defenders
DCK	Defenders Coalition Kenya	WHRDs	Women human rights defenders
DRC	Democratic Republic of Congo		
EHAHRD-Net	East and Horn of Africa Human Rights Defenders Network		
EHRDC	Ethiopian Human Rights Defenders Center		
EIDHR	European Instrument for Democracy and Human Rights		
EU	European Union		
GANHRI	Global Alliance of National Human Rights Institutes		
HRDs	Human rights defenders		
HRD Declaration	UN Declaration on Human Rights Defenders		
ICCPR	International Covenant on Civil and Political Rights		
IDPs	Internally displaced persons		
KAPA	Kampala Plan of Action for Human Rights Defenders		
NCHRD-S	National Coalition of Human Rights Defenders Somali		
NCHRD-U	National Coalition for Human Rights Defenders in Uganda		
NGOs	Non-governmental organisations		
NHRIs	National human rights institutions		
NSS	National Security Service		
OAU	Organisation of African Unity		
OHCHR	Office of the High Commissioner for Human Rights		
ROSA	Regional Office for Southern Africa		



02.

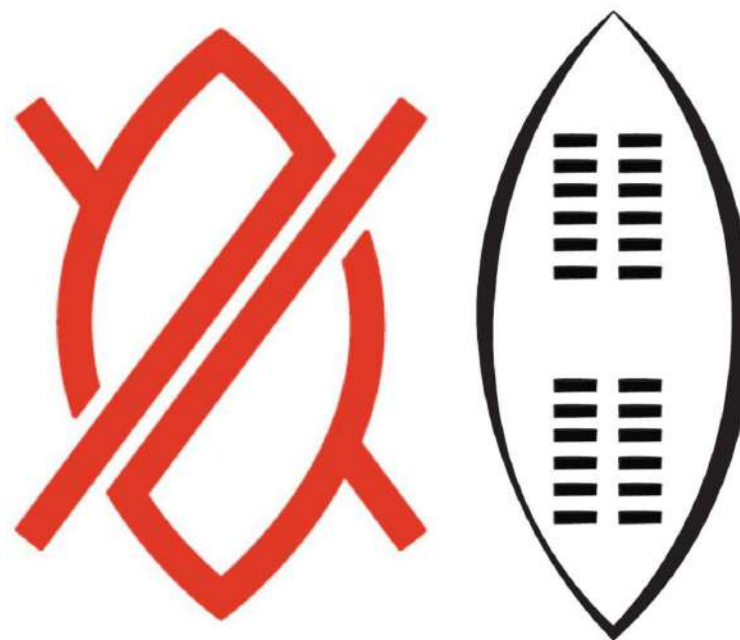
ABOUT
DEFENDDEFENDERS

Established in 2005, DefendDefenders (East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of human rights defenders (HRDs) throughout the sub-region by reducing their vulnerability to the risk of persecution and enhancing their capacity to effectively defend human rights. DefendDefenders focuses its work on Burundi, Democratic Republic of Congo, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia/Somaliland, South Sudan, Sudan, Tanzania, and Uganda.

DefendDefenders serves as the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousands of members consisting of individual HRDs, human rights organisations, and national coalitions that envision a subregion in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

DefendDefenders also serves as the secretariat of AfricanDefenders (thePan-AfricanHumanRightsDefendersNetwork).AfricanDefenders aims to coordinate activities in the areas of protection, capacity building, and advocacy across the African continent, supporting the five sub-regional networks: the North Africa Human Rights Defenders Network (Tunis, Tunisia), the West African Human Rights Defenders Network (Lomé, Togo), the Southern Africa Human Rights Defenders Network (Johannesburg, South Africa), the Central Africa Human Rights Defenders Network (Douala, Cameroon), and the East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) (hosted by DefendDefenders in Kampala, Uganda).

AfricanDefenders leads the continental "Ubuntu Hub Cities" initiative, a holistic emergency protection and relocation programme for HRDs at risk across Africa, through its motto: "Safe but not Silent." Relocation ensures the physical and mental wellbeing of HRDs, while enabling them to continue their work.



A woman with curly hair is the central focus, holding a megaphone to her mouth. She has a serious expression. The background shows other people at a protest, with some holding signs. One sign in the background has the words "CHANGE", "SO SHO", and "FACT" visible. The entire image is overlaid with a red color filter.

03.

FOREWORD



Hassan Shire
Executive Director, DefendDefenders
Chairperson, AfricanDefenders

75 years ago, on 10 December 1948 the United Nations General Assembly proclaimed the Universal Declaration of Human Rights (UDHR), a common standard of achievement for all people and nations to strive to promote respect for human rights and fundamental freedoms. The UDHR went on to pave way for the development of several regional and international human rights standards including the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders (HRD Declaration) which marks 25 years since its adoption on 9 December 1998.

The founding and fundamental text of the UDHR, intended to be universal, is a bedrock for the protection of human rights. However, a foundation cannot exist on its own: that is why the effective implementation of these rights relies on the work of human rights defenders (HRDs). Consequently, the work of DefendDefenders and AfricanDefenders is part of this short, medium, and long-term support in Africa to realise the aspirations of these crucial human rights instruments. Only when we recognise and respect inherent human dignity and the equal and inalienable rights of all can we achieve freedom, justice and peace in the world.

On the downside, despite 75 years of recognition of these fundamental rights and 25 years of recognition of the responsibility of individuals and civil society organisations (CSOs) in defending these rights, human rights violations

and abuses continue unabated. The worrisome situation of HRDs and closing civic space persists in many places, and the breakdown of conflicts makes the work of rights protection even more complex. Nonetheless the fight we have been waging for all these years has allowed many HRDs to continue their work despite the threats, and to work to reclaim civic space in a perspective of the fulfillment of fundamental freedoms and rights.

National, regional, and international mechanisms based on the principles of the UDHR must continue to be strengthened to ensure that everyone including HRDs who are targeted by state and non-state actors opposed to these universal principles, receive protection and support that is both dignified and effective. I further urge that we all pledge and commit to advancing the protection and promotion of human rights enshrined in the UDHR.

The commemoration of these milestone instruments invokes a profound sense of pleasure and satisfaction. My presence in Paris, France to witness the signing of the HRD declaration in December 1998, at the global summit of HRDs, granted me the privilege to observe the remarkable and transformative journey that has unfolded for the human rights movement from that momentous occasion to the present day. This report reflects that journey starting from the proclamations of these instruments to their impact on the work of HRDs. Additionally, it reflects on individual/ collective efforts and strategies to further strengthen promotion and protection of human rights.

I invite you to turn the pages.

LL NOT TURN
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STORES
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PHANSI!!!!

04.

EXECUTIVE
SUMMARY

This comprehensive study delves into the historical context of human rights in Africa, evaluating the profound impact of the Universal Declaration of Human Rights (UDHR) and the UN HRD Declaration on the journey of Human Rights Defenders (HRDs) on the continent, 75 years and 25 years after their inception, respectively. The study also sheds light on the pivotal roles played by protection-focused organisations such as DefendDefenders and AfricanDefenders.

The UDHR, a pioneering universal rights framework, has transcended its historical significance to inspire over 70 regional and international human rights treaties. Its global influence is evidenced by its incorporation into national constitutions and legislation across diverse nations. Complementing the UDHR, the HRD Declaration, born in 1998, stands as a cornerstone recognising and legitimising the indispensable work of HRDs, emphasizing their critical need for protection.

However, the impact of the HRD Declaration remains uneven, with a persistent gap between rhetoric and reality. While positive developments such as legal reforms, protection mechanisms, and heightened visibility have emerged, the challenges faced by HRDs, including violence and repression, endure. Bridging this gap necessitates concerted efforts to translate the Declaration's principles into tangible protections, aligning with binding human rights standards and addressing the evolving dynamics of activism in an interconnected world.

Notably, the inclusive definition of HRDs within the Declaration has broadened the understanding of those entitled to protection, encompassing individuals across various rights and profiles. This expansion widens the scope of those benefiting from its principles.

The study also underscores the profound influence of the UDHR and HRD Declaration on regional human rights mechanisms, particularly the African Charter on Human and Peoples' Rights (African Charter).

Adopted in 1981, the Charter serves as a regional framework for safeguarding individual and collective rights, with the African Commission on Human and Peoples' Rights (African Commission) playing a pivotal supervisory role.

The HRD Declaration's undeniable benefits include influencing the adoption of progressive legal frameworks globally. Illustratively, West African nations such as Côte d'Ivoire, Burkina Faso, Mali and Niger have established national legal frameworks with specific provisions dedicated to protecting HRDs, underscoring the Declaration's pivotal role in shaping legal landscapes.

In response to the persistent threats faced by HRDs, DefendDefenders was established in 2005, recognising their vulnerability and complex challenges. The study outlines ongoing challenges, including risks, threats, and restrictions imposed by African governments, leading to the establishment of protective initiatives such as the Ubuntu Hub Cities.

While the HRD Declaration has influenced progressive legal frameworks globally, challenges persist. The gap between rhetoric and action is evident as HRDs face risks, threats, and challenges to their work. The study emphasizes the need for tangible mechanisms and the enforcement of existing legal frameworks.

Looking forward, the study suggests a multi-faceted approach, emphasizing the independence and funding of National Human Rights Institutions (NHRIs), the continued dissemination of the HRD Declaration, compliance with human rights decisions, and a bottom-up approach inspired by the UDHR. Political will is essential for implementing these recommendations, ensuring the rule of law, human rights, and dignity prevail.

In the coming years, concerted efforts from HRDs, civil society, and the international community will play a pivotal role in fostering a world where human rights are prioritized over power dynamics.



05.

METHODOLOGY

This report is the culmination of extensive desk research and field research over 10 months. By employing qualitative research methods, our methodology deeply explores the evolution of the human rights system from the inception of the UDHR to the present day. It also scrutinizes the prevailing trends and issues impacting HRDs, acknowledging the challenges persisting despite key legal frameworks, including the UDHR and the UN HRD Declaration.

To enhance our analysis, we utilised both a questionnaire and in-person interviews. Formal interviews were conducted in Bishoftu, Ethiopia with 20 leaders of African human rights movements representing thousands of HRDs in the continent. African Defenders convened key stakeholders in Bishoftu to address emerging challenges and trends affecting HRDs. The interviews drew from a wealth of experience represented from various African regions. Additionally, 12 respondents participated in completing the questionnaire, providing valuable insights into how the UDHR and the HRD declaration influenced the establishment of sub-regional networks and national coalitions. Their responses illuminate the pivotal role played by these networks and coalitions in addressing protection gaps.

Moreover, to capture personal narratives and nuanced experiences, we conducted four interviews with HRDs to showcase defenders' stories illustrating the impact of

these instruments on their work. We extend our sincere gratitude to all those who participated in the interviews and completed the survey.

Additionally, this report incorporates secondary source materials, including recommendations from human rights treaty mechanisms and relevant policy documents. Furthermore, we draw upon a diverse array of legal works, such as books, journals, reports, and articles, to analyze concepts, and illustrate our arguments.

Limitations

Despite our best efforts to be comprehensive, objective, and accurate, this report has its limitations. First, it does not aim to provide an exhaustive review of the impact of the UDHR and the HRD declaration on HRDs. Conducting a systematic analysis of the full impact of these instruments would have exceeded the necessary scope of this report.

In our examination of select cases to illustrate trends in HRD violations in the region, our coverage is not exhaustive. The report underscores regional violations by presenting a few illustrative examples, acknowledging the inherent limitations in presenting a comprehensive overview.

Methodology



Formal interviews

with 20 leaders of African human rights movements representing thousands of HRDs in the continent in Bishoftu, Ethiopia



Questionnaire

with 12 respondents



Secondary source materials

including recommendations from human rights treaty mechanisms and relevant policy documents.

Limitations



Incomplete HRD impact analysis.



Trends illustrated, not exhaustive.



06.

INTRODUCTION

2023 marks the 75th anniversary of the Universal Declaration of Human Rights (UDHR).¹ It also marks the 25th anniversary of the United Nations (UN) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on human rights defenders (HRD Declaration).²

While the principles of the UDHR and the HRD Declaration remain relevant, it is important to reflect on their impact and potential gaps between their promises and the reality on the ground.

While the two declarations have inspired the establishment of a number of regional and international human rights instruments and mechanisms, issues persist globally that limit the full enjoyment of universal rights. In its annual report for 2022, Freedom House reported that eight in every ten people around the world live in either “partly free” or “not free” societies, where human rights violations are rampant.³ HRDs also continue to face physical and online threats and risks in relation to their work. In 2022, Front Line Defenders recorded 401 murders of HRDs globally.⁴

The present study seeks to situate the UDHR and the HRD Declaration within the historical quest for human rights in Africa, while evaluating the journey travelled on this course since their proclamation. It also seeks to highlight the impact of the two instruments on the work of DefendDefenders (East and Horn of Africa Human Rights Defenders Project) (DefendDefenders) and AfricanDefenders (Pan-African Human Rights Defenders Network) as protection-centred organisations for HRDs, and on the emergence of other national and regional coalitions of HRDs plus networks, as complimentary systems that seek to give the instruments life in Africa.

This report introduces the legal background and the historical evolution of human rights. It discusses the evolution of East and Horn of Africa Human Rights Defenders Network (EHAHRD-Net) and subsequently DefendDefenders as the Network’s secretariat, detailing its milestones. Further, it highlights the growth and critical role of AfricanDefenders, national coalitions of HRDs and sub regional networks in advancing the cause of human rights in Africa. Additionally, it showcases defenders’ stories illustrating the impact of these instruments on their work. Lastly, it addresses the challenges and opportunities HRDs may encounter in the evolving landscape of human rights advocacy, concluding with a discussion of the way forward and recommendations to strengthen support and protection of HRDs.

1 UN, ‘Universal Declaration of Human Rights,’ 10 December 1948, <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>, Accessed 1 February 2023.

2 OHCHR, ‘Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms’, 1998, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N99/770/89/PDF/N9977089.pdf?OpenElement>, Accessed 1 February 2023.

3 Freedom House, ‘Freedom in the World 2022’, February 2022, https://freedomhouse.org/sites/default/files/2022-02/FIW_2022_PDF_Booklet_Digital_Final_Web.pdf, Accessed 1 February 2023.

4 Front Line Defenders, ‘Global analysis 2022,’ 4 April 2022, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf, Accessed 1 February 2023.

A close-up portrait of a man with a beard and mustache, looking directly at the camera. He is positioned behind vertical metal bars, suggesting a prison or jail setting. The entire image is overlaid with a strong blue color filter. The man's expression is neutral and somewhat somber.

07.

BACKGROUND

The UDHR is widely considered a reference point in the global human rights discourse. Touted as “a common standard of achievement for all peoples and nations,” the UDHR set out basic civil, political, economic, social, and cultural rights that all human beings, without distinction, should enjoy. It is considered a watershed moment for human relations, which centred fundamental freedom and human rights as inviolable tenets at the heart of human conduct.

Proclaimed on 10 September 1948 and adopted by the UN General Assembly in resolution 217 A(iii) ⁵ on 10 December that same year, it came three years after the end of World War II, in which an estimated 50 - 80 million people died ⁶, bringing unprecedented human suffering around the world. It should never happen again.

Thus, in its second preamble, the declaration notes that *“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people....”*⁷ and proceeds to lay out a number of fundamental human rights that states must protect.

While several human rights instruments were adopted since, the UDHR was a pioneer in encapsulating a universal set of rights. Its historic and global significance is such that it has since been translated into over 500 languages globally and is the benchmark for over 70 other human rights treaties at the regional and international levels.⁸ The UDHR has also inspired regional human rights bodies

5 UN, ‘Universal Declaration of Human Rights’, 10 December 1948, [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217\(III\).pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_217(III).pdf), Accessed on 1 February 2023.

6 Holocaust encyclopedia, ‘World War II In depth’, <https://encyclopedia.ushmm.org/content/en/article/world-war-ii-in-depth>, Accessed on 1 February 2023.

7 UN, ‘Universal Declaration of Human Rights’, 10 December 1948, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>, Accessed on 1 February 2023.

8 Ibid

9 Un, ‘Declaration on human rights defenders’, 1998, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders#:~:text=The%20Declaration%20on%20human%20rights,Declaration%20on%20human%20rights%20defenders>), Accessed on 1 February 2023.

10 Ibid.

11 Universal Rights Group, ‘Transforming Universal Rights Into Local Reality’, 11 March 2019, <https://www.universal-rights.org/blog/the-un-declaration-on-human-rights-defenders-its-history-and-drafting-process/>, Accessed 1 February 2023.

12 Un, ‘Declaration on human rights defenders’ 1998, <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/declaration-human-rights-defenders#:~:text=The%20Declaration%20on%20human%20rights,Declaration%20on%20human%20rights%20defenders>), Accessed on 7 February 2023.

national constitutions and legislation.

One of the landmark instruments that were inspired by the UDHR is the HRD Declaration.⁹ Adopted by consensus by the UN General Assembly (resolution 53/144) ¹⁰ on 9 December 1998, on the eve of the 50th anniversary of the UDHR, the HRD Declaration is the first of its kind to recognise the importance and legitimacy of the work of HRDs and their dire need for protection. ¹¹

The Declaration identifies HRDs as people who, individually or in association with others, act to promote, protect, or strive for the protection and realisation of human rights and fundamental freedoms through peaceful means. It recognises their central role in the realisation of human rights as enshrined in the UDHR.¹² Importantly, it enshrines the concept of HRD and, as such, has been a reference for all those who defend human rights.

While not creating new rights (the HRD Declaration is a UN General Assembly resolution and, as such, does not contain binding legal obligations for states), the Declaration outlines specific rights that HRDs enjoy. These include the right to seek protection and realisation of human rights at the national and international levels, to conduct human rights work individually and in association with others, to form associations and non-governmental organisations (NGOs), to meet or assemble peacefully, to seek, obtain, receive and hold information relating to human rights, to develop and discuss new human rights ideas and principles, to submit to governmental bodies and agencies and organisations, to make complaints about official policies and acts, to offer and provide legal assistance, to attend

public hearings, proceedings and trials, to benefit from an effective remedy, to the lawful exercise of the occupation or profession of human rights defender, and to solicit, receive and utilise resources for the purpose of protecting human rights among others.¹³

At the turn of the new millennium, the UN's attention was focused on how to rally individuals, governments, and civil society organisations (CSOs) to implement the HRD Declaration, as a way of ensuring effective implementation of the UDHR. In a report to the UN Commission on Human Rights (at the time, the UN's principal organ in charge of human rights, now replaced with the UN Human Rights Council) in January 2000¹⁴, then UN Secretary-General Koffi Annan highlighted a set of recommendations from governments, NGOs, and other stakeholders on what should be done to realise effective implementation of the Declaration.

Among others, Annan called for; (a) the widespread dissemination of the Declaration in order to popularise it; (b) the incorporation of monitoring its implementation into existing United Nations mandates; (c) the establishment of a new United Nations mandate to monitor its implementation; (d)

the active promotion of the Declaration by the Secretary-General, the UN High Commissioner for Human Rights and the UN human rights mechanisms; and (e) the effective promotion and implementation of the Declaration by all member states.

Consequently, following the Secretary General's report and the recommendation by the UN Commission on Human Rights through resolution 2000/61,¹⁵ a new UN mandate on human rights defenders was established, and a UN Special Representative on human rights defenders was appointed to give it effect.¹⁶ The mandate, later renamed the UN Special Rapporteur on the situation of human rights defenders,¹⁷ seeks to promote the implementation of the HRD Declaration and to recommend strategies to better protect HRDs worldwide as frontline defenders and agents of the UDHR.

The UDHR and the HRD Declaration have a significant impact on regional mechanisms for the protection of human rights, by providing a framework for the development of regional human rights instruments and the strengthening of regional human rights bodies.

The adoption of the African Charter in 1981 marked a significant turning point for human rights in Africa, providing the continent with a distinct regional framework for safeguarding individual and collective rights.¹⁸ It introduced a comprehensive human rights framework for Africa, inspired by key UN human rights instruments, while maintaining its own regional identity. The Charter's creation of the African Commission on Human and Peoples' Rights (African Commission), in 1987, as its supervisory body signaled a commitment to address human rights violations on the continent.

In November 1998, over 100 African human rights activists from North, East, West, Central and Southern Africa attended the first All-African Human Rights Defenders Conference organised by Amnesty International in Johannesburg, South Africa.¹⁹ The conference focused on the threats faced by HRDs throughout the continent. It particularly highlighted dangers faced by women human rights defenders (WHRDs), the role of journalists, short and long-term protection methods, and the importance of setting up an Africa-wide network of HRDs.

The conference was held in response to nu-

¹³ Ibid.

