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Item 4: Human Rights Situation In Africa

Chairperson, Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the state of the situation of human rights in Africa.

Amnesty International is concerned that civilians in **Somalia** continue to bear the brunt of violations of international humanitarian law and human rights law, including war crimes, in the context of the armed conflict and an acute humanitarian crisis in South and Central Somalia. On 4 October, at least 82 persons, many of them civilians including students, were killed and over 100 injured in a bomb attack in front of a government building on a busy road in Mogadishu. The armed Islamist group al-Shabab claimed responsibility for the attack. Between 9 and 11 October, government and African Union Mission in Somalia (AMISOM) troops clashed with al-Shabab on the outskirts of Mogadishu, and civilian areas, including the SOS hospital were hit by artillery shelling, killing an unknown number of people and displacing thousands.

Children, women and civil society activists are particularly vulnerable. Amnesty International has documented a widespread pattern of recruitment and use of children by armed Islamist groups. The Transitional Federal Government (TFG) has yet to establish effective vetting mechanisms to ensure that its troops and aligned militias do not recruit and use children. Women and girls are vulnerable to sexual violence while fleeing drought and conflict and in camps for the displaced. Civil society activists, including journalists and human rights defenders, remain at risk of targeted abuses and harassment on account of their work and many who have fled Somalia for their safety live precariously in exile.

Amnesty International calls on the African Commission to:

- Demand that all parties to the conflict respect at all times international humanitarian law and immediately stop attacks against civilians, and indiscriminate and disproportionate attacks;
- Urge the TFG to sign and implement an action plan with the UN to end the killing, maiming, recruitment and use of children in armed conflict.

- Demand that long-standing impunity which fuels the conflict in Somalia is addressed, and that grave abuses committed by all parties to the conflict against civilians are investigated and mapped by an international Commission of Inquiry, or similar mechanism, which should also recommend the way forward for accountability in Somalia;
- Call on all AU member states to ensure that all Somalis fleeing conflict and persecution in southern and central Somalia are able to access refuge and protection on their soil;
- Call on AU member states to support Somali civil society activists, including by finding ways to provide durable solutions for those who have had to flee Somalia, including through easily accessible asylum procedures, resettlement and support to continue their work in light of the peculiar risk that this group of Somalis face.

In **Ethiopia**, the last six months have seen a further deterioration of freedom of expression in the country. Since March 2011, at least 105 members of political opposition parties, and six journalists have been arrested. All have been charged with, or arrested on suspicion of, crimes relating to belonging to a terrorist group. The arrests of so many members of groups critical of the government and vocal in calling for reform, signifies a sustained attack on the last vestiges of freedom of expression in the country, under the pretext of counter-terrorism measures. Some of those arrested complained in court that they had been subjected to torture or other forms of ill-treatment in the Maikelawi investigations detention centre. As with other reports of torture in Ethiopia, these complaints were not investigated. The government continues to deny the existence of torture in Ethiopia, and no independent investigations have been conducted in recent years into the numerous allegations that have been made about the use of torture. No independent organizations have access to detention centres.

The Charities and Societies Law continues to put major constraints on the work of Ethiopian human rights organizations in the essential work of monitoring and documenting violations and holding the government to account for its performance in relation to its domestic, regional and international human rights obligations. The legislation unduly restrains freedoms of expression and association, and must be amended. The authorities continue to deny access for independent human rights monitors, journalists and other actors, to the Somali region. In August Amnesty International delegates were expelled from the country. Serious allegations of abuses committed by the Ethiopian security forces against the civilian population continue to be reported and must be subjected to independent investigation.

Amnesty International acknowledges recent political developments in **Sudan**, including the successful holding of the referendum and subsequent secession of South Sudan on 9 July 2011. However, Amnesty International is alarmed by the deteriorating human rights situation in Sudan, including the recent conflict in Southern Kordofan and Blue Nile states.

Fighting between the Sudan Armed Forces and the opposition group, the Sudan Peoples' Liberation Army-North, has been ongoing in Southern Kordofan since early June. Further conflict erupted in Blue Nile on 1 September. The Sudanese authorities' use of indiscriminate aerial bombardments, destruction and looting of civilian property, arrests of activists and alleged extra-judicial killings, have resulted in the displacement of over 250,000 people from the region. Furthermore, the Sudanese authorities have actively denied or severely restricted access to humanitarian aid, and denied access to independent human rights monitors since the conflict began.

