

# AMNESTY INTERNATIONAL

## Public Statement

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### **African Commission: Establishment of a focal point on human rights defenders a welcome development**

Amnesty International welcomes the establishment by the African Commission on Human and Peoples' Rights (African Commission) of a *focal-point* on Human Rights Defenders. At the end of its 34th Ordinary Session in Banjul, The Gambia, held from 6-20 November 2003, the African Commission appointed Commissioner Jainaba Johm as *focal point* on Human Rights Defenders in Africa.

The establishment of a *focal point* on Human Rights Defenders is an important first step to begin the full realization of the 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 (UN Declaration on Human Rights Defenders) in Africa through the African Commission.

Amnesty International urges the *focal point* to work to stop the harassment, intimidation, torture and even extra-judicial killings of human rights defenders in the continent, and ultimately strengthen the protections available to human rights defenders, consistent with internationally recognized standards. When fully operational, the *focal point* would strengthen the ability of the African Commission to discourage future violations of the rights of human rights defenders, or reduce the possibility that they will occur.

By appointing a *focal point* on human rights defenders, the African Commission has shown a willingness to recognize the significant contribution human rights defenders make to the work of the Commission in its efforts to carry out its mandates under the African Charter on Human and Peoples' Rights.

The African Commission should seize this opportunity to initiate a process aimed at bringing to an end the impunity that now exists regarding violations of the rights of human rights defenders. Amnesty International calls on the African Commission to include the following in the mandate of the focal point:

- monitoring of the situation of human rights defenders in Africa
- preparing and making public appropriate reports,
- considering individual cases and ensuring proper follow-up,
- taking preventive measures and urgent actions whenever necessary,
- making authoritative recommendations of general and specific nature on safeguards and changes in law and practice of African governments, and
- establishing effective cooperation with the office of the UN Special Representative on Human Rights Defenders

Amnesty International calls on the African Commission to immediately take all practical measures to make the *focal point* fully operational so that it can function effectively and efficiently. Support from non-governmental organizations, civil society and the international community will also be essential for

Commissioner Jainaba Johm to meet the challenges of the future.

State parties to the African Charter must cooperate fully with Commissioner Jainaba Johm, including by providing necessary human and material resources and ensuring the implementation of any recommendations that she may make in the discharge of her mandate.

### **Background**

For several years, Amnesty International, together with other international and national human rights non-governmental organizations have called on the African Commission to adopt a resolution that will recognize the fundamental human rights of human rights defenders and strengthen the protection of those rights in Africa.

The UN Special Representative on Human Rights Defenders supports the development of a regional approach to the implementation of the UN Declaration on Human Rights Defenders. In May 2002 in Pretoria South Africa, the Special Representative attended the 31st Ordinary Session of the African Commission and urged the Commission to establish a mechanism for the protection of the rights of human rights defenders.

In her most recent report to the 59th session of the UN Commission on Human Rights (E/CN.4/2003/104), the Special Representative expressed that "a regional approach has helped the Special Representative to call upon commitments made by States at the regional level, in addition to their international commitments, for the implementation of her mandate." Similarly, the Kigali Declaration adopted by the African Union Ministerial Conference on Human Rights in May 2003, called on African governments "to take appropriate steps to implement the UN Declaration on Human Rights Defenders in Africa."