¹⁴ UN, Peace, dignity and equality on a healthy planet. <https://www.un.org/en/global-issues/human-rights#:~:text=The%20Human%20Rights%20Council%2C%20established,body%20responsible%20for%20human%20rights.> Accessed on 7 February 2023.

¹⁵ ISHR, 'Commission on Human Rights resolution 2000/61', <https://ishr.ch/sites/default/files/article/files/CHR2000-61.pdf>. Accessed on 21 July 2023.

¹⁶ UN, 'Press Release SG/A/743HR/4491', 18 August 2000, <https://press.un.org/en/2000/20000818.sga743.doc.html>. Accessed on 21 July 2023.

¹⁷ UN, 'Special Rapporteur on the situation of human rights defenders', <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders>. Accessed on 9 November 2023.

¹⁸ Organization of African Unity (OAU), 'African Charter on Human and Peoples' Rights ('Banjul Charter')', 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), <https://www.refworld.org/docid/3ae6b3630.html> Accessed on 21 July 2023.

¹⁹ Amnesty International, 'Africa: First ever all Africa Human Rights Defenders Conference, Johannesburg', 27 October 1998, <https://www.amnesty.org/en/documents/afr01/006/1998/en/>. Accessed on 21 July 2023.

merous violations by African governments of the rights enshrined in the UDHR and the rights of those working to promote and protect human rights. HRDs highlighted that many governments in Africa were failing to live up to their domestic and international obligations to protect and promote human rights. This lack of commitment and accountability created an environment where HRDs faced threats and attacks and lacked adequate legal and institutional support. Additionally, governments in the region employed various measures to silence HRDs and restrict their work, including censorship, surveillance, intimidation, harassment, arrest and detention, and physical attacks, including enforced disappearances and extrajudicial executions.

HRDs who participated in the conference recognized the necessity of forming networks to address urgent threats. The collaborative approach facilitated quicker responses and mutual assistance during risky situations. The conference served as a platform for HRDs to exchange insights on monitoring and documenting human rights violations, creating protective measures, and establishing connections. It specifically delved into threats encountered by HRDs across the continent, emphasizing challenges for women's

20 African Union, 'GRAND BAY (MAURITIUS) DECLARATION AND PLAN OF ACTION,' 1999, https://archives.au.int/bitstream/handle/123456789/2058/Grand%20Bay%20Declaration_E.pdf?sequence=1&isAllowed=y, Accessed 4 August 2023.

21 African Commission on Human and Peoples' Rights, 'Grand Bay (Mauritius) Declaration and Plan of Action,' 1999, <https://www.achpr.org/legalinstruments/detail?id=39>, Accessed on 4 August 2023.

22 African Commission on Human and Peoples' Rights, 'Kigali declaration,' 2003, <https://www.achpr.org/legalinstruments/detail?id=39>, Accessed on 4 August 2023.

23 African Commission on Human and Peoples' Rights, 'Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa,' 2004, <https://www.achpr.org/specialmechanisms/detail?id=4>, Accessed on 4 August 2023.

24 Council of Europe, 'Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities,' 2008, https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d3e52, Accessed on 4 August 2023.

rights advocates and journalists, as well as short and long-term protection strategies.

The outcome of the conference had a substantial effect on enhancing coordination and support for defenders in the continent. Notably, it catalysed the establishment of the EHAHRD-Net in 2005. The formation of this network marked a significant step forward in strengthening collaboration among HRDs and bolstering their efforts to protect human rights.

The UN HRD Declaration also inspired instruments at the African level. These include the Grand Bay Declaration and the Kigali declaration which legitimised the work of HRDs on the continent. Adopted in 1999, the Grand Bay (Mauritius) Declaration and Plan of Action called upon the member states of the Organisation of African Unity (OAU), now known as the African Union (AU), "to take appropriate steps to implement the HRD Declaration in Africa."²⁰

In 2003, the Kigali Declaration reaffirmed the commitment to the objectives and principles contained in the Constitutive Act of the AU,²¹ and its commitment to the Grand Bay Declaration. It recognised the vital role that CSOs and HRDs play in the promotion

and protection of human rights in Africa. It called upon member states and regional institutions to "protect them and encourage the participation of CSOs in decision-making processes."²²

After several years of lobbying by African and international NGOs and support from the Special Representative of the UN Secretary-General on Human Rights Defenders, at its 35th Ordinary Session held in 2004, the African Commission adopted Resolution 69(XXXV)04 on the Protection of Human Rights Defenders.²³ This was in response to the grave risks faced by defenders in Africa and the need to create a specific instance within the Commission to examine, report and act upon information concerning the situation of HRDs on the continent.

In Europe, the European Union (EU) Foreign Ministers adopted EU Guidelines on Human Rights Defenders as a human rights priority in 2004. The Guidelines were later updated in 2008.²⁴ They provide practical suggestions for enhancing EU action in support of HRDs in EU Missions' contact with third countries at all levels, as well as in multilateral human rights fora such as the UN Human Rights Council. The Guidelines support and strengthen ongoing efforts by the EU to pro-

mote and encourage respect for the right to defend human rights. The Guidelines also provide for interventions by the EU on behalf of HRDs at risk and suggest practical means to support the HRDs.

UN efforts to encourage and support the creation of regional mechanisms are welcomed. However, there is a need for further normative, institutional, and procedural reforms to make the system more effective. HRDs globally, including in Africa, continue to face risks and threats, including reprisals for their legitimate work. It is against this background that in November 2005, more than 40 individuals and organisations working in Djibouti, Eritrea, Ethiopia, Kenya, Somalia and Somaliland, South Sudan, Tanzania, and Uganda formed the EHAHRDNet. The establishment of EHAHRD-Net was a direct outcome of an extensive field research conducted within the sub-region, which identified the vulnerability and complex challenges faced by HRDs, and the need for strong structures to promote and protect their work and well-being.²⁵

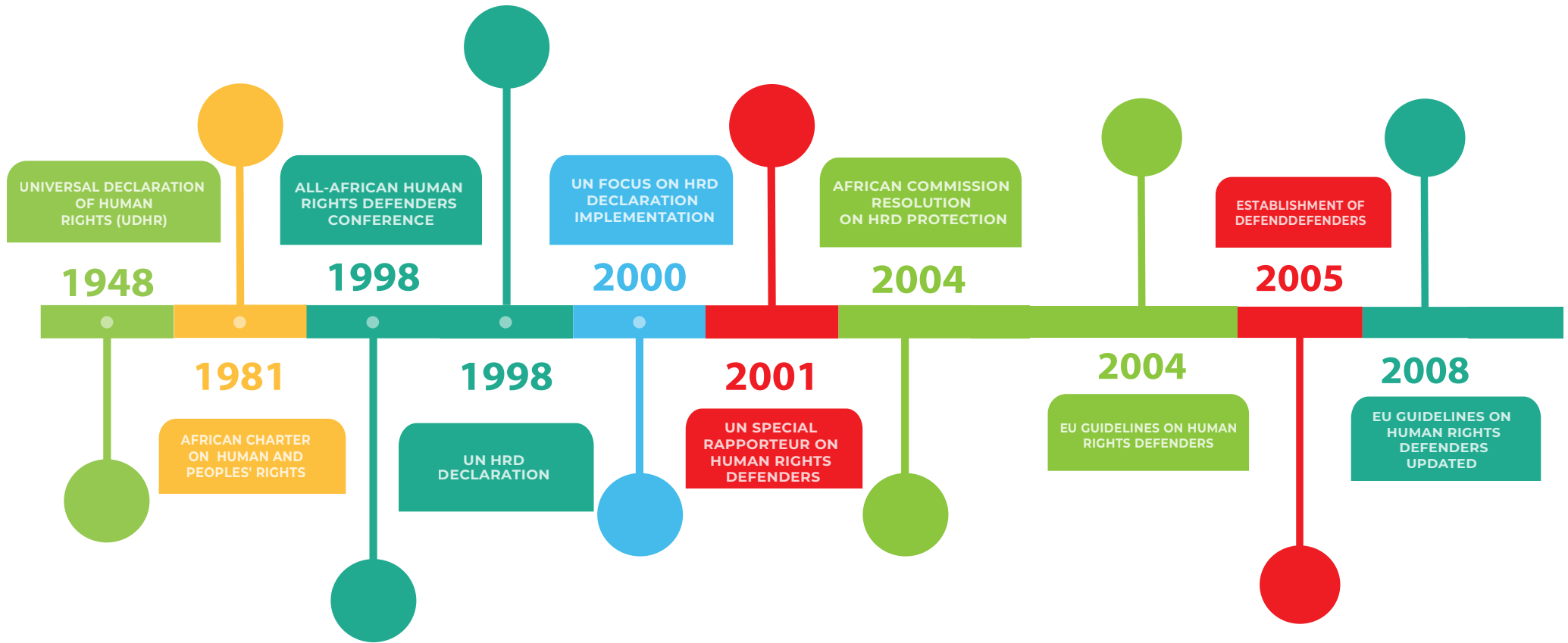
DefendDefenders,²⁶ the secretariat of the Network, was established to strengthen the work of HRDs in Africa by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. Since the formation of the EHAHRD-Net in 2005, the secretariat continues to implement its strategic vision in the areas of protection, capacity building, and advocacy and continues to advocate for a region in which the human rights of every citizen as stipulated in the UDHR are respected and upheld.²⁷

25 Hassan Shire et al. "Human-rights defenders in need of defense: A field report on the protection and effectiveness of Human-rights defenders in West and East Africa and the Horn," <https://www.defenddefenders.org/wp-content/uploads/2017/05/Human-rights-defenders-in-need-of-defense-A-field-report-on-the-protection-and-effectiveness-of-Human-rights-defenders-in-West-and-East-Africa-and-the-Horn-.pdf>, May 2017, Accessed on 4 August 2023.

26 DefendDefenders was known as the East and Horn of Africa Human Rights Defenders Project at the time.

27 Hassan Shire et al. "Human-rights defenders in need of defense: A field report on the protection and effectiveness of Human-rights defenders in West and East Africa and the Horn," <https://www.defenddefenders.org/wp-content/uploads/2017/05/Human-rights-defenders-in-need-of-defense-A-field-report-on-the-protection-and-effectiveness-of-Human-rights-defenders-in-West-and-East-Africa-and-the-Horn-.pdf>, May 2017, Accessed on 4 August 2023.

EVOLUTION OF KEY HUMAN RIGHTS FRAMEWORKS FOR PROTECTION OF HRDs



A woman with long, dark braids is the central focus, looking directly at the camera with a serious expression. She is wearing a dark, patterned top and a multi-strand necklace with large, round beads. The background is a blurred crowd of people, suggesting a public gathering or event. The lighting is warm and slightly dim, creating a somber or contemplative mood.

08.

**FINDINGS AND
ANALYSIS**

Evolution of the human rights landscape

While the UDHR is recognised for setting normative human rights standards, the comprehensive evolution of the UDHR and subsequent international human rights instruments is incomplete without a thorough examination of the historical context from which this framework emerged.

To start with, the immediate post-World War II era was characterised by a global landscape still dominated by colonial powers and the UDHR, a universal proclamation, was introduced in a world in which only 48 states were independent and sovereign.²⁸ As a result, the UDHR notably refrained from overtly denouncing colonialism as a violation of human rights.²⁹

However, by articulating the inherent rights of all individuals, regardless of nationality, race, or origin, the UDHR provided a moral and legal framework that empowered African nations to assert their right to self-determination.³⁰ For instance, in 1960, Patrice Lumumba highlighted the importance of self-determination in Africa as a fundamental human right, emphasising the UDHR in the struggle for independence.

He noted: *“Let [the West] today give proof of the principle of equality and friendship between races that its sons have always taught us as we sat at our desks in school, a principle written in capital letters in the Universal Declaration of Human Rights.”*³¹

The declaration’s emphasis on the right to participation in government and the importance of freely chosen leadership further bolstered the legitimacy of African nations gaining independence. As a result, the Declaration’s foundational principles aligned with the collective yearning for self-governance and the restoration of digni-

ty in the face of historical oppression.

The narrative of African independence movements was built upon the principles of justice, equality, and the restoration of dignity for all citizens. However, the first two decades following independence witnessed an unsettling paradox as many nations experienced a transition from liberation to governance marked by human rights violations.

Regrettably, the initial post-independence years unveiled a disheartening reality as authoritarian and one-party regimes, often led by military administrations, began to replace democratically elected governments or liberation struggle movements that achieved independence. These new regimes were responsible for widespread human rights violations. Political repression, suppression of dissent, and disregard for fundamental rights became commonplace across the continent.

“We (Africans) come from a deeply brutal and disruptive colonial legacy, even for the countries that were not colonised. The colonial era established a system to suppress alternative voices and opposition. The colonial powers carefully selected a ‘cherry leader’ who would be compliant, essentially superficially changing the existing oppressive structure.”
– Kenyan WHRD.

A few of the oppressive regimes were led by figures such as General Idi Amin in Uganda, Jean-Bedel Bokassa in the Central African Republic, Siad Barre in Somalia, Mobutu Sese Seko Kuku in what is now the Democratic Republic of Congo (DRC), Juvénal Habyarimana in Rwanda, and Francisco Macias Nguema in Equatorial Guinea, among others.

28 Oxford Public International Law, “Universal Declaration of Human Rights,” 1948, <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e887?prd=EPI>. Accessed on 4 August 2023.

29 National Library of Medicine, “The Universal Declaration of Human Rights for a New Generation by Johannes Morsink,” 5 August 2023, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9362370/>. Accessed on 4 August 2023.

30 Eckel, Jan. “Human Rights and Decolonization,” 2010, doi:10.1353/hum.2010.0008. Accessed on 4 August 2023

31 Stearns, “Human Rights in World History,” 2022, <https://doi.org/10.4324/9781003325505>. Accessed on 4 August 2023.

"After independence most African leaders repressed any voices that were not conformists."

-Ethiopian HRD.

Against a background of strife and warfare across Africa,³² starting from the 1960s, a series of internal conflicts swept across the continent. For instance, Chad (1965-1979), Angola (1975-2002), Liberia (1989-2003), Nigeria (1967-1970), Somalia (1991 to date), and Sierra Leone (1991-2001) were affected by violent conflict, causing millions of deaths. Africa has also experienced inter-state conflict such as the war between Ethiopia and Somalia (1977-1978) and the 1978 conflict between Uganda and Tanzania among others.

Beyond the declaration: Africa's journey from liberation to human rights challenges

Post-colonial conflicts had a tremendously negative impact on human rights. They also contributed to the continent's high numbers of refugees and internally displaced persons (IDPs). During this period, CSOs and HRDs played a critical role in advancing human rights and holding governments accountable for their actions despite facing risks and threats.³³

However, despite the adoption of the HRD Declaration, HRDs continued to face challenges. This section looks at the gap between the Declaration's theoretical promises and its practical impact.

The Declaration undeniably brings about several benefits. One of its most notable achievements is its influence on the adoption of progressive legal frameworks in various countries. A clear illustra-

tion can be seen in West African nations such as Côte d'Ivoire, Burkina Faso, Mali and Niger, where national legal frameworks have been established with specific provisions dedicated to protecting HRDs.³⁴ These developments underline the significant role played by the Declaration in shaping legal landscapes.

Additionally, the Declaration's inclusive definition of HRDs has facilitated a broader understanding of those entitled to protection. Individuals across various rights and profiles now identify themselves as HRDs, expanding the scope of those benefiting from its principles.

"25 years ago, very few people identified themselves as HRDs. Today, there has been a quantum leap in that number. That is partly because of the declaration that gave them agency and legitimacy as an important group in our democratic space."

- South African HRD.

"The HRD Declaration, adopted unanimously at the UN General Assembly in December 1998, serves as an inspirational document for HRDs worldwide. It encourages HRDs to stand up, defend rights, and actively promote and protect the human rights of all people."

- Hassan Shire

Another notable achievement is the establishment of the mandate of the Special Rapporteur on HRDs. This role is integral to the protection and recognition of HRDs globally.³⁵ The Special Rapporteur's responsibilities encompass promoting the effective implementation of the Declaration on HRDs through cooperation and constructive dialogue with governments and other relevant actors. They also conduct thorough studies on trends, developments, and challenges related to the right to promote and protect human rights.

³² Aremu, Johnson Olaosebikan, "Conflicts in Africa: Meaning, Causes, Impact and Solution", 2010, file:///C:/Users/FatumaH/Downloads/ajol-file-journals_336_articles_69251_submission_prof69251-4009-145083-1-10-20110902.pdf, Accessed on 4 August 2023.

³³ International Affairs, "Is There a Civil Society in Africa?" 16 December 2022, <https://doi.org/10.1111/1468-2346.00018>, Accessed on 4 August 2023.

³⁴ ISHR, "Groundbreaking new law strengthens legal protection of human rights defenders", 16 January 2018, <https://ishr.ch/latest-updates/mali-groundbreaking-new-law-strengthens-legal-protection-human-rights-defenders/>, Accessed on 4 August 2023.

³⁵ OHCHR, "Special Rapporteur on human rights defenders," <https://www.ohchr.org/en/special-procedures/sr-human-rights-defenders/mandate>, Accessed on 4 August 2023.

Moreover, a positive trajectory can be observed in the empowerment WHRDs. Their increasing presence in political and social arenas highlights the progress in gender rights advocacy and recognition of the specific situation, including risks and threats, that WHRDs face. In addition, the struggle of HRDs working on issues of sexual orientation and gender identity and expression (SOGIE) has led to substantial recognition of their rights.

The strength of the HRD movement is not solely reliant on legal frameworks but also on resilience, technological advancements, and the reach of network communication. The interconnected world of social media and online platforms has facilitated global solidarity, rapid information dissemination, and increased pressure on states to address violations against HRDs.

The HRD Declaration stands as a testament to international commitment toward safeguarding those advocating for human rights. Nevertheless, its impact remains uneven, with a persistent gap between rhetoric and reality. While the Declaration has spurred positive developments such as legal reforms, protection mechanisms, and amplified visibility, the challenges HRDs face, including violence and repression, endure. To bridge this gap, concerted efforts are required to translate the Declaration's principles into tangible protection, aligning with binding human rights standards and addressing the evolving dynamics of activism in an interconnected world.

While it is not legally binding, the Declaration draws from legally binding human rights provisions, such as those outlined in the International Covenant on Civil and Political Rights (ICCPR).³⁶ The provisions of the HRD Declaration serve as a reminder of states' obligations under existing international law, but their practical enforcement remains a challenge.

The discrepancy between rhetoric and action is evident as HRDs continue to face risks and threats. While states have embraced the

rhetoric of protection, reality often falls short, emphasizing the need for more tangible and effective mechanisms. Moreover, in recent years, a growing number of states have openly challenged the use of the term "HRD" and specific protections for HRDs. China and Russia, for instance, have led efforts, including in the form of statements, amendments to resolutions, and explanations of vote at the UN Human Rights Council and UN General Assembly's Third Committee, to undermine the term "HRD" and the significance of the HRD Declaration.

Despite the Declaration's existence, reprisals, intimidation, threats, smear campaigns, arrest, torture, and even death continue to be disturbingly common occurrences for HRDs. This hostile environment shows the limitations of the Declaration's influence on states' behavior.

AFRICAN REGIONAL HUMAN RIGHTS MECHANISMS: UPHOLDING THE IDEALS, CONFRONTING THE LIMITATIONS.

The UDHR provides a foundational framework for several regional and international instruments and ultimately influenced the establishment of regional mechanisms for human rights protection. This section explores the impact of regional human rights mechanisms on HRDs in Africa, highlighting their achievements, limitations, and their role in shaping the human rights landscape on the continent.

The African Charter holds a pivotal role in promoting and safeguarding human rights across Africa. Its adoption emerged as a beacon of hope in a region that lacked a dedicated human rights instrument with a mandate encompassing protection of both individual and collective human rights.

To fulfill the African Charter's mandate, the Commission established

³⁶ OHCHR, 'International Covenant on Civil and Political Rights,' 16 December 1966. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>. Accessed on 5 August 2023.

special mechanisms,³⁷ including special rapporteurs on various thematic human rights issues which have enabled the Commission to have a better understanding of the degree to which human rights are upheld on the continent.³⁸

In addition to its own mandate, the African Charter has contributed to the establishment of complementary institutions, such as the African Court on Human and Peoples' Rights located in Arusha, Tanzania.³⁹ This Court, created through a protocol to the African Charter, has jurisdiction over cases and disputes related to human rights violations. It seeks to complement the African Commission's work by providing a judicial avenue for redress of human rights violations. Article 5(3) of the African Court Protocol provides that: "The Court may entitle relevant NGOs) with observer status before the Commission, and individuals to institute cases directly before it, in accordance with article 34(6) of this Protocol."⁴⁰

However, a significant restriction emerges as this entitlement is contingent upon a state making a declaration under this article. This requirement creates a potential hurdle for individual HRDs and NGOs seeking direct access to the Court, particularly when the alleged perpetrators are state parties. The dependency on states to make declarations may result in a scenario where certain cases involving human rights violations committed by state actors cannot be brought directly before the Court, limiting the avenues for redress.

