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ORAL STATEMENT

87th Ordinary Session of the African Commission on Human and Peoples' Rights
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Agenda Item 6(vi): Activity Report of the Special Rapporteur on Human Rights Defenders and Focal Point for Reprisals in Africa

Honorable Special Rapporteur,

Amnesty International welcomes the Special Rapporteur's initiative on the draft Declaration on the Promotion of the Role of Human and Peoples' Rights Defenders and their Protection in Africa. However, substantial revision is needed to ensure it does not unintentionally restrict human rights defenders' legitimate work.

The repeated reliance on undefined notions like "African values", "traditional values", "family cohesion", "public order", "state security", and "respect for authority risks" enabling patriarchal, moralistic, and security-based repression against defenders. This language should be removed from the draft Declaration to ensure that such vague notions are not used to justify attacks and restrict, stigmatize, criminalize, or delegitimize peaceful human rights work. Drafters should ensure it builds on progress achieved by the Declaration on Human Rights Defenders, which was adopted at the UN General Assembly by consensus, and by other international human rights law and standards that have been developed over the past decades to protect defenders who face risk because of who they are and the human rights they defend.

We also wish to draw the African Commission's attention to the deteriorating situation of human rights defenders working on the rights of lesbian, gay, bisexual, transgender, and intersex persons in Africa.

We are concerned by the growing legislative trend in several African states to criminalize not only consensual same-sex relations but also the so-called "promotion", "support", "funding" or "advocacy" of homosexuality. These provisions directly threaten human rights defenders, lawyers, journalists, health workers, educators, community-based organizations, and others providing legal aid, health services, protection, documentation, and advocacy.

This trend appears to have been inspired by Uganda's Anti-Homosexuality Act of 2023, which criminalizes consensual same-sex conduct, introduces the vague offence of "promotion of homosexuality", and provides for the death penalty for "aggravated homosexuality". Similar legislative models are now being replicated.

In **Burkina Faso** and **Mali**, where similar provisions were introduced through the Code of Persons and Family in September 2025 and the Penal Code in December 2024 respectively, human rights defenders have noted a rise in attacks and reprisals, including enforced disappearances, arbitrary arrests and incommunicado detention.

In Ghana, the Human Sexual Rights and Family Values Bill, currently under consideration in parliament, would criminalize the "promotion, sponsorship or support" of LGBTI activities.

In **Senegal,** we are witnessing a surge in attacks against LGBTI persons, including human rights defenders and peer educators in HIV response, following the recent approval of legislation that doubles the maximum sentence for same-sex relations to ten years and criminalizes efforts to promote homosexuality.

These laws are incompatible with the African Charter on Human and Peoples' Rights, including the rights to equality and non-discrimination, dignity, freedom of expression, association and assembly.

They are also contrary to this Commission's Resolution 275, which condemns violence and other human rights violations based on real or imputed sexual orientation or gender identity, and attacks against human rights defenders and civil society organizations working on these issues.

We urge the African Commission to call on states to repeal laws criminalizing consensual same-sex relations, to reject and repeal provisions criminalizing the promotion, defense, support, or funding of LGBTI rights.

We further urge the African Commission, including through the Special Rapporteur on Human Rights Defenders, to engage concerned states and ensure that human rights defenders can work safely and freely, without intimidation, arrest, deregistration, violence, or any other form of reprisals.

Defending the rights of LGBTI persons is legitimate human rights work. No one should be criminalized for who they are, or for defending the dignity and rights of others.

Thank you.