Amnesty International calls on the African Commission to urge the Sudanese authorities to end indiscriminate aerial bombardments and other violations in Southern Kordofan and Blue Nile, and to allow unfettered access to humanitarian agencies in all affected areas, in order to provide assistance to the affected population. Amnesty International further calls on the Commission to encourage the Sudanese authorities to provide access to independent human rights monitors.

Amnesty International is concerned that across Africa hundreds of thousands of people are forcibly evicted from their homes by the authorities each year. The evictions are conducted without due process safeguards, prior consultation, or provision of adequate alternative housing and compensation. Most of those who are evicted are left homeless. There are frequent reports of excessive use of force by officials carrying out the evictions.

Forced evictions not only violate the right to adequate housing but also lead to violations of other economic, social and cultural rights, as people may no longer be able to access clean water, food, sanitation, work, health and education. They have catastrophic consequences on people's lives, and drive people deeper into poverty.

Over the years Amnesty International has documented cases of mass forced evictions in Angola, Chad, Egypt, Equatorial Guinea, Ghana, Kenya, Nigeria, Sudan, Swaziland and Zimbabwe. Governments across Africa have acted in violation of regional and international human rights standards, including the African Charter on Human and Peoples' Rights.

In many countries, people who have been forcibly evicted are denied access to justice and effective remedies. The consequences of forced evictions continue to manifest years after they were carried out as communities struggle to access essential health services, water, sanitation and education. Those who are responsible for these human rights violations have still not been brought to account.

Amnesty International urges the African Commission on Human and Peoples' Rights to adopt a resolution calling on all member states to:

- Immediately cease forced evictions and ensure that any evictions which are carried out comply with international and regional standards.
- Enact and enforce a clear prohibition against forced evictions.
- Adopt legislation setting out safeguards that must be complied with before any eviction is carried out, based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement, and which comply with international and regional human rights standards.
- Take immediate measures to confer a minimum degree of security of tenure to all people currently lacking such protection, in genuine consultation with the affected people and communities.
- Ensure that any alternative housing provided to people complies with international and regional standards on adequacy of housing
- Ensure that all victims of forced evictions have access to effective remedies and reparations, which includes restitution, rehabilitation, compensation, satisfaction and guarantees of non-repetition.

Amnesty International is increasingly alarmed at the number of African states' legal systems that continue **to criminalize consensual same-sex conduct** and allow the persecution of a group of people based on their sexual orientation or gender identity. Laws that criminalize consensual same-sex conduct violate the right to non-discrimination, the right to equality before the law, the right to privacy, and may violate the right to freedom of expression, association and assembly, the right to be free from torture and other cruel, inhumane and degrading treatment, and the right to liberty and security of the person. In addition, they significantly hamper the ability of lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals from being able to exercise their right to health. Laws that criminalize same-sex conduct are often used to target people based on their identity, or their suspected identity, alone. These laws entrench discrimination and encourage hatred and prejudice to flourish. LGBTI people are forced to hide in their own communities, and, in addition to arbitrary arrest and detention, are frequently subject to the following discriminatory treatment because of their sexual orientation or gender identity: forced evictions; the denial of medical treatment; expulsion from schools; loss of and the inability to gain employment; blackmail and extortion; forced anal examinations; as well as violence, sexual violence and murder.

Since March 2011, 14 people have been arrested for 'homosexuality' or 'attempted homosexuality' in Cameroon alone; in Uganda, attempts were made in May 2011 to re-introduce the Anti-Homosexuality Bill, which would have seen the imposition of the death penalty for 'aggravated homosexuality', and prison sentences for those who failed to report anyone who breached the provisions of the act within 24 hours; in South Africa, LGBTI people continue to be subject to sexual violence and killing by non-state actors, who by and large perpetrate such crimes with impunity. These are but a few examples of the harassment, persecution and violence that LGBTI people have been subjected to this year from state and non-state actors alike in many countries across Africa.

Amnesty International therefore calls on the African Commission to adopt a resolution condemning the persecution of LGBTI people and clearly stating that laws that criminalize consensual same-sex conduct violate the non-discrimination and equality provisions of the African Charter. Amnesty International also suggests that the African Commission develops principles and standards on the prevention of persecution and violence against LGBTI people by state and non-state actors alike. Such principles and standards should be based on the African Charter, the Commission's jurisprudence, and the standards elaborated by the UN human rights bodies and experts.