The African Commission's pivotal decisions have touched upon a

wide array of rights, including civil and political rights, economic, social and cultural rights, the right to development, indigenous peoples' rights, women's rights, children's rights, and even rights-based responses to the Covid-19 pandemic. By issuing landmark decisions, the African Commission has not only contributed to legal jurisprudence but also fostered a culture of respect for human rights across the continent.⁴¹

To bolster the enforcement of human rights standards in Africa, supplementary mechanisms have been instituted alongside the African Commission. Institutions like national human rights institutions (NHRIs), the East African Court of Justice, the Community Court of Justice, and other sub-regional and economic courts,⁴² all contribute to the regional landscape of human rights enforcement within Africa.

However, despite these achievements, significant limitations persist. A major limitation is related to executive decisions from the AU Heads of States hindering the Commission's effectiveness in ensuring accountability for human rights violations. This predicament is exacerbated by the historical leadership of the AU, which has often been comprised of heads of state who themselves bear responsibility for grave human rights abuses. In such a context, the prospects for interstate condemnation of human rights violations appear exceedingly unlikely.⁴³

Furthermore, the African Charter contains numerous "claw back" clauses, which permit a state to limit the rights granted to the ex-

37 Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; a Special Rapporteur for Women's Rights; Special Rapporteur on Freedom of Expression and Access to Information, and the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa plays, Accessed on 1 September 2023.

38 Anazor-Ugwu., Jennifer N., Enforcement of Human Rights in Africa: A Case Study on the African Commission on Human and Peoples Rights," 21 July 2018, <http://dx.doi.org/10.2139/ssrn.3407770>, Accessed on 1 September 2023.

39 African court, <https://www.african-court.org/wpafc/>, Accessed on 1 September 2023.

40 African court, 'Declarations', <https://www.african-court.org/wpafc/declarations/#:~:text=The%20Court%20shall%20not%20receive.institute%20cases%20directly%20before%20it%2C>, Accessed on 1 September 2023.

41 Human Rights Watch, 'African Rights Commission's Work More Important Than Ever', 2 November 2022, <https://www.hrw.org/news/2022/11/02/african-rights-commissions-work-more-important-ever#:~:text=The%20Commission%2C%20in%20collaboration%20with,a%20Special%20Rapporteur%20for%20Women's>, Accessed 1 September 2023.

42 Southern African Development Community Tribunal, Economic Community of West African States Court of Justice, Common Market for Eastern and Southern Africa Court of Justice, West African Economic and Monetary Union Court of Justice, East African Community Court of Justice.

43 African Security Review, 'The impact of clawback clauses on human and peoples' rights in Africa', 22 July 2010, <https://www.tandfonline.com/doi/abs/10.1080/10246029.2009.9627561>, Accessed on 1 September 2023.

tent allowed by its domestic laws.⁴⁴ Critics argue that the claw back clauses effectively undermine the impact of the African Charter's provisions by affording member states what can be seen as excessive autonomy, potentially allowing them to infringe upon human rights with impunity. From this standpoint, these clauses enable limitations that are, in practice, almost entirely at the discretion of the member states. As a result, these claw back clauses can be viewed as a significant weakness in the African human rights system.⁴⁵

Moreover, in practice, many African leaders use the narrative of non-interference in internal affairs, sovereignty, and territorial integrity, as outlined in the AU Constitutive Act, resulting in a lack of condemnation of, and inaction against, human rights abuses in other member countries. This phenomenon, often referred to as the "solidarity of silence," perpetuated a culture of impunity and hindered the African Commission's ability to respond effectively to violations.⁴⁶

Given the Court's inaccessibility to individuals and NGOs due to the stringent requirements of Article 34(6), the African Commission remains the primary quasi-judicial mechanism available for victims and survivors of human rights violations and abuses, particularly in cases where national mechanisms prove ineffective. Consequently, the effectiveness of the African Commission in ensuring the implementation of human rights protections is dependent on the political will of the Executive Council.⁴⁷

The African Charter mandates state parties to provide periodic reports outlining their human rights situations, a fundamental requirement for assessing and monitoring the state of human rights in these nations. Irregular submissions of reports or, in some cases, the state parties' failure to comply with the Commission's reporting

requirements poses a significant concern for the African Commission. This recurrent issue is particularly concerning as it hampers the African Commission's ability to fulfill its mandate effectively. Inadequate funding is another operational challenge for the African Commission, exacerbated by the vast geographic scope of Africa.⁴⁸

The African Charter, despite its imperfections and challenges, has had a substantial impact on HRDs and the overall human rights landscape in Africa, especially on a continent where several national judicial systems are ineffective. By creating a regional framework that combines universal human rights principles with African values and priorities, the African Commission has played a vital role in shaping the discourse on human rights on the continent.

44 Aka, Philip C, "The Military, Globalization, and Human Rights in Africa," NYLS Journal of Human Rights, https://digitalcommons.nyls.edu/journal_of_human_rights/vol18/iss3/4, Accessed on 1 September 2023.

45 African Security Review, "The impact of clawback clauses on human and peoples' rights in Africa", 22 July 2010, <https://www.tandfonline.com/doi/abs/10.1080/10246029.2009.9627561>, Accessed on 1 September 2023

46 Aka, Philip C, "The Military, Globalization, and Human Rights in Africa," 2020, https://digitalcommons.nyls.edu/journal_of_human_rights/vol18/iss3/4, Accessed on 1 September 2023.

47 Jennifer Anzor, "Enforcement of Human Rights in Africa: A Case Study on the African Commission on Human and Peoples Rights," 21 July 2018, <http://dx.doi.org/10.2139/ssrn.3407770>, Accessed 1 September 2023.

48 Ibid.

A photograph of a person with a bandana covering their mouth, set against a cityscape background. The image is overlaid with a teal color filter. The person is looking upwards and to the right. The bandana has a paisley pattern. The cityscape in the background shows buildings and a clear sky.

09.

**NATIONAL
MECHANISMS**

While international and regional mechanisms can provide valuable support and advocacy for HRDs, it is national mechanisms that have a direct impact on their safety and well-being. These national mechanisms encompass national laws and policies, human rights and other relevant institutions, and judicial systems.

National laws and policies that recognise and protect the rights of HRDs are foundational for their protection. These legal frameworks provide HRDs with a secure footing to carry out their work without the constant fear of persecution. Moreover, these mechanisms often establish reporting channels for HRDs to document and report threats and harassment promptly. The effectiveness of these legal protections, however, hinges on the political climate and the commitment of governments to uphold them.

“The gap between regional frameworks and national frameworks in the region is concerning. It is crucial that we focus our efforts on improving the support and protection for HRDs in this context by adopting a national human rights law and strengthening national human rights institutions.”
– Ethiopian HRD.

An impartial and independent judiciary is indispensable for HRD protection. Courts

play a crucial role in holding perpetrators of violence and harassment against HRDs accountable. Access to fair and impartial legal proceedings not only ensures justice but also acts as a deterrent against further violations. The strength of the judiciary in upholding HRDs’ rights is pivotal for their overall protection.

National human rights institutions

The UDHR has had a significant impact on the establishment and functioning of NHRIs worldwide. The principles and values enshrined in the UDHR provide a basis for the work of NHRIs, guiding them in their efforts to safeguard human rights domestically.

In some countries, NHRIs have a mandate to investigate complaints related to human rights violations, including those against HRDs. These functions are in accordance with the Paris Principles, a set of guidelines known as the ‘Principles Relating to the Status of National Human Rights Institutions.’ These principles establish the minimum criteria that NHRIs must adhere to in order to be deemed credible and effective. The Paris Principles dictate that “a national institution should be empowered to advance and safeguard human rights.”⁴⁹

NHRIs form an essential component of the framework for safeguarding human rights. In Africa, 34 NHRIs have been established. Out of these, 27 countries fully comply with the Paris Principles, while 7 countries partially comply and hold B status.⁵⁰ One of the fundamental criteria for an effective NHRI is a clearly defined, broad-based human rights mandate. NHRIs must have the authority to address a wide range of human rights issues. The Paris Principles also underscore the necessity of independence from the government to ensure impartiality and prevent political interference.

In October 2018, during the 13th Global Alliance of National Human Rights Institutions (GANHRI) international conference in Marrakech, the Marrakech Declaration was adopted.⁵¹ This crucial document underscores a global commitment by NHRIs to expand civic space and promote and protect HRDs, with a specific focus on WHRDs. The Declaration addresses unique challenges faced by WHRDs, expressing concerns about escalating physical attacks, including sexual violence and killings against HRDs. It also acknowledges apprehensions about the shrinking civic space and pervasive threats worldwide. In response, GANHRI and participating NHRIs developed a 25-point roadmap, offering concrete recommendations to protect defenders against intimidation, harass-

49 OHCHR, ‘20 years guiding the work of National Human Rights Institutions’, 30 May 2023, <https://www.ohchr.org/en/stories/2013/05/paris-principles-20-years-guiding-work-national-human-rights-institutions>, Accessed on 1 September 2023.

50 GANHRI, ‘As of April 2023, GANHRI is composed of 120 members: 88 ‘A’ status accredited NHRIs and 32 ‘B’ status accredited NHR’, 26 April 2023, <https://ganhri.org/membership/>, Accessed on 1 September 2023.

51 GANHRI, ‘The Marrakech Declaration’, 12 October 2018 https://ganhri.org/wp-content/uploads/2019/11/Marrakech-Declaration_ENG_-12102018-FINAL.pdf, Accessed on 30 November 2023.

ment, violence, discrimination, and threats. Emphasizing cooperation, training, awareness, positive narratives on human rights, gender equality promotion, and strategies against discrimination. The Marrakech Declaration represents a significant advance in fortifying civic space and safeguarding the vital work of HRDs.

Consequently, to follow up on the Marrakech Declaration, DefendDefenders and African-Defenders convened a consultation in December 2022,⁵² between NHRIs and CSOs in Africa to build synergy between AfricanDefenders and NHRIs to enhance protection of HRDs and civic space. Some of the key outcomes include fostering increased collaboration between NHRIs and HRDs networks for the establishment and efficient implementation of early warning and protection systems, and the need to strengthen capacities within NHRIs to monitor and document HRDs' rights violations, with a commitment to making findings public for transparency and evidence-based action.

According to the perspective of the former UN Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya, these institutions, along with their members and staff, can be recognised as human rights defenders. Their commit-

ment to promoting and protecting human rights marks a significant contribution to the broader cause.⁵³

In many African countries, NHRIs have faced challenges in maintaining both a broad mandate and independence. Threats to independence are due to government influence, which can hinder NHRIs' effectiveness in addressing human rights issues impartially. Some African NHRIs have been established primarily for window-dressing and to preempt both domestic and international pressure. Other NHRIs are granted only restricted authority, influenced to remain silent by the executive branch, or coerced into acting as a platform for government viewpoints. When those in power exert control over the appointment of commission members, it can result in commissioners who are compliant and indebted, lacking both a background in and genuine interest in human rights.⁵⁴

Beyond their institutional mandate, the effectiveness of NHRIs also depends on the integrity, ability, and commitment of their leadership. While some African NHRIs were initially established to appease international criticism, others have evolved into credible human rights actors.⁵⁵ However, in some cases, NHRIs that challenged governments

have been dissolved and replaced with impressionable institutions, or have seen their mandate restricted, highlighting the ongoing struggle for independence and credibility.

Additionally, the Paris Principles emphasise the need for NHRIs to have adequate resources, including both financial and human resources. Several expert accounts point to the chronic under resourcing of African NHRIs.⁵⁶ They often operate with limited budgets and staff shortages, making it difficult to carry out their mandated functions effectively. Furthermore, these institutions face difficulties retaining top employees, who are often enticed by better-paying positions in other sectors. This brain drain has implications for the institutional memory and expertise of African NHRIs.

To execute their mandates seamlessly, NHRIs must have an appropriate organisational structure and a diverse staff with professional skills and knowledge of human rights. The absence of solid infrastructure and competent personnel can hinder their ability to investigate violations, conduct research, educate the public, promote international human rights treaties, ensure alignment with international norms, and investigate complaints effectively.

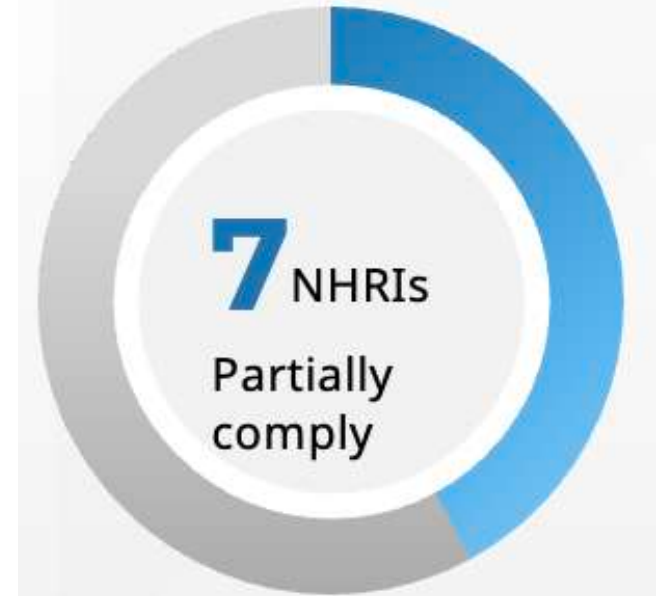
52 AfricanDefenders, "The Accra NHRIs and HRDs Declaration," 9 December 2022, <https://africandefenders.org/nhrishrdsdeclaration/>. Accessed on 30 November 2023.

53 UN Human Rights Council, "Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya," 16 January 2013, <https://digitallibrary.un.org/record/742868>. Accessed 29 November 2023.

54 Human Rights Watch, "Protector, or pretenders? 2001," <https://www.hrw.org/reports/2001/africa/overview/summary.html>. Accessed on 1 September 2023.

55 International Human Rights Monitoring Mechanisms, National Human Rights Institutions, 01 January 2009, <https://doi.org/10.1163/ej.9789004162365.i-728.337>. Accessed 1 September 2023.

56 UNDP, "Study on the State National Human Rights Institutions (NHRIs) in Africa," 3 November 2016, <https://www.undp.org/africa/publications/study-state-national-human-rights-institutions-nhris-africa>. Accessed 1 September 2023.



The Role of civil society organisations in enhancing protection for human rights defenders

The spirit of the UDHR and the UN HRD Declaration has inspired the formation and critical role of CSOs in Africa. The two instruments serve as foundational frameworks that resonate with the work of CSOs which play a central role in advocating for advancement of human rights. CSOs are a bridge between broader society including HRDs and governments offering critical support including legal assistance to survivors of human rights violations. They also raise awareness about the challenges faced by respective communities while offering solutions to address them. Additionally, CSOs often function as watchdogs, exerting pressure on governments to respect human rights while holding them accountable when these rights are abused and violated. This complementary effort of CSOs reinforces the protection and promotion of human rights on the ground.

In circumstances where the protective mechanisms, encompassing international, regional, and national frameworks, fall short in ensuring the safety of HRDs, HRDs turn to CSOs to fill the protection gap.

10.

THE GENESIS OF DEFENDDEFENDERS

The HRD Declaration stands as a landmark instrument, uniquely legitimising the indispensable work of HRDs. Notably, it serves as the cornerstone upon which organisations such as DefendDefenders alongside its networks and national coalitions, have built their missions.

In this section, drawing on the case of DefendDefenders and African Defenders, the research highlights the organisation's significant contributions to enhancing HRDs' resilience and protection.

DefendDefenders

DefendDefenders was founded in 2005 as the East and Horn of Africa Human Rights Defenders Project with a primary goal to strengthen the work of HRDs in the sub-region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. It was founded following extensive research that sought to identify the most pressing unmet needs of HRDs in East and West Africa particularly regarding personal security and effectiveness.⁵⁷ The research identified the following key findings:

(1) Insufficient collaboration among the human-rights organisations, especially among neighbouring countries did not

favor HRDs who fled repressive regimes hence forcing them to leave their region and go to Europe or the Americas. As a result, institutions lost their most experienced HRDs. (2) The effectiveness of HRDs as well as their vulnerability is greatly limited by resource constraints. (3) HRDs required knowledge development and skill training, especially on human rights instruments and mechanisms as well as crisis management, particularly under repressive regimes. (4) The efforts of local and national HRDs need to be supplemented by those of the wider international community.

To address these key findings, DefendDefenders' work has to date focused on protection and security management, capacity building, technology development, as well as advocacy, research, and communications.

DefendDefenders provides tangible support to HRDs, thereby enabling them to continue their work safely and effectively. For instance, DefendDefenders provided protection support to more than 6000 HRDs and their beneficiaries. This support has been instrumental in saving lives and preserving the physical and psychological well-being of HRDs and their families. The organisation's commitment to addressing emergency needs and mitigating risks and threats underscores its indispensable role in protect-

ing HRDs within the sub-region.

In addition to immediate protection support, DefendDefenders prioritises enhancing the capacity and resilience of HRDs operating in challenging contexts. This comprehensive approach not only equips HRDs with the necessary tools to navigate difficult situations but also contributes to their long-term sustainability in promoting human rights. DefendDefenders has trained more than 7195 HRDs over the years. Moreover, the organisation has succeeded in increasing the visibility of HRDs at risk in international advocacy fora, garnering global attention to their plight. DefendDefenders and African Defenders have supported more than 370 HRDs to conduct advocacy at the UN Human Rights Council (UN HRC) and the African Commission.

DefendDefenders supports the establishment of national coalitions of HRDs to coordinate protection, cooperation and collaboration of HRDs at national level. National coalitions are the first point of contact for HRDs when at risk. DefendDefenders has supported the establishment of eight coalitions, across East and Horn of Africa, which will be discussed in subsequent paragraphs.

The added value of DefendDefenders lies in its role as the secretariat of the EHAHRD-Net, its diverse network members offering

⁵⁷ Hassan Shire et al. "Human-rights defenders in need of defense: A field report on the protection and effectiveness of Human-rights defenders in West and East Africa and the Horn," <https://www.defenddefenders.org/wp-content/uploads/2017/05/Human-rights-defenders-in-need-of-defense-A-field-report-on-the-protection-and-effectiveness-of-Human-rights-defenders-in-West-and-East-Africa-and-the-Horn-.pdf>, May 2017, Accessed on 4 August 2023.

a wide range of expertise and networks across regions, and the complementarity of its components. The network including of eight national coalitions has synergized their efforts, ⁵⁸ resulting in improved implementation, increased outreach, and complementarity. This collaborative approach amplifies the impact of DefendDefenders and strengthens its ability to protect HRDs effectively.

provided protection support to more than

6000
HRDs



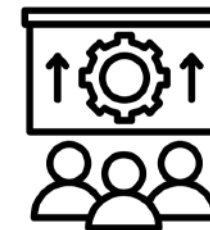
Supported more than **370**
HRDs to conduct Advocacy



East and Horn of Africa Human Rights Defenders
Project launch in 2005

trained over

7195
HRDs



⁵⁸ National Coalition of Human Rights Defenders Somali, Ethiopian Human Rights Defenders Center, South Sudan Human Rights Defenders Network, National Coalition of Human Rights Defenders – Burundi, National Coalition for Human Rights Defenders in Uganda, Defenders Coalition Kenya, Tanzanian Human Rights Defenders Coalition, and Sudan Defenders coalition.

AfricanDefenders

In April 2009, HRDs and regional and international stakeholders gathered in Kampala, Uganda for the 'All Africa Human Rights Defenders Conference' (Johannesburg +10).⁵⁹ The event aimed to take stock of the achievements made in the protection of HRDs since the first 'All Africa Human Rights Defenders Conference' held in Johannesburg, South Africa, in 1998. During the conference, HRD networks were identified as a very powerful tool to create a more enabling environment for HRDs. Furthermore, it identified that existing sub-regional HRD networks had been pivotal in enhancing the work of African HRDs. In this context, the establishment of a continental umbrella network that could help to coordinate and strengthen sub-regional efforts was seen as an essential step to enhance the protection and promotion of HRDs on the continent.

The Kampala Declaration of Human Rights Defenders, adopted at the conference on 23 April 2009, thus resolved to form a Pan-African Human Rights Defenders Network, to coordinate initiatives across the continent for the benefit of African HRDs, as specified in the Kampala Plan of Action (KAPA).⁶⁰ The secretariat of the Pan-African Human Rights Defenders Network, active under the name of AfricanDefenders, was established in

2011, to support sub-regional HRD networks by fostering collaboration, supporting strategic advocacy efforts, contributing to the protection of HRDs at risk, and highlighting the impact of their relentless work.

