

VULNERABILITY ASSESSMENT OF HRDs: LESSONS FROM AFRICA. A STATEMENT PRESENTED BY JOEL BISINA (Ph.D.) EXECUTIVE DIRECTOR – LITE-AFRICA, NIGERIA AT THE OHCHR’s MULTI-STAKEHOLDER MEETING ON THE HUMAN RIGHTS OF OLDER PERSONS HELD ON XXX XXX 2022.

Protocol.

1. August 16 2012 is a day everyone in this multi-stakeholder meeting who is familiar with rights movement in the global south will never forget. Over 30 striking workers were shot and killed and about 80 others critically wounded by state security forces for peacefully protesting on a public land near the town of Marikana, South Africa. Unfortunately, 270 survivors of the massacre were detained and charged with public violence. Further underscoring the need for greater state protection of Human Rights Defenders (HRDs).
2. It is my pleasure to share with you the findings of LITE-Africa's recent assessment of the vulnerability of human rights defenders and lessons learned from Africa. A country's legal system or the acts of state and non-state entities like companies may directly affect a human rights defender's capacity to carry out their work. This can be used as a springboard for exploring the vulnerability and placing issues into context.
3. Primarily human rights defenders’ right to be protected is seriously violated by both states and non-state actors in Africa. Defenders hardly enjoy their right to peaceful assembly as they increasingly suffer arrest, detention, extra-judicial killings and administrative harassment. Excessive use of force by security providers against defenders is commonplace in the region. Defenders protesting land rights, livelihoods including fishing, and environmental rights against businesses also suffer unjust restrictions from unnecessary requirements to receive authorization from government security forces that affect defenders’ right to assemble freely. In Ghana, these authorizations hardly ever get approved; instead, the police squelch them with court orders. Leaders of workers’ unions across the regions suffer summary dismissals, harassment, and attacks for participating in peaceful industrial actions. Human rights defender right to freedom of association is under serious threat due to administrative and judicial harassment that offers grounds for the dissolution of human rights defender organizations. Redflag examples of such measures include the Ghana, and Nigeria NGO regulation bills. In South Sudan, the registration process for an interviewed human rights defender organization by the state took nearly ten years. Most States including Nigeria have laws that criminalize same sex unions. Most state regimes require NGOs to obtain prior permission to be able to access funding and the use of funds. These measures further put the work of defenders at risk and that of their right to access funding. In South Sudan, defenders’ phones and correspondences are tracked by state security in clear violation of defenders’ right to access and communicate with international bodies. The vulnerability context of defenders in South Sudan is characterized by the apprehension of state surveillance, arbitrary arrest and detention, and a silence syndrome which continue to provide a springboard for human rights violations. In DRC defenders come under targeted attack for being the spokesperson of the oppressed and for promoting respect for human dignity.
4. A treaty for the protection of the human rights of elderly persons such as every other convention will offer greater protection for the potentially vulnerable community, but additionally it places greater responsibility for the work of HRDs. A potential binding treaty that places mandatory

commitment of state and non-state actors to the protection of human rights defenders is recommended. All critical stakeholders including HRDs, women, indigenous communities, labour leaders, youths, journalists and the elderly should be adequately consulted in the formulation of such legislations and policies.

5. Also, states should demonstrate greater commitment to adequately train public and private security personnel on risks related to human rights defenders and provide necessary lawful equipment to prevent excessive use of force and violence against defenders by security personnel. In line with the Guiding Principles, it should be mandatory for businesses to publish human rights defender policy and translate such commitment to practice in the operating environment. It would be beneficial to also create awareness about such commitments and grievance mechanism through wider consultation and engagement with human rights defenders and local communities.
6. Finally, it is crucial to emphasize that the protection of human rights defenders is a collective effort, and state parties must not overlook the civil society as essential allies in this regard. Permit me to conclude by thanking the Office of the High Commissioner for Human Rights for giving me the opportunity to make this presentation. I would also like to thank everyone who is contributing in several ways to the cause of protecting human rights defenders across all spheres of human endeavour.
7. I thank you all.