Special attention was paid to the challenges facing WHRDs, journalists fighting end of impunity and high-level corruption, HRDs working on issues of SOGIE, HRDs working on issues related to natural resource extraction and environment, and those operating in conflict zones, in restrictive legal environments, and under political oppression and repression.

HRD networks were recognised as powerful tools for creating a more favorable environment for HRDs in their legitimate work. Representatives from existing sub-regional networks in West Africa, Central Africa, and the East and Horn of Africa shared lessons learned, inspiring similar initiatives in Northern and Southern Africa. These sub-regional networks were credited with promoting the HRD concept, raising awareness about human rights, and facilitating information exchange to enhance HRD protection. This, in turn, bolsters advocacy efforts at national, regional, and international levels.

Ten years after the adoption of KAPA, it was necessary to reflect on the progress made

and design new strategies tailored to the trends and developments since Johannesburg +10. To do so, AfricanDefenders convened the AfricanDefenders Convention (Johannesburg+20) in June 2019 in Zanzibar, Tanzania.⁶¹ The Convention brought together HRDs from across Africa, more specifically representatives from the sub-regional HRD networks, national HRD coalitions, and steering Committee members. In addition, the Convention welcomed key stakeholders, including the Chairperson of the African Commission, the Special Rapporteur for HRDs in Africa, and the President of the African Court.

On 17 February 2023, the Kampala Plan of Action for Human Rights Defenders (KAPA +15) was adopted in Bishoftu, Ethiopia, as a revised version of KAPA+10.⁶² During the African Human Rights Defenders Convention, organised by AfricanDefenders, participants deliberated on the human rights situation across Africa, especially in light of the 25th anniversary of the HRD Declaration. They decried the increasing violations and killings of HRDs and reflected on progress made since the adoption of KAPA+10 in 2019.

⁵⁹ African Defenders, 'Kampala Declaration of Human Rights Defenders,' 23 April 2009, <https://africandefenders.org/wp-content/uploads/2018/12/Kampala-Declaration-ENG-FINAL.pdf>, Accessed on 4 August 2023.

⁶⁰ Ibid.

⁶¹ African Defenders, 'Kampala Declaration of Human Rights Defenders +10,' 14 June 2019, <https://africandefenders.org/wp-content/uploads/2019/12/KAPA10-English.pdf>, Accessed on 4 August 2023.

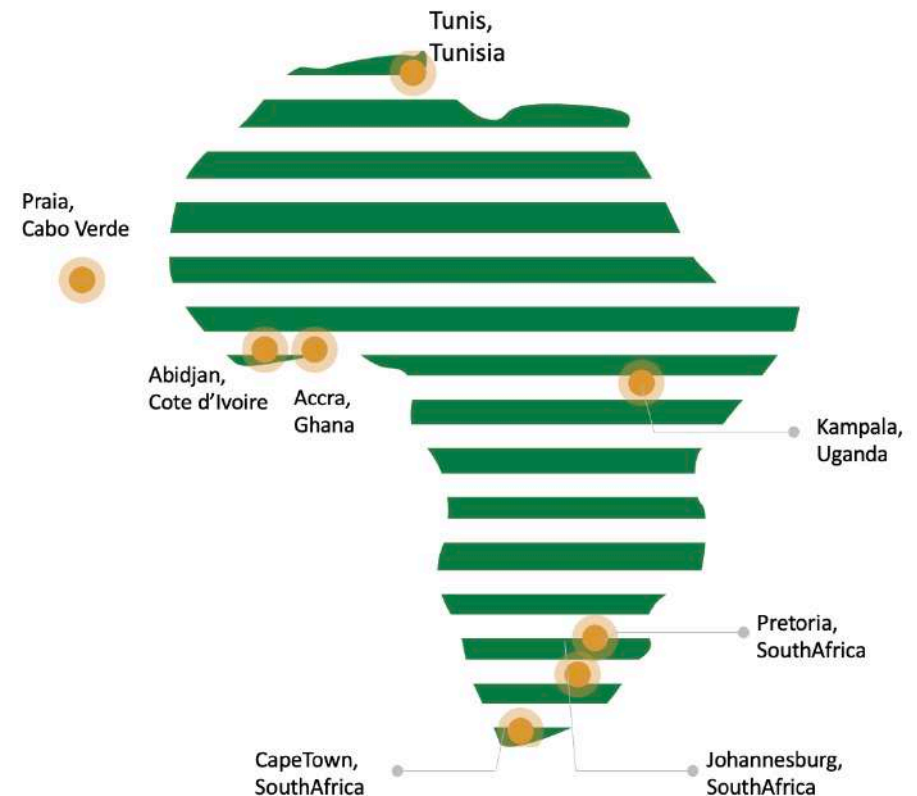
⁶² African Defenders, 'Kampala Declaration of Human Rights Defenders (KAPA +15),' 17 February 2023, <https://africandefenders.org/wp-content/uploads/2023/03/KAPA15-English.pdf>, Accessed on 4 August 2023.

To address one of the key findings of the ground research on HRD protection, that highlighted the fleeing of HRDs from repressive regimes to Europe and the America,⁶³ AfricanDefenders established the “Ubuntu Hub Cities” initiative a relocation program for HRDs at risk in the continent. It provides a temporary refuge for HRDs who face threats, violence, and extreme pressure due to their human rights work, ensuring their physical and mental well-being while allowing them to continue their crucial work. Through partnerships, this relocation also fosters opportunities for HRDs to learn, share experiences, positively impact host communities, and return home with enhanced capacities to promote and protect human rights. The Ubuntu Hub Cities initiative draws inspiration from similar “shelter cities” initiatives worldwide, enabling African HRDs to find temporary sanctuary within their own continent and connect with fellow HRDs facing similar challenges.

There are now eight hub cities, namely Kampala, Uganda, Abidjan, Côte d’Ivoire, Tunis, Tunisia, Johannesburg, Pretoria, and Cape Town, South Africa, Accra, Ghana, and Praia, Cabo Verde. Between 2019 and 2023 African Defenders directly hosted and supported more than 236 HRDs under its hub cities initiatives.

“African Defenders is a common continental platform for action which amplifies the voices of HRDs. This platform facilitates the mobilisation of thousands of HRDs, enabling them to unite and collectively oppose injustices. Additionally, the successful organisation of the African human rights movement is a significant achievement. With 54 countries in the continent where HRDs operate, the assurance that, in the face of challenges, there is someone to call and a responsive system in place to protect HRDs is a noteworthy achievement.”
- Hassan Shire

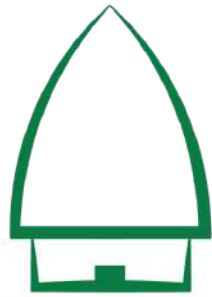
UBUNTU HUB CITIES



⁶³ Hassan Shire et al, "Human-rights defenders in need of defense: A field report on the protection and effectiveness of Human-rights defenders in West and East Africa and the Horn," <https://www.defenddefenders.org/wp-content/uploads/2017/05/Human-rights-defenders-in-need-of-defense-A-field-report-on-the-protection-and-effectiveness-of-Human-rights-defenders-in-West-and-East-Africa-and-the-Horn-.pdf>, May 2017, Accessed on 4 August 2023.

hosted and supported
more than

236



HRDs under UBUNTU
HUB CITIES



The African human rights defenders Convention in Ethiopia, 2023.

A photograph of a man in traditional Maasai attire, including a red shuka and a yellow beaded necklace, holding a wooden spear. He is standing in front of a thatched hut. The entire image is overlaid with a semi-transparent teal color.

11.

**ESTABLISHED NATIONAL
COALITIONS AND SUB
REGIONAL NETWORKS**

Established national coalitions and sub regional networks

The subsequent paragraphs explain in further detail the national coalitions of HRDs and sub-regional networks established and supported by DefendDefenders and AfricanDefenders to meet the protection needs of HRDs on the continent.

Sudan National Coalition for Human Rights Defenders

During the repression and crack down on CSOs by the Al Bashir regime, Sudanese HRDs under the leadership of DefendDefenders convened consultations aiming to not only develop strategic initiatives to build resilience of HRDs, but also develop a safety and solidarity network. The network was formalised after the 2019 revolution that took down Al Bashir regime. It then relaunched as the Sudan National Coalition for Human Rights Defenders (SudanDefenders) in June 2022, following the adoption of the Kampala Declaration.

On 21 September 2023, DefendDefenders and SudanDefenders successfully held a general assembly meeting in Kampala. The existence of this coalition at this critical time ensures critical support to Sudanese HRDs, several of whom are in exile following the outbreak of the civil war in April 2023.

DefendDefenders' leadership on highlighting the human rights crisis in Sudan achieved significant milestones, with the adoption of landmark resolutions at the UN HRC in 2019 and 2023. In 2019, the extension of the UN Independent Expert's mandate and support for a fully mandated UN Human Rights Office marked progress.⁶⁴ In May 2023, Resolution S-36/1 condemned human rights violations

linked to the 2021 military takeover and ensuing conflict.⁶⁵ Notably, the Human Rights Council's October 2023 adoption of Resolution A/HRC/RES/54/2 established an independent international fact-finding mission for Sudan, with a mandate to investigate and address alleged human rights violations and abuses in the context of the ongoing armed conflict since 15 April 2023.⁶⁶

"With the international community turning a blind eye to what has been happening in Sudan since 15 April 2023, a body like SudanDefenders still gives hope to the people of Sudan by enabling the HRDs community to continue their human rights work"
– Majid Maali.



Sudan National Coalition for Human Rights Defenders general assembly meeting

⁶⁴ DefendDefenders, "Sudan: new UN resolution offers hope, but human rights challenges remain," 27 September 2019, <https://defenddefenders.org/sudan-new-un-resolution-offers-hope-but-human-rights-challenges-remain/>, Accessed 30 November 2023.

⁶⁵ DefendDefenders, "The Human Rights Council breaks the international community's deadlock on Sudan," 11 May 2023, <https://defenddefenders.org/hrc-breaks-deadlock-on-sudan/>, Accessed on 30 November 2023.

⁶⁶ DefendDefenders, "A milestone for accountability in Sudan," 11 October 2023, <https://defenddefenders.org/milestone-for-accountability-in-sudan/>, Accessed on 30 November 2023.

Ethiopian Human Rights Defenders Center

The establishment of a national coalition of HRDs in Ethiopia dates to 2005, when Ethiopian HRDs who were present in Kampala, Uganda during the formation of EHAHRD-Net failed to return home following persecutions related to their human rights work in Ethiopia. On the strength of the election of Prime Minister Abiy Ahmed in April 2018, DefendDefenders carried out a series of assessments and research missions to understand the political context in the country following the gradual opening of civic space after more than two decades of restrictions.⁶⁷ From the findings, there was an evident need to address capacity gaps, strengthen networking and rebuild solidarity among Ethiopian CSOs. Several consultations ensued resulting in the formation and registration of Ethiopian Human Rights Defenders Center (EHRDC).

EHRDC was launched during DefendDefenders' annual flagship event, Claiming Spaces: Tactical Tools for Human Rights Defenders.⁶⁸ The forum provided a platform for HRDs to meet, network, celebrate their achievements, occupy newly open spaces at the national level, and build their capacity to conduct their work and protect themselves, including through enhanced physical and

digital security. EHRDC currently boasts a membership of more than 300 HRDs who are actively involved in advocacy, capacity-building, and protection. EHRDC stands as the sole organisation dedicated to supporting and safeguarding HRDs in Ethiopia. Over the past two years, EHRDC has engaged extensively with individual HRDs, journalists, and CSOs across the country.

“Under our advocacy initiatives, we promote an understanding of who HRDs are, their roles, their rights, and the importance of providing them with secure spaces. We also offer training and support to enhance the capacities of HRDs and cultivate young HRDs in various regions of the country. EHRDC provides protection and rehabilitation services to HRDs facing risks.”

– Yared Haillemariam, Executive Director

During these two years, EHRDC has forged valuable networks and partnerships with HRDs within the country, including the Ethiopian Women Human Rights Defenders Network and the Ethiopian Human Rights Defenders with Disabilities Network. They have engaged with over 500 HRDs at both individual and organisational levels and collaborated with various CSOs such as the Association for Human Rights in Ethiopia, Sarah Justice from All, Center for Advancement of Democracy, Ethiopian Human Rights Council, and Ethiopia's NHRI, the Ethiopian Human Rights

Commission. Through their capacity-building efforts, they have trained over 500 HRDs in areas such as digital and physical security, psychological well-being, first aid and trauma healing, basic human rights, and human rights advocacy. Additionally, the center has provided institutional support to six local CSOs, extended protection to more than 20 HRDs, and aided in case verifications. EHRDC also recognises grassroots HRDs and promotes their work to the public. Their advocacy activities have included efforts to champion the rights of HRDs in Ethiopia.

Over the past two years, EHRDC has published three assessments about human rights defenders in Ethiopia. The Center has also conducted pioneering research highlighting the challenges faced by HRDs operating in Ethiopia, identifying gaps in laws concerning HRDs and citizens, and presenting numerous recommendations to government officials, regional and international NGOs, CSOs, HRDs, non-state actors, and international entities. These recommendations have informed discussions with members of parliament and serve as a reference for speakers. Additionally, the center presented and discussed their research findings on law enforcement and judicial treatment of HRDs, detained journalists, and victims of sexual violence at the Federal Supreme Court.

⁶⁷ DefendDefenders, 'Turning the Page: Rebuilding Civil Society in Ethiopia,' April 2019, https://www.defenddefenders.org/wp-content/uploads/2019/05/Ethiopia_FINAL-REPORT.pdf, Accessed on 30 November 2023.

⁶⁸ DefendDefenders, 'Communiqué: Claiming Spaces for Ethiopian Human Rights Defenders,' 13 December 2019, <https://defenddefenders.org/communique-claiming-spaces-for-ethiopian-human-rights-defenders/>, Accessed 30 November 2023.

500



HRDS trained in

- Physical and Digital security
- Psychological well-being
- Advocacy
- Human Rights

20



HRDS benefited

from the protection programme

provided institutional support to

6

 CSOs

comprised of more than

300

members



Claiming Spaces for Ethiopian human rights defenders in 2019

National Coalition of Human Rights Defenders Somalia

Prior to the launch of the National Coalition of Human Rights Defenders Somalia (NCHRD-S), DefendDefenders, implemented an European Instrument for Democracy and Human Rights (EIDHR) project for three years with the overall objective of contributing to the protection and promotion of human rights in Somalia.⁶⁹

On 20 August 2015, DefendDefenders supported the establishment of the NCHRD-S in Hargesia, and legally established as a trust in Mogadishu, Somalia. Its primary objective is to enhance the capacity of HRDs in the country, reducing their susceptibility to persecution. This involves advocating for a more favorable legal and policy environment within Somalia/Somaliland.⁷⁰

This initiative stemmed from discussions with HRDs who believed that establishing a coalition was essential for engaging other defenders and responding promptly to cases. CSOs formalised their commitment through the signing of a Memorandum of Understanding and the consideration of a strategic plan of action, which would serve as a guiding framework for their future activities. They collectively pledged to collaborate to ensure the recognition and promotion of the

⁶⁹ DefendDefenders, 'Somalia/Somaliland: Human Rights Defenders Coalition Launched,' 20 August 2015, <https://defenddefenders.org/somaliasomaliland-human-rights-defenders-coalition-launched/>, Accessed on 30 November 2023.

⁷⁰ This report should in no way be construed as a tacit endorsement or promotion of Somaliland's claims to political independence. For the international community, from a legal and political point of view, Somaliland is a self-governing entity within the Federal Republic of Somalia. DefendDefenders focuses on human rights promotion and protection on the ground, irrespective of territorial claims or claims of statehood. Therefore, we solely focus on the roles, needs and challenges of HRDs operating in Somaliland, in the context in which they operate, without taking any position on Somaliland's status vis-à-vis the international community.

rights of human rights defenders.⁷¹

Coalition Burundaise des défenseurs des droits de l'homme (National Coalition of Human Rights Defenders – Burundi)

The Coalition burundaise des défenseurs des droits de l'homme (CBDDH) was triggered following the assassination of an HRD, Ernest Manirumva, on 9 April 2009. This served as a wake-up call for CSOs. It prompted them to unite in demanding justice and protection for HRDs under the banner of the “Justice for Ernest Manirumva” campaign. This tragic event occurred during a period of government hostility towards media and human rights activists. The campaign not only sought justice but also fostered mutual support in the face of threats and collaboration in advocacy efforts. Out of this spontaneous mobilisation, the coalition was born, with the government’s refusal to permit protests and reprisals against campaign organisers further solidifying activist unity. Approximately one hundred organisations joined this monthly campaign, held every ninth day.

Formally, in 2013, DefendDefenders supported the development of CBDDH, building

on existing initiatives.⁷² In December 2014, during DefendDefenders’ annual claiming spaces workshop in Bujumbura, Burundi, CBDDH was launched,⁷³ with a constitution and governance structures in place. The coalition began with 30 founding members and 11 subscribed to the Constitution by April 2015. Following the political crisis in Burundi in 2015, several HRDs fled the country which interrupted the functioning of the coalition forcing its secretariat to relocate to Uganda and operate in exile. As a result, since 2015, new memberships have been halted due to the secretariat and most members working in exile. However, from 2018, the general assembly decided to suspend new memberships for the security of existing members, particularly those operating from Burundi.

“The CBDDH draws on the provisions of the Declaration on Human Rights Defenders to proclaim the legitimacy of the work of HRDs. It is a tool that we use to demand the protection of HRDs and their working environment.”
– Burundian WHRD.

The coalition’s key activities encompass:

- Protecting HRDs at risk, including providing guidance for internal relocation and referrals to organizations offering emergency protection.
- Enhancing the capacity of HRDs both within the country and in exile.

- Advocating for the opening of civic space and respect for HRDs’ rights. This involves engagement with the Burundian government to address HRDs’ rights violations, advocating for the release of unlawfully detained HRDs, the rehabilitation of sanctioned HRDs, compliance with international principles, and the reinstatement of the Arusha Accord for Peace and Reconciliation Agreement.
- Advocacy efforts with the African Commission to create an enabling environment for HRDs’ work, with the UN Human Rights Council for the protection of HRDs in Burundi and for the restoration of the rule of law in the country, and with other regional and international actors.



Exiled Burundi HRDs convening to discuss about the UPR.

71 DefendDefenders, ‘Somalia/Somaliland: Human Rights Defenders Coalition Launched,’ 20 August 2015, <https://defenddefenders.org/somaliasomaliland-human-rights-defenders-coalition-launched/>. Accessed on 30 November 2023.

72 CBDDH, <https://www.burundihrdcoalition.org/>. Accessed on 1 October 2023.

73 DefendDefenders, ‘Closing Statement for “Claiming Spaces: Tactical Tools for Human Rights Defenders” Workshop held in Burundi,’ 42 December 2014, <https://defenddefenders.org/claiming-spaces-tactical-tools-human-rights-defenders/>. Accessed on 30 November 2023.

National Coalition for Human Rights Defenders in Uganda

The National Coalition for Human Rights Defenders in Uganda (NCHRD-U) was founded on 14 June 2013, following a convening by DefendDefenders with representatives from national CSOs.⁷⁴ During the convening over 50 HRDs from across Uganda contributed to developing the Coalition's vision, objectives, a plan of action and a declaration,⁷⁵ aimed at enhancing the protection and co-ordination of HRDs.

"The National Coalition for Human Rights Defenders Uganda presents a historic opportunity for HRDs to enhance their work. We call on the Ugandan government to recognize the legitimacy of HRDs, ensuring full respect for the principles outlined in the 1998 UN Declaration on Human Rights Defenders within national laws and mechanisms."

-Hassan Shire.⁷⁶

The formation of the NCHRDU was guided and advised by Margaret Sekaggya who was then the UN Special Rapporteur on the situation of Human Rights Defenders.

"In my experience as a human rights defender, I have witnessed the importance of networking, collaboration and synergy as an important vehicle which gives defenders a greater, unified and credible voice...It has led me to repeatedly recommend this as one of the best strategies for an effective human rights coalition. The formation of this coalition is a landmark that will ensure greater realisation of rights within Uganda".⁷⁷

Since 2013, NCHRD-U has played a vital role in bringing together HRDs across the country.⁷⁸ This coalition is guided by its General Assembly, from all over Uganda and meets annually to assess progress.

Starting with fewer than 48 members, the coalition has now grown to include 200 members, both individuals and organisations. The establishment of grassroots HRD sub-networks has contributed to this growth, driven by the Coalition's commitment to grassroots engagement and relevance even in challenging environments.

The NCHRD-U serves as a crucial platform for demystifying the concept of HRD and HRD work. It empowers HRDs to understand, demand, and defend their fundamental rights while advocating for human rights at national, regional, and international levels. The coalition offers emergency support and protection to HRDs facing threats or attacks, including relocation support for those working far from home. Additionally, it coordinates with the support of DefendDefenders its members' engagement with international and regional mechanisms, through reporting to, UN treaty bodies, such as the Human Rights Committee, and the Universal Periodic Review (UPR), and the African Commission. It also conducts annual assessments of the state of civic space in Uganda.

⁷⁴ DefendDefenders, "Declaration of National Coalition for Human Rights Defenders – Uganda," 14 June 2013, <https://defenddefenders.org/declaration-of-national-coalition-for-human-rights-defenders-uganda/>. Accessed on 30 November 2023.


⁷⁵ Ibid

⁷⁶ DefendDefenders, "Kampala: National Coalition for Human Rights Defenders-Uganda launched," 14 June 2013, <https://defenddefenders.org/kampala-national-coalition-for-human-rights-defenders-uganda-launched/>. Accessed on 30 November 2023.

⁷⁷ Ibid

⁷⁸ National Coalition of Human Rights Defenders Uganda. <https://hrdcoalition.ug/>. Accessed on 1 October 2023.

comprised of 
200
HRD members

provided protection
support to more than
307 
HRDs

built the capacity of more than
1341 
HRDS 



Claiming Spaces for human rights defenders in Uganda, 2020

South Sudan Human Rights Defenders Network

The network's inception was a response to the severe human rights challenges prevailing in the country, marked by ongoing conflict, violence, and widespread violations. In 2012, DefendDefenders convened a capacity building workshop which was facilitated by Community Empowerment for Progress Organisation (CEPO), a South Sudanese CSO. The workshop brought together about 45 HRDs from the various states of South Sudan to enhance their knowledge on how to engage with regional and international human rights mechanisms. During the workshop, HRDs made a call to establish a network in South Sudan under CEPO's interim leadership which would steer the process of formation.⁷⁹ DefendDefenders has since then provided technical expertise and support to empower the network and ensure it is independent and fully functional.

The South Sudan Human Rights Defenders Network (SSHRDN) was officially launched during the annual claiming spaces event in December 2013. It was registered as a non-governmental organisation and relaunched in 2019, with its secretariat in Juba South Sudan. The network works to advance and safeguarding the rights of HRDs South Sudan.⁸⁰ It has witnessed significant growth

in its membership, from 30 members to currently cover 80. This network plays a pivotal role in the promotion and protection of human rights in South Sudan, with several key responsibilities and activities: advocacy and lobbying, capacity-building, monitoring and documentation, and protection.

This network plays a pivotal role in the promotion and protection of human rights in South Sudan, with several key responsibilities and activities: advocacy and lobbying, capacity-building, monitoring and documentation, and protection.

SSHRDN successfully advocated and lobbied for the amendment of the National Security Service (NSS) Act of 2014. This Act contained problematic provisions that granted NSS operatives unchecked powers, allowing them to carry out arrests without a warrant based on mere suspicion. The National Constitution Amendment Committee, mandated by the Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan, drafted an amendment Bill for the NSS Act. This Bill incorporated significant amendments, addressing some of the problematic provisions. It was subsequently approved by the Council of Ministers and is now awaiting parliamentary review.

"While the UN Declaration on HRDs has undoubtedly had a positive impact on the work of human rights defenders' networks, it is important to note that challenges and threats to defenders persist. The SSHRDN has faced numerous challenges in carrying out its work due to the complex socio-political situation in South Sudan."

- South Sudanese HRD.

comprised
of 
80
HRD members

⁷⁹ DefendDefenders, "Opening remarks for Claiming Spaces 2013: Tactical Tools for HRDs in South Sudan," 9 December 2013, <https://defenddefenders.org/blog-opening-remarks-claiming-spaces-2013-tactical-tools-hrds-south-sudan/>, Accessed on 4 December 2023.

⁸⁰ South Sudan Human Rights Defenders Network, <https://sshrdn.org/#:~:text=SSHRD%20NETWORK&text=It%20is%20a%20coalition%20of,regional%20Human%20Rights%20Power%20Houses>, Accessed on 1 October 2023.



Claiming Spaces for human rights defenders in Juba, South Sudan, 2023

Tanzania Human Rights Defenders Coalition

The Tanzania Human Rights Defenders Coalition (THRDC) was established in 2010, following a convening of fourteen CSOs where the HRDs present identified the need to come together to mediate the various challenges faced by HRDs in Tanzania.⁸¹ It was agreed that a unified platform would strengthen the work of HRDs and address the issues pertinent to their work.

The following year in 2011, DefendDefenders supported a follow up meeting to strengthen the nascent THRDC and discuss its strategic direction. During the meeting, members approved a constitution to govern the Coalition's operation and signed a Memorandum of Understanding.⁸²

Two years later, in 2012, this coalition evolved into THRDC, officially registered under Tanzanian law. This registration conferred legal status upon the Coalition, granting it the ability to operate.

THRDC's registration marked the beginning of focused efforts to protect and promote HRDs' rights in Tanzania. Distinct from other CSOs and networks, THRDC's core mission revolves around the protection and promotion of HRDs' rights.

The Coalition's unique role and the pressing demand for HRDs' protection have made THRDC a highly sought-after entity. Its membership has grown significantly, increasing from 14 members in 2012 to approximately 170 members in mainland Tanzania and about 30 members in Zanzibar as of October 2021. THRDC extends its membership invitation to CSOs in both regions of the United Republic of Tanzania, encompassing mainland Tanganyika and

⁸¹ THRDC, <https://thrdc.or.tz/>. Accessed on 1 October 2023.

⁸² DefendDefenders, 'Tanzania: National Human Rights Defenders Coalition Prepares for Official Launch,' 25 October 2011, <https://defenddefenders.org/tanzania-national-human-rights-defenders-coalition-prepares-for-official-launch/>. Accessed on 4 December 2023.

Zanzibar.

A recent evaluation of the 2013-2017 strategic plan revealed that at least 70% of THRDC's current members sought membership because they perceived a lack of adequate "protection" in their work.

"THRDC has created active protection systems where all and every human rights defender at risk has been given a chance to mitigate that risk to avoid the risk... We are very happy to be the founding regional partner of THRDC. THRDC stands among the most vibrant HRD's Coalition in the region."

-Hassan Shire.⁸³



Claiming Spaces for human rights defenders in Tanzania, Dar es salaam, 2022

83 THRDC. <https://thrdc.or.tz/>. Accessed on 4 December 2023.

comprises
of 
170
members in mainland
Tanzania

and 
30
members in Zanzibar

from 2013-2022
built the capacity of 
3493
HRDS

from 2013-2022
extended protection
support to 
672
HRDS

Defenders Coalition Kenya

The Defenders Coalition Kenya (DCK) is the national coalition of HRDs in Kenya, a national membership organisation established in 2007 and registered under Kenyan law as a Trust to champion the safety, security and wellbeing of HRDs. DCK works primarily for the protection of HRDs in Kenya. Among others, it strengthens capacities of HRDs to work more effectively and advocates for favourable legal, policy and institutional environments in order to reduce their vulnerability to the risk of persecution and or harm.

The membership of the Coalition includes Kenyan individual HRDs and organisations. The Coalition is itself a member of various networks regionally and globally. These include EHAHRD-Net, World in Action, and CIVICUS – World Alliance for Citizen Participation. Further, the Defenders Coalition holds observer status with the African Commission. Regionally, the Defenders Coalition has established strategic partnerships with a broad array of civil society initiatives, movements and actors. They have trained 2,504 HRDs who have benefited from their programs.

"One of the things I am most proud of as a leader and member of Defenders' Coalition Kenya, is the transformation of the title "human rights defender" or "activist" from a shunned identity into a revered one. When we started, nobody was willing to host or associate with us because we were deemed "risky." Today, I am proud to note that because of our work, people proudly describe themselves as human rights defenders and more HRD-focused organisations are sprouting up. Furthermore, HRDs no longer need to go to exile to seek protection. The Coalition intervenes in all cases of HRDs at risk, and consequently, we have contributed to having a vibrant human rights community in Kenya that is confident they have dependable backup when they do their work,"

- Kamau Ngugi.



Claiming Spaces for human rights defenders in Kenya ,2018

trained over

2504
HRDs



provided protection
support to more than

2310
HRDs



Southern Africa Human Rights Defenders Network

At the Johannesburg+10 conference convened by DefendDefenders it was agreed that where sub regional networks for the protection of HRDs were nonexistent, AfricanDefenders would support their establishment. Thus, Southern African HRDs expressed the need to form Southern Africa Human Rights Defenders Network (SouthernDefenders) to replicate the best practices of existing sub regional networks in east, west, and north Africa. The initiative received seed support from Open Society Initiative for Southern Africa. Together with the leadership of Arnold Tsunga- renowned Zimbabwean human rights defender, and the support of AfricanDefenders, SouthernDefenders was founded in February 2013, emerging as a network of HRDs and officially gained non-profit status in July 2018. Positioned as an influential platform, it prioritises the well-being of the most vulnerable and marginalised defenders across 16 Southern African Development Community (SADC) countries.

SouthernDefenders operates through three key programmatic areas: Resilience and Capacity Building; Holistic Protection; and Research, Advocacy, and Visibility. Under these pillars, Southern Defenders effectively coordinates regional efforts to provide comprehensive protection support to HRDs facing physical and digital threats in the

increasingly constricting civic space within SADC.

Collaboration is central to Southern Defenders' approach. Partnerships with organisations such as Digital Society Africa, AfricanDefenders, Oxfam in Southern Africa, and the United Nations Human Rights Office of the High Commissioner showcase its commitment to enhancing digital security, promoting civic space, and protecting HRDs at risk. The collaboration extends to forming the Ubuntu Hub initiatives with DefendDefenders/AfricanDefenders, providing support to HRDs in Southern Africa and hosting African HRDs.

SouthernDefenders engages in strategic advocacy, exemplified by the launch of a model law on the protection of HRDs. This initiative aims to assist governments in developing national policies specifically tailored to protect HRDs. Through advocacy efforts, the network actively involves governments, providing them platforms such as summits and consultation meetings to share their institutional perspective on civil issues. The network's engagement is not limited to national borders; it extends to the regional and international levels, partnering with entities like Office of the High Commissioner for Human Rights Regional Office for Southern Africa (OHCHR) (ROSA) to protect civic space and enhance the capacity of HRDs in Southern Africa.



AfricanDefenders Steering Committee meeting, Accra Ghana

The challenges faced by HRDs in the region, including intimidation, harassment, and persecution within a shrinking civic space, are addressed through SouthernDefenders' multifaceted approach. Since 2019, the network has directly supported over 1000 HRDs, offering urgent and long-term holistic protection, capacity development, and establishing the Southern Africa Women Human Rights Defenders Network.

SouthernDefenders' impact is not confined to protection alone. Through intense advocacy efforts, the network has played a role in the release of HRDs facing harassment and arrests, contributed to the creation of the Mozambique Human Rights Defenders Network, and supported HRD coalitions in Malawi and Zambia. However, this success has not come without a cost, as evidenced by pushbacks, assassinations, and direct targeting of the network and its Secretariat.

While celebrating achievements and growth, SouthernDefenders recognises the added responsibilities and challenges these bring. Increased financial and operational capacity is identified as crucial to meet the overwhelming demand for protection support and to bolster advocacy efforts. The network aspires to improve the comprehensive nature of support throughout the region, anticipating that strategic partnerships and increased capacity will contribute to opening and improving the state of civic space.

West African Network of Human Rights Defenders

Established in 2005, the West African Network of Human Rights Defenders (WAHRDN) emerged in response to the recurring violations faced by HRDs in West Africa. The network aimed to overcome obstacles preventing HRDs from fulfilling their mission, aligning its foundation with the UN HRD declaration. This declaration serves as the foundational framework guiding WAHRDN's efforts to enhance the human rights situation in West Africa.

Originally covering the entire West African sub-region with six national coalitions, WAHRDN has experienced significant growth. Presently, it has 12 coalitions of HRDs and four focal point organisations, each operating at the national level. This expansion reflects the increasing need for coordinated efforts to address human rights challenges across the diverse West African landscape.

As a founding member of AfricanDefenders, WAHRDN actively par-

ticipates in statutory meetings and workshops. AfricanDefenders extends support to WAHRDN during international activities, particularly in sessions of the African Commission. This partnership not only strengthens the regional network but also contributes to the broader goals of protecting HRDs in the West African sub-region.

WAHRDN strategically coordinates its member organisations, acting as a sub-regional force for the promotion, protection, and advocacy of human rights. The network collaborates closely with its member organisations, engaging in activities that contribute to WAHRDN's mission while providing support to bring these actions to fruition. Through this collaborative approach, WAHRDN strengthens the capacities of its member organisations, engages in advocacy, and facilitates protection actions for HRDs.

The adoption of the Ivorian law for the protection of HRDs in 2014 marked a significant achievement. However, WAHRDN had to engage in extensive advocacy efforts, collaborating with technical and

financial partners, to encourage other states in the sub-region to follow suit. This collective advocacy yielded positive outcomes, with several countries, including Niger, Mali, Burkina Faso, Togo, Sierra Leone, Benin, and Senegal, embarking on the process of adopting laws on HRDs.

As WAHRDN navigates a challenging environment, there is need for sustained efforts to bring about positive change in the West African human rights landscape. Strengthening internal capacities, addressing financial constraints, and fostering collaborative partnerships will be essential for the network to continue its vital mission in the years to come.

Cairo Institute for Human Rights Studies

Founded in 1993, the Cairo Institute for Human Rights Studies (CIHRS) stands as an independent regional NGO with a steadfast commitment to promoting human rights and democracy in the Arab region. The partnership with CIHRS follows the Johannesburg +10 conference, where it was decided that AfricanDefenders would strengthen existing networks and coordinate with them for the protection of HRDs.

CIHRS takes a multifaceted approach, focusing on analysing challenges in implementing international human rights law, fostering a culture of human rights respect, and facilitating cross-cultural dialogues on various international human rights treaties and declarations.

CIHRS aims to bring about positive change in the Arab region by developing, proposing, and advocating for policy and practice reforms aligned with international human rights standards. The organisation engages in extensive human rights advocacy at national, regional, and international levels. CIHRS is dedicated to research activities and provides human rights education for both youth and established HRDs, fostering ongoing professional development.

CIHRS takes pride in being a major publisher of human rights-related information in the Arab region. Its publications include a magazine, an academic quarterly, and numerous books addressing a wide array of human rights issues. This commitment to disseminating knowledge contributes to shaping the understanding and discourse around pressing human rights matters in the region.

In acknowledgment of its unwavering dedication, CIHRS was honored with the French Republic Award for Human Rights in December 2007. This prestigious recognition further solidifies CIHRS' position as a leader in the promotion and protection of human rights in the Arab region.



Launch of a Hub City in Accra, Ghana.

Central Africa Human Rights Defenders Network/ Réseau des Défenseurs des Droits Humains en Af- rique Centrale – (REDHAC)

Established as AfricanDefenders' partner in Central Africa, the Central Africa Human Rights Defenders Network (Réseau des Défenseurs des Droits Humains en Afrique Centrale – REDHAC) operates in Douala, Cameroon. It initially operated from Bukavu, DRC. Since its inception, REDHAC has been unwavering in its commitment to supporting and reinforcing the efforts of HRDs in Central Africa.

REDHAC's impact extends across eight countries in Central Africa, where severe violations of human rights often occur with impunity. The network represents a diverse and extensive membership base, encompassing over 200 individuals, including HRDs, lawyers, and journalists. This broad coalition reflects REDHAC's comprehensive approach to human rights advocacy and protection.

"The emergence of sub regional networks and domestic networks resulted in the proliferation of HRDs who can access mechanisms for protection. The next opportunity is to convert human right movements into a human rights mass movement."

-Zimbabwean HRD.

"African Defenders have revolutionized the work of HRDs. They paved the way for sub regional networks and national networks. It is our mirror to look and revisit to ensure that national networks are strong enough and support local HRDs. Work is just starting. Local networks need to take advantage of that, and we need institutions to carry this work forward."

- Angolan WHRD.

"The African Defenders network has been an effective mechanism to a larger extent. We can hear challenges and

best practices on the continent. The network has provided a platform to speak and listen.

-Ugandan HRD.

"This mechanism allows more HRDs to work, and it provides a space and eases the communications for HRDs. It has also eased response, and diversified ways of getting resources to support the work of HRDs."

- Libyan WHRD.

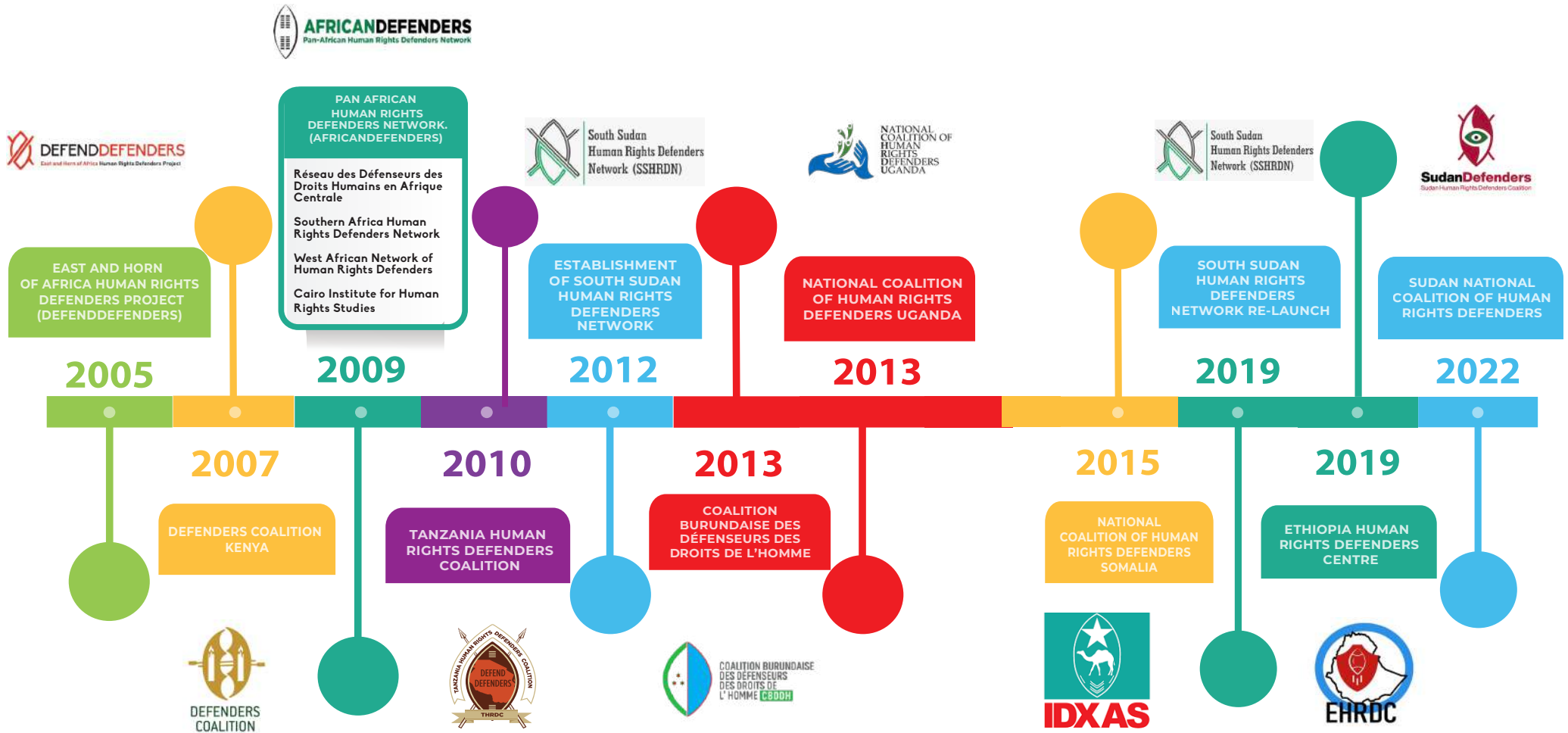
East African Women Human Rights Defenders Network

In addition to national coalitions and subregional networks, DefendDefenders played a central role in establishing and sustaining the East African Women Human Rights Defenders Network. The Network was formed in 2017 with support from the United Nations Office of the High Commissioner for Human Rights-East Africa Regional Office. The Network is dedicated to promoting and safeguarding WHRDs, women's human rights, and gender equality.

It serves as a platform for WHRDs to share experiences, challenges, ideas, best practices, and lessons learned, facilitating a secure environment for individual and collective advocacy in support of human rights of women and marginalised groups. It aims to enhance the capacities of WHRDs in the region, enabling effective engagement on specific gender issues across local, national, and regional levels, as well as in diverse contexts.

This strategic initiative arose in response to the distinct challenges faced by WHRDs based on their gender, emphasizing DefendDefenders' commitment to addressing these unique obstacles. By providing a dedicated space for collaboration, information exchange, and capacity-building, DefendDefenders has significantly contributed to the protection and empowerment of WHRDs in East and Horn of Africa.

EVOLUTION OF NATIONAL COALITIONS AND SUB REGIONAL NETWORKS





11.

DEFENDERS STORIES

A few HRDs have gone on to make the leap and transition into public office to attempt to leave their own mark on improving the human rights situations in their respective countries. These HRDs have been able to transition and continue their vital work due to the support received from DefendDefenders and AfricanDefenders in from of protection grants and facilitation to access regional and international human rights mechanisms for enhanced advocacy. This report highlights some of their stories.

1. ADEEB YOUSIF

Adeeb has lived his whole life pursuing an elusive peace in his native Darfur, Sudan's region that has been the victim of war and grave human rights violations for more than two decades. In the early 2000s, he fled his home after being jailed for speaking out against the government-supported crimes in Darfur and lived for years as a refugee in the United States. He spent the next two decades rallying for international pressure to bear upon the leadership in Sudan to end war and human suffering in Darfur, while mobilising humanitarian aid to assist refugees and the communities that host them with medical supplies and food.

Although human rights advocacy and activism were risks under the Omar Al-Bashir dictatorship, Adeeb took great solace in the UDHR and the Declaration on Human Rights Defenders.

"I can say that the UDHR and the Declaration on human rights defenders were instruments enacted ahead of their time. So as a human rights advocate in Sudan, they were both my guide and shield. If you look at all the 30 articles of the UDHR, all of them were being violated in Darfur. They're still being violated to date. And yet Sudan recognises those instruments. So as a citizen, I knew I had a duty to demand that my government live up to international law, that they stop gross violations of internationally recognized human rights."

Because of his unceasing work and activism, in 2020, following the overthrow of the Omar Al-Bashir dictatorship via popular protests, Adeeb was nominated by a coalition of civil society groups to contest the leadership of Central Darfur as Governor, a contest he won. As Governor, he resettled hundreds of families and Darfurians from refugee camps back to their homes and pitched his governorship as a model for post-conflict community reintegration. He invited international partners to invest in social and economic projects to engage his state's youth, to sway them away from conflict, while reforming many of the state's laws that criminalised civil society engagements.

Unfortunately, the promise of the transition period in which Adeeb and other progressive Sudanese leaders played a key role was not to last. On 25 October 2021, Sudan's military undertook a coup against the civilian-led transitional government, ending the country's brief experiment with a democratic transition.

With no place for people like him under the new military junta, Adeeb returned to civil society to press the new military rulers to implement transitional justice agreements, and to continue to monitor, document and report on rights violations.

On 15 April 2023, with the outbreak of conflict between Sudan's ruling military, the Sudanese Armed Forces, and the paramilitary Rapid Support Forces, which plunged the country into

renewed strife and suffering, Adeeb, under the Sudan Centre for Conflict Transformation scaled up efforts to get humanitarian aid into Darfur, and to ensure availability of essential supplies for especially the elderly and the vulnerable. In the meantime, his legal team has continued to document and report on rights violations, while socially, they have continued with efforts to mitigate social conflict between the constituent social groups in Darfur, particularly the nomads and the native Africans as the conflict that spreads to all the Sudan's regions. Even here, he says, the UN human rights system is key:

"The UDHR and the resultant human rights agreements like the Geneva convention are still the foundation of our advocacy against the current rights violations taking place in Sudan. We also continue to advocate for the protection of human rights defenders who are doing important human rights and humanitarian work, because their work is legitimate as detailed by the UN Declaration on HRDs. So, as we mark 75 years of the UDHR and 25 years of the Declaration on HRDs, events as is happening in Sudan and elsewhere on the continent are a stark reminder on why the UN human Rights instruments remain important, and why we must continue to demand that state and non-state actors abide by them. In situations like these, they're part of the limited infrastructure that can be relied upon to restrain the conduct of belligerents, because they know they will be held accountable."

2. TIMOTHY MTAMBO

Born into a royal family in Northern Malawi, Timothy learned the ethos of justice and human rights at the feet of his father, who, as Chief of the Tambo people, went about resolving disputes and settling questions of law and justice. In 2009, as a students' union leader at the University of Malawi, he was arrested and jailed for three days, following sustained criticism of Malawi's human rights record under President Bingu Wa Mutharika. But rather than dissuade him, the experience reinvigorated his convictions. In 2013, as Executive Director of the Malawi-based Centre for Human Rights and Rehabilitation (CHRR), he joined other HRDs from Southern Africa to form Southern Defenders, for which he was elected founding Vice Chairperson. Back in Malawi, with the human rights situation declining and HRDs getting increasingly threatened, he founded the country's Human Rights Defenders Coalition to push back against threats facing HRDs.

He says he derived his strength from the UDHR and the Declaration on Human Rights Defenders:

"The UDHR, the Declaration on HRDs, and the other instruments they begot, like the International Covenant on Civil and Political Rights were always at the back of my mind of course. Because of them, I knew that my activism was legal and protected, as long as I remained peaceful. But I also knew that as a signatory to the same instruments, Malawi

too had obligations for which it was accountable. So, in all my work, I knew I was under the protection of international law, and fulfilling a legitimate citizen responsibility as defined by the Declaration on HRDs to demand that my government live up to the standards of international law."

Even then, his was not smooth sailing. At one point, his car was shot at six times, but he survived unhurt. The next time, both his and his parents' houses were petro-bombed. In between, he survived a poisoning attempt. But Timothy had come too far to give up the fight.

In 2020, with Malawi's Supreme Court ordering an electoral re-run following a hugely contested poll the previous year, Timothy resigned his leadership roles at both the CHRR and the HRDC to form a People Power Movement, Citizens for Transformation, under whose wings he traversed the country sensitising the masses about their civic rights and electoral justice. Convinced that only political change would right Malawi's human rights situation, he rallied the masses to turn up for the polls in big numbers, and endorsed the Opposition Malawi Congress Party that went on to win the election.

Following his stirring civic mobilisation campaign, Timothy was appointed to head the new Ministry of Civic Education and National Unity from 8 July 2020, until 1 February 2023. In his two and a half years at the ministry, he oversaw

the passing of laws like the Malawi Peace and Unity Act which provided legal framework to facilitate unity and reconciliation following a hugely divisive political transition in Malawi, and the passing of the civic education policy that mainstreamed the teaching of civic education in both schools and via citizen barazas, empowering citizens to appreciate their rights and demand accountability from government. He also set up a national government-citizen engagement forum, where NGOs and civil society organisations could engage directly with government.

Mtambo says all of this would not have been possible without human rights activism, and the activism would not have survived without the foundational support of UN human rights instruments like the UDHR.

"There are many times the government tried to trap me, to find ways to find me on the wrong side of the law, but they failed. As my working tools, they gave me authority and legal cover because most of their provisions are also domesticated in Malawian law."

3. NASREDEEN ABDULBARI

When the latest conflict broke out in Sudan on 15 April 2023, Nasredeen was finalising a draft constitution for a democratic transition in Sudan. Despite being overthrown from government one and a half years earlier in the infamous military coup of 25 October 2021, he and his colleagues in the defunct transitional government had retained a dogged hope for a return to a democratic transition in Sudan. Nasredeen was one of those who stayed hard at work for that eventuality, heading the transitional constitution-making committee.

It is this dogged passion for justice and the rule of law that has shaped most of his life. Born into the Fur people of Darfur, he was introduced to the UDHR and the broader UN human rights system in his early school years, kickstarting his lifelong interest in human rights. At university, he studied constitutional law and focused his Masters' thesis on requisite mechanisms for human rights protection in Sudan, determined to contribute to improving Sudan's human rights situation, which at the time was characterised by crimes under international law in Darfur and decades of conflict in the south, all indicative of the widespread marginalisation of ethnic and religious communities living in the peripheries, as opposed to Khartoum and Northern Sudan.

From school, he joined the Sudan Social Development organisation (SUDO) through which he supported the formation of human rights societies at the University of Khartoum and other

Sudan universities, to equip university students with necessary human rights consciousness.

"Being knowledgeable about the UDHR and the UN human rights system generally had given me so much moral clarity myself, and I believed that it would also be of good use to students at our universities, so that as they stepped out of school, they would be armed with the right human rights knowledge to create a sizeable pool of emerging elites ready to do something about our country's human rights situation. So, instruments like the UDHR and the Declaration on human rights defenders were required reading materials in the human rights societies we were forming."

When Sudan dictator Omar Al-Bashir was indicted by the International Criminal Court in 2009, SUDO was shut down amongst several other civil society organisations accused of negatively reporting about Sudan's human rights situation or providing the Court with information about atrocities in Darfur. Nasredeen relocated to Nairobi, Kenya, where he continued to monitor his country's human rights situation. After the Al-Bashir government collapsed following popular protests and a constitutional document was adopted, in 2019, Nasredeen was nominated by Sudan's professional associations to serve on the transitional civilian-led government as Minister of Justice.

In this position, he set about repealing Sudan's public order law, among other draconian laws that had for decades been relied upon by the Al-Bashir dictatorship to constrict the operations of civil society. He also established a transitional justice commission to ensure statutory redress for rights violations and was in the process of putting place an anti-corruption commission, among other initiatives, when the military overthrew their transitional government on 25 October 2021.

Although the coup was a massive setback, Nasredeen did not relent. Instead, he shifted gears, and set out to mobilise international resistance against the military government, particularly highlighting the plight of political prisoners who were being detained in violation of international law.

"While our fight for the restoration of rule of law in Sudan is far from over, it has been greatly helped by the existence of an international human rights standards against which the military rulers can be appraised, pressured, and held to account. As the UDHR marks 75 years therefore, the next focus of the international community must be on ensuring greater enforcement, and sanction for violators, to ensure accountability."

4. VERONICA ALMEDOM

Although Veronica Almedom currently lives in Switzerland where she acquired citizenship, she has made a public career rallying against rights abuses in her native Eritrea, championing the cause of Eritrean migrants fleeing those violations.

When she first visited Eritrea to reconnect with her wider family, in the early 2000s, she was alarmed by the agony of Eritrean girls and boys her age being forcefully conscripted into the country's abusive national service, one of the many Eritrean policies that have forced many young people into exile. It was an issue Veronica was determined to challenge once back in Switzerland.

In 2012, she started a virtual campaign dubbed "Stop Slavery in Eritrea," where she connected with like-minded Eritreans around the world and invited witnesses to provide testimonies of the regime's dire human rights record. With the campaign gaining momentum over the years, Veronica started mobilising institutional stakeholders to join the campaign. In 2016, she and her group organised a 25,000-strong march in front of the Palais des Nations, the UN's European headquarters, in Geneva, demanding more resolute international action about human rights in Eritrea. She says both the

UDHR and the Declaration on HRDs were important points of reference for her work:

"The two instruments were the foundation against which we were pinning the Eritrean government for the rights violations. The UDHR defines internationally recognized human rights many of which were being violated in Eritrea. And the Declaration on HRDs legitimizes the agency of actors like us seeking to hold state and non-state actors accountable against that bill of rights. So, my team and I went about our work secure in the belief that our work was both legitimate and protected under international law."

Although Veronica and colleague protestors did not achieve their ultimate target of having Eritrea referred to the UN Security Council, they succeeded in pressuring the Human Rights Council to establish and renew the mandate of a Commission of Inquiry on Eritrea. In 2016, the Commission concluded that there were "reasonable grounds to believe" that crimes against humanity had been committed in Eritrea since 1991. Then she turned her target to cruel European migration policies that were shutting out migrants and condemning thousands to cold deaths on the Mediterranean, which she continues to rally against to date.

Veronica's audacious work has not gone unrecognised. In 2016, she was appointed to the Swiss Federal Commission on Migration, one of the youngest members to be appointed so, by the Swiss Federal Council. There, she advises the Swiss government on migration policy and is currently serving her third term. In 2022, Veronica was among the 36 leaders from 24 countries selected to join the Obama Foundation Leaders Europe program. She says she is determined to keep going:

"What the UDHR does is define a universal standard for human rights for all. It is important that as we mark 75 years since its coming into effect, we all renew our commitment to demand that all countries live up to its tenets, so that people all over the world, enjoy the same dignity and respect for their rights."

5. THULANI MASEKO

On 21 January 2023, Thulani Rudolf Maseko was assassinated in cold blood in his home near Manzini, in the presence of his wife and children. His violent death provoked a chorus of worldwide condemnation and calls for a thorough investigation, which is yet to bear fruit. The timing of his assassination, in the year when the UDHR and the Declaration on human rights defenders are commemorating 75 years and 25 years respectively has renewed debate about the safety of HRDs and the environment within which they work. It is imperative that the international human rights system that Thulani defended all his life does not fail him in death, and it remains steadfast in demanding that his killers be found and brought to justice.

Thulani was a lifelong student of and advocate for human rights and human rights defenders in Eswatini (Swaziland). Born on 1 March 1970 in Swaziland's Manzini Region, he attended University of Swaziland where he studied law for his undergraduate studies. It is here that his activism for justice and human rights began.

As President of the University Representative Council, he led a 33-day hunger strike for quality and affordable education in the Kingdom's public schools. That initial activism marked him out as one to watch amidst the Kingdom's unenviable human rights environment, and Thulani decided he would seek the shield of the international human rights system. At the University of Pretoria and later at the American University

Washington College of law, he studied both the African and international human rights systems for his post-graduate studies, with the Universal Declaration of Human Rights as a foundational study text.

Armed with expansive knowledge of the African and International human rights systems, Thulani set out to confront injustice and co-founded Eswatini's Lawyers for Human Rights organisation and the Southern Africa Human Rights Defenders Network, both dedicated to extending legal services to often underserved communities, using Public Interest Litigation as a weapon. Over-time, that set him on a collision course with a monarchy unaccustomed to accountability, and consequently, several years in court, battling a litany of charges.

Between 2009 and 2023, Thulani was in and out of Swaziland courts either as a litigant or as a defendant, and when he criticised the courts' growing lack of independence in 2014, he was arrested and detained for more than a year, pushing Amnesty International to declare him a prisoner of conscience. The following year in 2015, at the AfricanDefenders annual conference, Thulani was awarded the prestigious AfricanDefenders Shield Award for his courage in speaking truth to power, and for being a model advocate for social justice and rule of law in Swaziland.

A tireless campaigner for political and judicial reform in his country, he was a regular presence

at the African Commission for Human and Peoples Rights and the UN Human Rights Council, where he religiously made a case for greater and freer civic space in Swaziland and urged the international community to press the Swaziland authorities to abide by international human rights standards as enshrined in the UDHR and the African Charter.

In Swaziland, he mobilised colleague civil society and pro-democracy activists to form the Swaziland Multi-stakeholders Forum devoted to pushing for political reform in Swaziland, and was consequently elected the Forum's Chairperson, unopposed.



Thulani Maseko



Timothy Mtambo



Nasredeem Abdulbari



Adeb Yousif



Veronica Almedom

A woman with curly hair and glasses is shouting in a crowd. She is wearing a yellow shirt and denim overalls. The background is a blurred crowd of people, some with their arms raised. The entire image has a blue tint.

12.

TRENDS OF VIOLATIONS

Despite the significant gains of the UDHR and the UN HRD Declaration setting international guarantees for rights protection, in recent years, governments across Africa have mirrored global trends setting back the efforts to advance promotion and protection of human rights. They have wielded security and counterterrorism laws and policies to constrict public freedoms and suppress civil society. Consequently, HRDs on the continent, including journalists and activists, find themselves targeted, subjected to threats, and confronted with reprisals. The situation is even more precarious for HRDs advocating for marginalised groups, as they grapple with intersecting challenges in environments marked by a shrinking civic space. Specifically, individuals championing the cause of women's rights and gender equality, sexual minorities, the rights of persons with disabilities, and the environment contend with additional layers of adversity.

Arrest and detention of those engaged in human rights work, notably in conflict-affected areas and in states experiencing unconstitutional changes of government, have become commonplace. Faced with physical constraints on CSOs and HRDs, the advent

of technology has prompted a shift to digital communication platforms. Even in this virtual realm, however, HRDs encounter obstacles as states impose stringent regulations, extending the reach of control and repression into the online domain. The confluence of restrictive legal frameworks, shrinking civic space, and the persistent impunity for crimes against HRDs underscores the formidable challenges confronting those dedicated to upholding human rights in Africa. Across this chapter, the following cross-cutting and intertwined thematic issues, patterns, and challenges are discussed.

1. Pervasive threats and violence

HRDs, who are often at the forefront of advocating for human rights, consider threats and attacks as an inherent "occupational hazard."⁸⁴ These threats, representing the most common protection challenge, are encountered almost routinely by defenders across various contexts. In Africa, HRDs grapple with an alarming surge in threats, violent attacks, and targeted killings. Whether addressing societal issues, business-related human rights abuses, championing land and environmental rights, or advocating for

social movements, HRDs find themselves exposed to physical harm and, in some instances, fatal consequences.

In 2021, the HRD Memorial recorded the killings of 358 HRDs.⁸⁵ The HRD Memorial's records for the year 2022 indicated a global count of 401 targeted killings of HRDs,⁸⁶ highlighting the severity of the issue on a global scale. This bleak trend does not seem to be decreasing in 2023. At the time of writing, eight prominent HRDs were killed in Africa,⁸⁷ including Thulani Maseko in Swaziland,⁸⁸ and Jomo Keromeng in South Africa.⁸⁹

Front Line Defenders reported detentions, physical attacks, death threats, legal actions, and surveillance as the most common violations against HRDs in 2022.⁹⁰ In Africa specifically, the prevalent threats included arbitrary arrests and detentions, physical attacks, death threats, legal actions, and break-ins and thefts. Similarly, the UN Special Rapporteur on Human Rights Defenders underscores the pervasive threats, violence, and reprisals that HRDs endure while carrying out their crucial work. The title of her 2021 report is telling: "Final warning: death threats and killings of human rights defend-

84 Avocats Sans Frontières, "Protecting Human Rights Defenders," 2015, https://www.asf.be/wp-content/uploads/2015/06/HRDs_Briefing-Paper.pdf, Accessed on 23 September 2023.

85 Front Line Defenders, "Global analysis 2021," 23 February 2022, <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2021-0>, Accessed 1 February 2023.

86 Front Line Defenders, "Global analysis 2022," 4 April 2023, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf, Accessed 1 February 2023.

87 Front Line Defenders, "#Killing", <https://www.frontlinedefenders.org/en/violation/killing>, Accessed on 20 November 2023.

88 AfricanDefenders, "STATEMENT ON THE MURDER OF HUMAN RIGHTS LAWYER THULANI MASEKO," 24 January 2023, <https://africandefenders.org/justice4thulani/>, Accessed on 23 September 2023.

89 Lawyers for human rights, "PRESS STATEMENT | LHR deeply saddened by the murder of Jomo Keromeng," 24 August 2023, <https://www.lhr.org.za/lhr-news/press-statement-lhr-deeply-saddened-by-the-murder-of-jomo-keromeng/>, Accessed 24 September 2023.

90 Front Line Defenders, "Global analysis 2022," 4 April 2023, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf, Accessed 1 February 2023.

ers.”⁹¹ DefendDefenders itself has documented 200 cases of violations against HRDs from January 2023 to the time of finalizing the present report (November 2023).

Individual cases, such as the arbitrary arrests of five HRDs in Burundi, exemplify the targeted repression faced by HRDs.⁹² Accused of rebellion and undermining state security, these defenders, associated with the Association of Women Lawyers of Burundi and the Association for Peace and Promotion of Human Rights, face grave consequences for their work.

“There’s a global movement of people seeking to reverse the gains of the freedom and human rights movement. Economic and geo-political interests are now taking precedence over human rights.”
–Kenyan HRD

While all HRDs face risks and threats, specific groups of HRDs face additional challenges due to the intersections.

Environmental HRDs

HRDs who dedicate themselves to address-

ing violations in relation to environmental and development issues face significant challenges.⁹³ Despite playing a vital role in safeguarding the environment and biodiversity or advocating for inclusive, sustainable development, these defenders are confronted with substantial risks and threats.

Environmental HRDs in Africa encounter multifaceted challenges due to the frequent violation of land, environmental, and Indigenous peoples’ rights in the context of development and business activities. They are particularly vulnerable to stigmatisation as “anti-development,” which often leads to smear campaigns, legal harassment, threats, and physical attacks. Shockingly, environmental defenders are more likely to pay the ultimate price, death, compared to defenders working in other sectors.

The year 2022 was deadly for environmental defenders worldwide, with at least 194 recorded killings.⁹⁴ Defenders working on land, Indigenous peoples’, and environmental rights are the most frequently targeted, accounting for 48% of the total killings. In 2023, DefendDefenders reported that environmental HRDs in the DRC, Tanzania, and

Uganda face significant challenges and obstacles in their work.⁹⁵ Environmental HRDs in Uganda and Tanzania face severe challenges in their efforts to protect the rights of communities in the Lake Albert region. They encounter illegal surveillance, physical attacks, harassment, and imprisonment. The Ugandan government has used laws to unduly restrict the work of activists, shut down NGOs, and prevent peaceful demonstrations for environmental causes. In Tanzania, residents of Loliondo faced violence from the government in response to protests against perceived forced evictions from ancestral lands in the name of conservation. CSOs have engaged in public interest litigation to challenge laws criminalising environmental and land rights defenders, but the impact has been marginal due to strategic lawsuits against public participation.

In August 2022, three environmental HRDs in South Africa, members of the Abahlali Base-Mjondolo, a grassroots movement, were murdered. These killings added to the 24 HRDs killed since the movement’s establishment.⁹⁶ Previous cases, such as the killings of Mama Fikile Ntshangase in South Africa,⁹⁷ and Joannah Stutchbury in Kenya,⁹⁸ are

91 OHCHR, ‘Final warning: death threats and killings of human rights defenders,’ March 2021, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4635-final-warning-death-threats-and-killings-human-rights-defenders>, Accessed 23 September 2023.

92 Human Rights Watch, ‘Free Five Rights Defenders,’ 14 March 2023, <https://www.hrw.org/news/2023/03/14/burundi-free-five-rights-defenders>, Accessed on 26 March 2023

93 UNEP, ‘Environmental Rule of Law: First Global Report,’ 29 October 2019, <https://www.unep.org/resources/assessment/environmental-rule-law-first-global-report>, Accessed 10 November 2023.

94 Front Line Defenders, ‘Global analysis 2022,’ 4 April 2023, https://www.frontlinedefenders.org/sites/default/files/1535_fld_ga23_web.pdf, Accessed 1 February 2023.

95 DefendDefenders, THE STATE OF ENVIRONMENTAL HUMAN RIGHTS DEFENDERS IN Tanzania, Uganda, and the Democratic Republic of Congo, October 2023, <https://defenddefenders.org/wp-content/uploads/2023/11/The-State-of-Environmental-Human-Rights-Defenders-in-Tz-Ug-and-DRC-Final-Report-.pdf>, Accessed 12 November 2023.

96 <https://monitor.civicus.org/explore/worrying-trends-vilification-csos-and-killings-hrds/>

97 <https://www.hrw.org/news/2021/03/15/un-spotlight-killing-south-african-environmental-defender>

98 <https://srdefenders.org/kenya-concerns-killing-of-environmental-defender-joannah-stutchbury/>

marked by lack accountability and redress, which highlights the impunity surrounding violence against environmental rights defenders.

An environmental rights instrument, or at least, stronger protections in policy and practice, is needed as it has the potential to address these systemic issues and provide enhanced protection for those on the front lines of environmental and development advocacy.

Marginalised HRDs

More than half Africa's 54 nations prohibit consensual same-sex activity between adults, according to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA).⁹⁹ In this challenging landscape, HRDs advocating for SOGIE rights in Africa face multiple and unique challenges, as they are targeted not only for their human rights work but also for their real or perceived gender identity and sexual orientation. These defenders encounter escalating hostility and violence in various parts of the continent due to a combination of cultural, societal, legal, and political factors.

In 2014, the African Commission adopted Resolution 275 on Protection against Violence and other Human Rights Violations

against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity.'¹⁰⁰ This landmark resolution, situated within the challenging landscape outlined, represents a crucial recognition of the alarming increase in violence and human rights violations against individuals in Africa based on their sexual orientation or gender identity. Resolution 275 expresses deep concern about the gravity of violations, ranging from murder to assault, faced by individuals due to their real or perceived sexual orientation or gender identity. Significantly, it calls upon states to take decisive actions to halt such violence, emphasizing the importance of safeguarding the rights and security of all individuals, irrespective of their sexual orientation or gender identity. The resolution also explicitly addresses the precarious position of human rights defenders advocating for the rights of sexual minorities, urging states to ensure their freedom from reprisals and to implement measures that guarantee adequate remedies for victims of such violence. While the resolution marks a positive step towards recognizing and addressing these issues, its effectiveness in the face of persistent challenges, including draconian legislations and societal pressures, warrants ongoing scrutiny to assess its impact on the ground.

SOGIE defenders in Africa grapple with

widespread political and societal pressures that significantly increase the risks they face. The intersectional nature of being targeted for both their human rights work and their gender identity and sexual orientation forces many defenders to adopt a low profile to protect themselves and their allies. Discrimination, harassment, intimidation, and threats are pervasive, compelling some defenders to seek refuge in other regions or countries, disrupting their human rights work and advocacy for vulnerable community members.

Governments persist in imposing draconian legislation that disregards the rights of lesbian, gay, bisexual, transgender, and other sexual minorities (LGBT+) people and violates their obligations towards them. Notably, the Anti LGBT+ Bill "Promotion of Appropriate Sexual Rights and Family Values Bill (2021)" in Ghana raises serious concerns. This legislation proposes severe punitive measures, including the criminalisation of LGBT+ individuals and their allies and advocates. Moreover, the bill seeks to withdraw health services from this community, including HIV medication.¹⁰¹ The bill has coincided with a surge in violent attacks and sexual violence against LGBT+ individuals, indirectly legitimising hatred and abuses. Uganda also enacted an Anti-Homosexuality Act in May 2023.¹⁰² Uganda also enacted an Anti-Ho-

99 <https://www.reuters.com/graphics/UGANDA-LGBT/movakykrjva/>

100 ACHPR, 'Resolution on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity - ACHPR/Res.275(LV)2014,' 15 November 2022, <https://achpr.au.int/en/adopted-resolutions/275-resolution-protection-against-violence-and-other-human-rights-violations>. Accessed on 30 November 2023.

101 <https://www.jurist.org/news/2023/07/ghana-parliament-unanimously-passes-extreme-anti-gay-bill/>

102 <https://www.aljazeera.com/news/2023/5/29/ugandas-museveni-approves-anti-lgbtq-law-parliament-speaker>

mosexuality Act in May 2023. The Act criminalises same-sex conduct, and proposes a ten-year jail term for those who identify as LGBT+. The law stipulates that the “promotion of homosexuality” is punishable by up to five years in jail.

The heightened risks faced by SOGIE defenders on the continent are evident in the increased requests for protection support, including temporary relocation and security advice received by organisations providing support to HRDs, including organisations that do not specialize in SOGIE rights, do not advocate for SOGIE rights, or do not ask for HRDs’ sexual orientation or gender identity as a condition to provide support (support is extended on the sole basis of the HRD’s human rights work, irrespective of the area in which HRDs operate).

These challenges including draconian legislations, societal and political pressures, and instances of violence, negatively impacts the work of HRDs. Furthermore, these challenges contribute to the perpetuation of human rights violations against individuals and communities based on their actual or perceived sexual orientation. The prevailing environment not only fails to put an end to such violations; it fosters discrimination and intolerance, exacerbating the challenges faced by HRDs in their crucial advocacy work.

Conflict and unconstitutional changes in government

Conflict zones, including in Eastern DRC, Northern Ethiopia, Sudan, South Sudan, and Somalia, emerge as epicenters of heightened risks for HRDs.¹⁰³

Moreover, coup d’états in recent years, including in Burkina Faso, Gabon, Guinea, Mali, Niger, and Sudan, including military takeovers, have cast a dark shadow over the African continent.¹⁰⁴ Political instability and escalating conflicts significantly impact HRDs. Since these unconstitutional changes of governments took place, alarming reports indicate that the affected countries witness widespread and systematic attacks against civilians, HRDs, and independent voices such as journalists. Some of these attacks, in particular in Mali and other areas of the Sahel region, may constitute crimes under international law.

In the aftermath of these coups, Burkina Faso, Guinea, Mali, and Sudan have witnessed gross and widespread violations of human rights. The evidence points to heinous crimes such as murder, torture, deportation, forcible transfer of populations, rape and other forms of sexual violence, persecution, and imprisonment, all perpetrated against civilians.

The erosion of democratic values is starkly

evident in the Sahel and in Central Africa, where civilian officials have been placed under house arrest or detained indefinitely without charges. The right of citizens to peacefully assemble has been trampled upon, with coup leaders banning demonstrations by civil society organisations and opposition political parties. The violent dispersal of peaceful protesters in Sudan after the 25 October 2021 military coup, resulting in numerous deaths, exemplifies the infringement on the fundamental right to freedom of peaceful assembly.

2. Criminalisation of HRD work

The criminalisation of HRDs is a concerning phenomenon that undermines the crucial work they do in promoting and protecting human rights.¹⁰⁵ This issue often arises due to the politicisation of law enforcement and the use of the judiciary as a weapon to oppress HRDs, which can lead to arrests, administrative or judicial harassment, and trumped-up criminal charges against HRDs. Lawyers and journalists, in particular, may find themselves targeted due to their association with specific topics or issues.

“There is a deliberate misrepresentation of HRDs on the continent by the primary duty bearers for the protection of their rights, who are the states. HRDs are presented as

¹⁰³ <https://www.aljazeera.com/news/2023/5/29/ugandas-museveni-approves-anti-lgbtq-law-parliament-speaker>

¹⁰⁴ OHCHR, ‘Human rights defenders operating in conflict and post-conflict situations - Report of the Special Rapporteur on the situation of human rights defenders,’ 30 December 2019, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4351-human-rights-defenders-operating-conflict-and-post-conflict>, Accessed 20 October 2023.

¹⁰⁵ Peacebrigades, ‘Criminalization of Human Rights,’ 2018, Defenders <https://www.peacebrigades.org/sites/www.peacebrigades.org/files/180911%20pbi%20factsheet%20criminalization.pdf>, Accessed 16 August 2023.

foreign agents, charged under terrorism laws, and are generally maligned. This leaves them vulnerable to abuse of their rights and endangers their safety as they are targeted by other actors.”

– Kenyan HRD.

“In Southern Africa for example, it was safer to be an HRD 10 years ago than it is today. So, I get the sense that we’re regressing as a continent.”

– South African HRD.

Impunity for crimes against HRDs

The issue of impunity for crimes against HRDs poses a significant challenge to human rights protection. In certain contexts, impunity is not only prevalent but also institutionalised, which encourages further abuses against HRDs.¹⁰⁶ Weaknesses in legal and judicial systems, including corruption and inadequacies in the legal framework, contribute to the lack of accountability. Selective enforcement and manipulation of laws further undermine the pursuit of justice. HRDs’ reluctance to seek legal action stems from fears of retaliation and a lack of trust in the judicial system’s independence. Underreporting of abuses, with many cases receiving inadequate attention, contributes to entrenching impunity. Addressing these challenges requires comprehensive legal reforms, the implementation of effective protection mechanisms, advocacy, and efforts to build trust in the judicial system. Promoting media and civil society engagement is vital for bringing attention to human rights abuses, fostering an environment where perpetrators are held accountable and HRDs can operate without fear of reprisal.

Adoption of restrictive laws and regulations

Despite progress on the continent, most recently with the adoption of a law protecting HRDs in the DRC, the recently validated policy on HRDs in Tanzania, and the Southern African Human Rights Defenders Network’s model law on HRDs, there is reason for concern about the increase of restrictive laws negatively impacting the environment for defending rights in Africa.

States often enact laws purportedly to regulate the activities of NGOs, or to combat terrorism or money-laundering, but some of these laws unduly impede human rights work and the realisation of human rights, including by restricting civic space. Legislation affecting HRDs’ activities must align with international and African human rights law, as stipulated in various regional and UN human rights treaties and instruments.

Examining NGO registration requirements and practices reveals a systemic problem where legislation meant to regulate NGOs actually impedes their human rights work and financial sustainability. Many laws fail to

align with the criterion of necessity outlined in the legal frameworks, particularly in guaranteeing the right to freedom of association and peaceful assembly. The limitations imposed on NGOs, especially those focusing on governance, appear to be part of a broader global assault on democracy, with evidence suggesting coordination and “copycat” practices among anti-democratic African governments. Many of the provisions restricting access to funding for NGOs or stigmatising human rights work, stem from Egyptian, Chinese, and Russian legislations, including on “foreign agents” and counter-terrorism.

Studies, such as the 2019 Freedom House report, highlight a concerning trend where numerous African states overhaul legal regimes governing the nonprofit sector. Anti-NGO measures, notably limitations or prohibitions on access to and use of foreign funding, jeopardise the autonomy and effectiveness of NGOs. States interfere in internal NGO affairs through various tactics, including aligning activities with official government priorities/development plans, imposing burdensome registration and reporting obligations, and granting officials broad powers for monitoring and evaluation of nonprofit organisations. The legal regime in Burundi exemplifies an intrusive framework that undermines NGO autonomy.

The fight against terrorism has been leveraged by some states to enact laws that un-

¹⁰⁶ OHCHR. Impunity for killings of human rights defenders remains a key driver for more murders. Special Rapporteur on the situation of human rights defenders tells Human Rights Council, 05 March 2021. <https://www.ohchr.org/en/press-releases/2021/03/impunity-killings-human-rights-defenders-remains-key-driver-more-murders>, Accessed 15 October 2023.

duly impede HRDs' work. The UN Human Rights Council and successive UN Special Rapporteurs on HRDs and on the promotion and protection of human rights and fundamental freedoms while countering terrorism, respectively, have expressed concern about the misuse of national security and counter-terrorism legislation to target HRDs. States weaponise the concept of "terrorism" (which lacks an internationally agreed definition) to target and smear defenders. Zimbabwe's Private Voluntary Organisations Amendment Bill and Angola's draft law on NGOs exemplify how governments use terrorism-related issues to impose arbitrary regulatory measures, undermining the independence of civil society organisations.

Recent developments in Tunisia, Zimbabwe, and Angola underscore growing concerns about restrictive legislation targeting NGOs. Draft laws in these countries grant excessive powers to the government, enabling undue interference and threatening the independence of civil society organisations. In Tunisia, the proposed NGO law contains disproportionate restrictions on formation, activity, and funding of civil society organizations, undermining international human rights standards on freedom of association.

While some African states have adopted access to information laws, implementation remains a challenge. Some laws contain improper exclusions criminalising possession

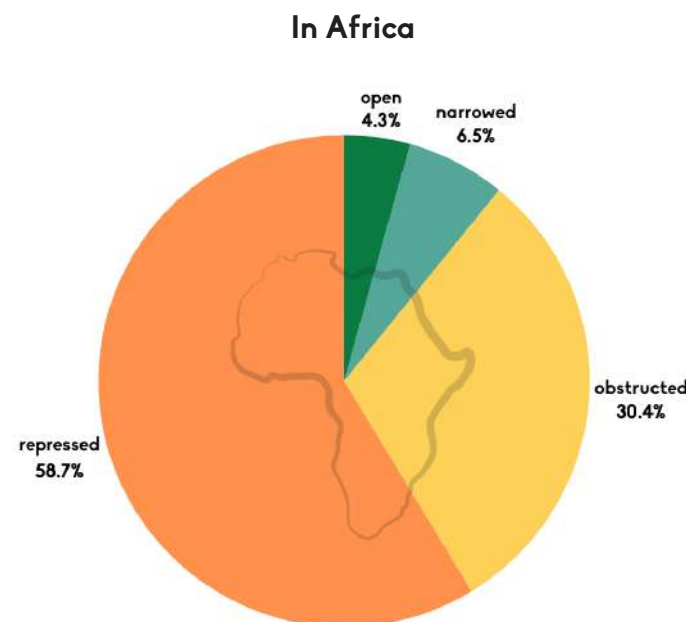
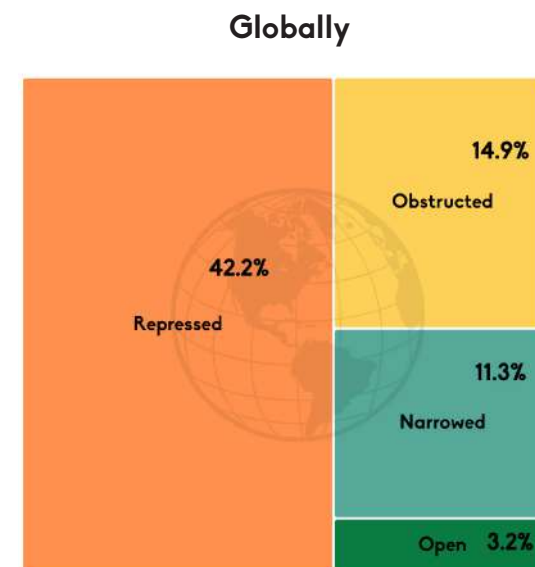
of information deemed a threat to national security. Public order laws are often misused by governments to regulate public gatherings, suppressing opposition and civil society meetings. Violent dispersals of protesters and lengthy prison sentences for security-related offenses highlight the grim reality faced by HRDs.

3. Shrinking civic space

At the heart of human rights and civic engagement lie principles fundamental to democratic societies — freedom of association, peaceful assembly, expression, human rights protection, and active civic participation in governance. Despite their robust inclusion in international, regional, and national frameworks, the implementation of these rights faces significant challenges. This section focuses on the alarming trend of shrinking civic space in Africa.

As of March 2023, the CIVICUS Monitor report reveals a disconcerting reality.¹⁰⁷ Globally, just 3.2% of the world's population reside in countries where the civic space is "open," 11.3% in countries where the space is "narrowed," 14.9% in countries where the space is "obstructed," 42.2% in countries where the space is "repressed," and 28.5% in countries where the space is "closed." In Africa, the situation is particularly dire: only 2 countries and territories have an "open" civic space, 3 have a "narrowed" space, 14 have

an "obstructed" space, 27 have a "repressed" space, and 3 have a "closed" space.



¹⁰⁷ CIVICUS Monitor, People Power under attack 2022, <https://civicusmonitor.contentfiles.net/media/documents/GlobalFindings2022.pdf>, 16 October 2023

Examining specific African sub-regions and some countries offers a nuanced perspective on the challenges faced by HRDs.

Central Africa is currently grappling with armed conflicts and socio-political crises. The sub-region is characterised by a significant decline in the rule of law and a tightening of civic space. Fundamental freedoms are under assault. The aftermath of the COVID-19 pandemic has witnessed a surge in attacks on these freedoms, exposing HRDs to heightened vulnerability, with women defenders and journalists facing particular threats and reprisals.

Against this backdrop, the situation for HRDs appears increasingly dire. Threats, intimidation, arbitrary arrests, kidnappings, and assassinations have become commonplace. The suppression of peaceful demonstrations through outright or blanket bans, unfair trials, and the use of military tribunals to try civilians further compounds the challenges faced by HRDs and journalists. Notable cases include individuals like Stanis Bujakera¹⁰⁸ and Anicet Moleka in the DRC,¹⁰⁹ along with the tragic murders of journalists such as Martinez Zogo, Jean-Jacques Ola Bébé, and Anyé Ndé Nsoh in Cameroon.¹¹⁰

Importantly, these acts of intimidation and threats persist with impunity, fostering an environment where the perpetrators operate without fear of consequences.

Adding to the complex landscape are instances of constitutional coups, wherein changes to the Constitution are employed to extend incumbents' stay in power. These maneuvers erode the foundations of democratic, people-centred governance. Notably, military takeovers, exemplified by the case of Gabon since 30 August 2023,¹¹¹ stands as a stark illustration of the disruptions to political stability in the region.

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 region has 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.

In Ethiopia, reports suggest a persistent pattern of arrest, detention, and torture of independent voices, including journalists, HRDs, and civilians. Additionally, since the declaration of a state of emergency in August 2023, credible allegations of violations against Amhara civilians have been reported. This state of emergency grants state agents' broad authority, including the enforcement of measures such as curfews and arrests without warrants. The country's media and civil society operate under severe restrictions, threatening to nullify gains that had been made in the 2018-2020 period, including amendments to restrictive pieces of legislation such as the Civil Society Proclamation. Journalists are arrested and detained without charge despite court orders for release.

In North Africa, civic space is marked by a disconcerting trend where governments resort to legal measures to quash dissent and restrict freedom of expression. The

108CPJ. 'CPJ calls for release of DRC journalist, US resident Stanis Bujakera,' 13 October 2023, <https://cpj.org/2023/10/cpj-calls-for-release-of-drc-journalist-us-resident-stanis-bujakera/>. Accessed 23 October 2023.

109 CPJ. 'Congo reporter Anicet Moleka faces arrest for criminal defamation, radio station banned,' 13 October 2023, <https://cpj.org/2023/10/congo-reporter-anicet-moleka-faces-arrest-for-criminal-defamation-radio-station-banned/>, 26 October 2023.

110VOA. 'Cameroon Journalists Mourn Colleague Killed in Restive Northwest Region,' 07 May 2023.

<https://www.voanews.com/a/gunmen-kill-journalist-in-restive-northwest-cameroon-says-union/7083042.html#:~:text=Nsoh%20is%20the%203rd%20journalist,on%20journalists%20to%20the%20police>. Accessed 23 October 2023.

111 Al Jazeera. 'A 'coup' in Gabon: Who, what and why?', 30 August 2023, <https://www.aljazeera.com/news/2023/8/30/a-coup-in-gabon-who-what-and-why>. Accessed 23 October 2023.

region grapples with substantial challenges in safeguarding human rights and fostering an inclusive environment for the effective functioning of civil society.

The expansion of the terrorism definition in Algeria in 2021 has empowered authorities to prosecute, intimidate, and criminalize HRDs and activists. By February 2022, they had imprisoned at least 340 individuals for participating in peaceful protests or exercising freedom of expression, with 27 HRDs arrested in February 2022 alone. In September 2023, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association visited Algeria in the context of ongoing legislative reforms to align national legislation with the 2020 Constitution.

Tunisia has experienced a deterioration in civic space, marked by President Kais Saïed's decisions in 2021. Saïed's crackdown on critics, political opponents, and civil society persists through arrests, detentions, prosecutions, and decrees restricting fundamental freedoms. Other restrictive laws issued in 2022, criminalizes 'fake news' and rumors, posing a threat to independent journalism. Separately, the trend of authorities targeting and arresting journalists and bloggers have been registered in Morocco and Egypt.

Southern Africa grapples with a complex array of challenges to civil society, HRDs,

112 Channels TV, '2023 Elections: Fintiri Suspends Activities Of NGOs Over Allegations Of Vote Buying' 28 February 2023, <https://www.channelstv.com/2023/02/28/2023-elections-fintiri-suspends-activities-of-ngos-over-allegations-of-vote-buying/>. Accessed 23 October 2023.

and freedom of association. Authorities in Mozambique and Zimbabwe have introduced restrictive legislation targeting CSOs, triggering apprehensions about an impending escalation in limitations on freedom of association.

In South Africa, government officials and non-state actors orchestrate the killings of land rights activists and the vilification of CSOs. HRDs and CSOs within the nation lament the gradual erosion of the rule of law, the decay of economic infrastructure, and the financial ruin of local municipalities due to corruption. Moreover, extra-judicial killings, hired hitmen, and arbitrary arrests are deployed in a desperate effort to stifle environmental and community activists championing public participation in various domains, including mining areas, health rights, sexual minority rights, migrants, and service delivery.

Lesotho, on the other hand, experiences a deterioration in its civic space rating, as assessed by CIVICUS. This downgrade is attributed to incidents of police brutality, escalating intimidation, attacks on journalists, and the use of lethal force during a student protest.

Swaziland remains restricted in a prolonged political crisis since October 2021. The environment is characterized by repression against protests, brutal killings of unarmed

citizens and workers, abductions, and torture. The aftermath of the 2021 unrest paints a grim picture with approximately 80 pro-democracy activists murdered, over 200 injured, and 1000 detained. The political turmoil in Swaziland consistently features as a recurring agenda item within the SADC. Despite engagements with King Mswati by the previous and current Chairpersons of the Organ on Politics, Defence, and Security Cooperation, the process has been repeatedly undermined.

West Africa confronts a myriad challenge jeopardising hard-won achievements in democracy, peacebuilding, and human rights. The aftermath of the COVID-19 pandemic has cast a lasting shadow on civic space in West Africa, contravening the African Commission's Freedom of Association and Assembly guidelines. Counterterrorism measures further encroach upon citizens' right to freely associate and demonstrate.

In Nigeria, HRDs have faced arrest, particularly for exercising their right to freedom of expression. Governor Finitiri's suspension of NGOs' activities ¹¹² has further blurred the lines between HRDs and political actors. In Guinea Bissau, criticism of government mismanagement exposes HRDs to reprisals, fostering a hostile environment where defenders face persecution and threats for monitoring rights violations.

In Senegal, concerns raise with arrests of HRDs, including Aliou Sané, Coordinator of the Y-en-a marre Movement, and political opponent Ousmane Sonko, reflecting a growing trend of stifling dissent.¹¹³ In The Gambia, the arrest and subsequent detention of Alagie Bora Sisawo, a talk-show host and comedian, for exposing government negligence, exemplifies threats to press freedom. Media professionals advocating for human rights face restrictions, including threats, arrests, and reprisals.

Liberia contends with a deteriorating security and human rights situation, marked by extrajudicial executions, disappearances, and a pro-government bias during assemblies, restricting the freedom of expression and association for perceived political opponents. The acceptance by the incumbent President, George Weah, of his defeat to opposition leader Joseph Boakai in the November 2023 presidential election, however, has solidified prospects for a democratic transition culture in the country.

Mauritania underscores human rights concerns, manifested in a troubling disregard for the right to life, evident in the deaths of human rights defenders Souvi Chein and Oumar Diop while in custody.

"The ever-shrinking civic space makes work ever more difficult because HRDs spend more

time looking for ways to circumvent restrictions than doing human rights work."
- Eswatini WHRD.

Freedom of expression

In the landscape of human rights and civic engagement in Africa, freedom of expression stands as a cornerstone. Yet, as we examine the state of civic space across the continent, a disconcerting reality emerges. The detention of journalists, the second most common civic space violation in 2022, shows a grim picture of the challenges faced by those who seek to expose corruption and other sensitive issues.

The impact of these violations is not confined to one sub-region; it resonates across the continent, reflecting a stark contradiction to the principles embedded in the HRD Declaration and the UDHR. In this context, it is crucial to scrutinise specific instances that highlight the shrinking civic space and its implications for HRDs.

In the Horn of Africa, Djibouti and Eritrea severely restrict dissent, rendering civic space virtually non-existent. In Somalia (including Somaliland), journalists find themselves frequent targets of detention and intimidation. Central and Southern Somalia remains one of the most dangerous places for journalists as they are targeted by both state and non-

state actors. For instance, Abdifatah Moalim Nur Qeys, who worked for Somali Cable Television, was fatally killed by local militants Al Shabaab in an explosion that killed four other people on 17 October 2023.¹¹⁴ In Ethiopia, journalists reporting on the conflicts in the North face intimidation and arbitrary arrests. The arrest of Meaza Mohamed and Hobeze Sisay, accused of ties with the Tigray People's Liberation Front, emphasizes the perils faced by those who dare to cover conflicts.

Similarly, in Nigeria, Agba Jalingo, publisher of RiverCrossWatch, faced detention in response to a defamation and cyberattack complaint, revealing a pattern of stifling voices that dare to expose wrongdoing. In Ghana, "false news" regulations are employed to detain journalists, as seen in the case of Noah Narh Dameh. This demonstrates the authorities' use of legal mechanisms to stifle criticism.

In Cameroon, where lengthy pre-trial detentions and prosecutions are the norm, witnessed the sentencing of journalist Amadou Vamouké in December 2022, which was viewed by press freedom advocates as retaliation for his management of a public broadcaster. The case, postponed at least 74 times, exemplifies the hurdles faced by journalists attempting to uphold their duty. Cameroon's multi-faceted crises has led to

113 Amnesty International, Senegal: The authorities must immediately halt the police violence and restore social media, 2 June 2023, <https://www.amnesty.org/en/latest/news/2023/06/senegal-les-autorites-doivent-immmediatement-arreter-les-violences-policieres-et-retablir-les-reseaux-sociaux/>, Accessed 23 October 2023.

114 The East African, "Al Shabaab kills renowned Somalia journalist," 18 October 2023, <https://www.theeastafrican.co.ke/tea/news/east-africa/al-shabaab-kill-a-somalia-journalist-4404964>, Accessed 23 October 2023.

the abduction and murder of journalists, creating an atmosphere of fear and harassment for those who seek justice and truth.



Freedom of peaceful assembly

In Africa, the vital right to freedom of peaceful assembly has been under considerable strain, notably during the wave of protests that swept across the continent in the last few years. Denial of free and fair elections, rising living costs, and a narrowing democratic space fueled these demonstrations. However, the response from authorities has often been characterised by tactics aimed at silencing peaceful dissent, with crackdowns on the right to freedom of peaceful assembly taking centre stage.

A distressing example of this crackdown unfolded in Kenya, where law enforcement employed disproportionate and violent tactics to disperse protesters, resulting in tragic loss of lives and arbitrary arrests, including prominent opposition figures. This disturbing trend of excessive force being used against demonstrators underscores the urgent need to examine the impact of such actions on civic space.

In Mozambique, after municipal elections on 11 October 2023, the main opposition party, Mozambican National Resistance (RENAMO), called for protests due to irregularities in the voting process. Security forces responded with excessive force, including live ammunition, rubber bullets, and tear gas, leading to at least three reported deaths. This disturbing event aligns with the broader pattern of violent responses to protests, as noted by Amnesty International, with multiple peaceful demonstrations suppressed by police throughout 2023.

Preceding the presidential election in Nigeria, citizens faced a cash crunch attributed to the Central Bank of Nigeria's decision to introduce new Naira bills. Separately, the election aftermath witnessed protests due to claims of irregularities and suspicion of foul play due to delays in uploading results. The unfolding events in Nigeria underscore the challenges citizens face in expressing dissent and raising concerns about electoral processes.

In the Sahel region, protests against the presence of French military troops occurred, while conflict areas like Burkina Faso, eastern DRC, and northern Nigeria saw mobilization against increasing insecurity caused by armed militias and intercommunal conflict.

Democracy protests in Chad and Sudan were met with violent repression, resulting in casualties and hundreds of arrests. Before the outbreak of conflict on 15 April 2023, the UN Designated Expert on Human Rights in Sudan documented over a thousand arbitrary arrests in democracy protests, emphasising the sustained challenges faced by those advocating for democratic principles.

Disruptions to protests around elections were widespread, often accompanied by arrests of protesters. In Angola, protests demanding free and fair elections were either banned or dispersed, leading to dozens of arrests, including that of Voice of America correspondent Coque Mukuta. In Senegal, opposition protests against the invalidation of a coalition's list of candidates resulted in over 200 arrests and three deaths, further illustrating the suppression of dissent in the electoral context.

Emerging issues related to protection of HRDs

Some HRDs are forced into exile due to threats to their safety. Refugee laws in the region significantly impact the ability of HRDs to continue their work effectively while in exile. These laws, although designed to provide protection to individuals fleeing persecution, can at times unintentionally restrict HRDs' activities. Understanding the legal framework governing refugee laws in the region and identifying countries that facilitate the work of HRDs in exile is crucial in addressing these challenges.

The legal framework for refugees is primarily based on international and regional instruments, with each country incorporating these norms into their domestic legislation. The primary international instrument is the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. African countries also adhere to the Organization of African Unity's 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa (OAU Refugee Convention). Additionally, countries might have national refugee laws that specify the legal rights and obligations of refugees on their territory. Some have been particularly welcoming to refugees. For instance, Uganda has consistently ranked as the third- or fourth-largest refugee-hosting country in the world, welcoming refugees fleeing armed conflicts in neighbouring countries, namely the DRC,

Burundi, South Sudan, Sudan, and Somalia.

While the refugee laws aim to protect individuals fleeing persecution, HRDs often encounter difficulties in continuing their human rights advocacy while in exile. Some of the key restrictions they face include: limited mobility, constraints on work, limited access to resources, and facing the threat of deportation. Refugee status often comes with restrictions on mobility, including residing in designated refugee camps or restricted areas. These limitations can hinder HRDs' ability to travel and network, limiting their outreach and advocacy efforts. Exiled HRDs may face challenges in accessing financial and logistical support. This lack of resources can hamper their ability to run effective campaigns, conduct research, or provide assistance to the communities they work with.

HRDs in exile may be at risk of deportation if their advocacy activities are perceived as causing political problems or security concerns in the host country. This constant threat affects their security and hampers their work. It is important to note that some countries are more supportive of HRDs working in exile, enabling them to continue their human rights advocacy. These countries often provide HRDs with the freedom to move, work, and access resources, within the constraints of their refugee status. For example, Uganda, is known for its progressive approach to

hosting refugees, and allows them to work, move freely, and access services. Countries that host AfricanDefenders' "Ubuntu Hub Cities" initiative (Cabo Verde, Côte d'Ivoire, Ghana, South Africa, and Tunisia) have also stood out for their approach to HRDs in exile. In Tunisia, however, concerns have grown regarding the country's treatment of Sub-Saharan African migrants, with reports of grave violations, including violence and discrimination.

To address the challenges faced by HRDs in exile and uphold their rights, African governments should ensure the safe return of exiled HRDs to their home countries, enabling them to continue their work without fear of persecution. Additionally, they should revise refugee laws to provide refugees, including HRDs, with the necessary rights to work, move, and access resources. This would allow them to contribute to their communities and advocate effectively.

Although there has been an increased awareness on HRDs and WHRDs and various attempts to popularise the UN Declaration on HRDs to public, many defenders on the grassroots level still are unaware of the Declaration itself or that they are indeed HRDs, whose peaceful work is guaranteed under the Declaration. In many African countries, illiteracy rates are high, and educational systems do not prioritise human rights education. Consequently, HRDs often struggle to mobilize public support for their causes. The

HRD Declaration emphasises the importance of raising awareness about human rights, and African governments should make greater efforts to fulfill this obligation.

“Equipping yourself with an understanding of protection tools enables you to assess threats. Recognizing potential harm grants you the ability to request immediate evacuation at any moment, inspiring activism through heightened awareness.”

- Hassan Shire.

HRDs in Africa often operate in isolation, facing limited opportunities for networking and collaboration, in particular on protection issues. This lack of solidarity can be detrimental to their safety and effectiveness. The HRD Declaration recognises the importance of cooperation among HRDs and calls on states to create an enabling environment for their work. African governments must actively promote cooperation among HRDs and protect their right to associate freely. Additionally, CSOs should promote solidarity and expand their networks and coalitions to grassroots HRDs who work in isolation and may not have access to, or knowledge of, protection networks and mechanisms.

HRDs in Africa often face difficulties in obtaining visas and traveling internationally for advocacy and networking purposes. This includes travel to meetings and events in the Global North, but also travel within Africa. Governments may use visa restrictions as a means to limit HRDs' activities. For instance, during the 64th ordinary session of the African Commission on Human and Peoples' Rights, held in Sharm El-Sheikh, Egypt, many HRDs were either denied a visa or received their visa after the session had taken place. Coupled with other restrictions to NGO participation in the session and extensive surveillance by Egypt-security apparatus, denying visas was a clear strategy by Egyptian authorities to undermine independent human rights advocacy and HRDs' participation. Such restrictions contravene the HRD Declaration's call for states to facilitate the work of HRDs and their participation in international fora.

The growing trend of professionalisation of human rights work can sometimes lead to a disconnect between HRDs who are permanently employed by NGOs and the communities they aim to serve. This can undermine the grassroots nature of human rights activism.

The discussions on the UN Declaration on HRDs mainly involve state actors, civil society, and HRDs and WHRDs. The Declaration provisions, however, do not fully cover the human rights violations against defenders perpetrated by non-state actors, such as corporate and development agencies that are committing an increasing number of violations in their pursuit of projects that adversely affect communities.

“The biggest challenge is that HRDs also face violations from non-state actors yet the declaration doesn't protect them on that front. Moreover, states are failing to protect these HRDs against abuse by non-state actors like business corporations and others.”

- Kenyan HRD.



13.

WAY FOWARD

75 years and 25 years after the inception of the UDHR and the HRD Declaration respectively, the journey of HRDs in Africa is marked by both progress and persistent challenges. To fortify their resilience and pave the way forward, a multi-faceted approach is essential.

First, institutions such as NHRIs should be independent, impartial, and well-funded. To be impactful, the institutions need a strong legal and institutional basis that provides for their establishment and functioning and guarantees their independence. In line with the Paris Principles, the legal basis of any NHRI should be concerned with its independence, existence, structures, mandates and powers in particular. These entities act as watchdogs, amplifying HRDs' voices and fostering an environment conducive to human rights protection.

Additionally, continuing the dissemination of the UN Declaration on HRDs is crucial, with a heightened focus on vulnerable and minority groups. Translating the Declaration into diverse languages, including local dialects, ensures its accessibility and relevance to a wider audience. Simultaneously, human rights education initiatives should aim at increasing public awareness and understanding of the Declaration. Civic education plays a pivotal role in this journey. HRDs need dedicated budgets for curricula that integrate human rights principles. Empowering society with knowledge about human rights not only fosters a culture of respect but also creates a supportive ecosystem for HRDs.

Moreover, the compliance with and implementation of decisions from human rights bodies and mechanisms is paramount. The African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, the UN Human Rights Council, and UN treaty monitoring bodies, in particular, come to mind. The effectiveness of these bodies and mechanisms lies not only in their existence but in the concrete actions taken based on their decisions, including the resolutions they adopt and rulings they render, as well

as their decisions on individual communications, irrespective of the legally binding nature of these decisions. Although these decisions are not legally binding per se, they are based on and stem from legally binding instruments. HRDs must advocate for the enforcement of these decisions to ensure tangible outcomes and discourage impunity.

A bottom-up approach, inspired by the ideals of the UDHR, can reshape the global human rights order. HRDs should demand an international and African human rights system where "right is might" and not the other way around. This entails a concerted effort to establish a rules-based order that prioritises human rights over sheer power dynamics.

UN and AU agencies should enhance their engagement with HRDs at the grassroots level. By reaching out to those at high risk who lack international exposure, the UN and AU can provide tangible support and amplify their voices. This necessitates a dynamic and responsive approach to the specific challenges faced by HRDs.

Ultimately, political will is essential in implementing these recommendations. Existing legal frameworks must be implemented, and leaders must demonstrate a genuine commitment to upholding human rights and fundamental freedoms. In the coming years, the concerted efforts of HRDs, civil society, and the international community will be instrumental in fostering a world where the rule of law, human rights, and dignity prevail.

A woman with curly hair is shown in profile, looking towards the left. The entire image is bathed in a deep red light, creating a dramatic and moody atmosphere. The woman is wearing a dark, sleeveless top. The background consists of vertical lines, possibly from a wall or a door frame, also illuminated in red.

14.

RECOMMENDATIONS

- We call on States to observe and take steps to protect, respect, and fulfill all the human rights and fundamental freedoms outlined in the Universal Declaration of Human Rights and the United Nations Declaration on human rights defenders, including by creating and maintaining, in law and in practice, an enabling environment for human rights defenders and civil society; and
- We call on human rights defenders to further leverage Universal Declaration of Human Rights and the United Nations Declaration on human rights defenders in their work; in particular, human rights defenders and organisations should own both Declarations, use them in their monitoring, documentation, research, and advocacy work, and raise awareness of their provisions.
- Amend the UN HRD Declaration to cover emerging issues including:
 - i. Accountability mechanisms to end impunity for attacks against HRDs with attention to marginalised and vulnerable HRDs including those working in conflict areas, WHRDs, HRDs working on SOGIE issues, HRDs working on environmental issues and extractive industries, elections, and journalists fighting end of impunity or exposing high level corruption.
 - ii. The rise of artificial intelligence and related issues of surveillance and online repression.
 - iii. The use of the judiciary as a weapon of coercion against HRDs and emerging democracy activists;
 - iv. Broadening the scope of responsibility to include the negative influence of non-state actors such as armed groups and private companies
 - v. Allowing the direct responsibility of state actors to be challenged in the courts of law.

DefendDefenders (the East and Horn of Africa Human Rights Defenders Project) seeks to strengthen the work of HRDs throughout the subregion by reducing their vulnerability to risks of persecution and by enhancing their capacity to efficiently defend human rights.

DefendDefenders is the secretariat of the East and Horn of Africa Human Rights Defenders Network, which represents thousand of members consisting of individual HRDs human rights organisations, and national coalitions that envision a sub-region in which the human rights of every individual as stipulated in the Universal Declaration of Human Rights are respected and upheld.

 www.defenddefenders.org

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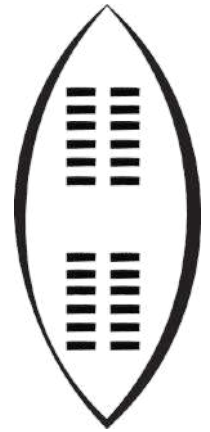
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AfricanDefenders (Pan African Human Rights Defenders Network) is an umbrella network of five African sub-regional networks, dedicated to the promotion and protection of human rights defenders across the African continent. DefendDefenders serves as the secretariat of AfricanDefenders.

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