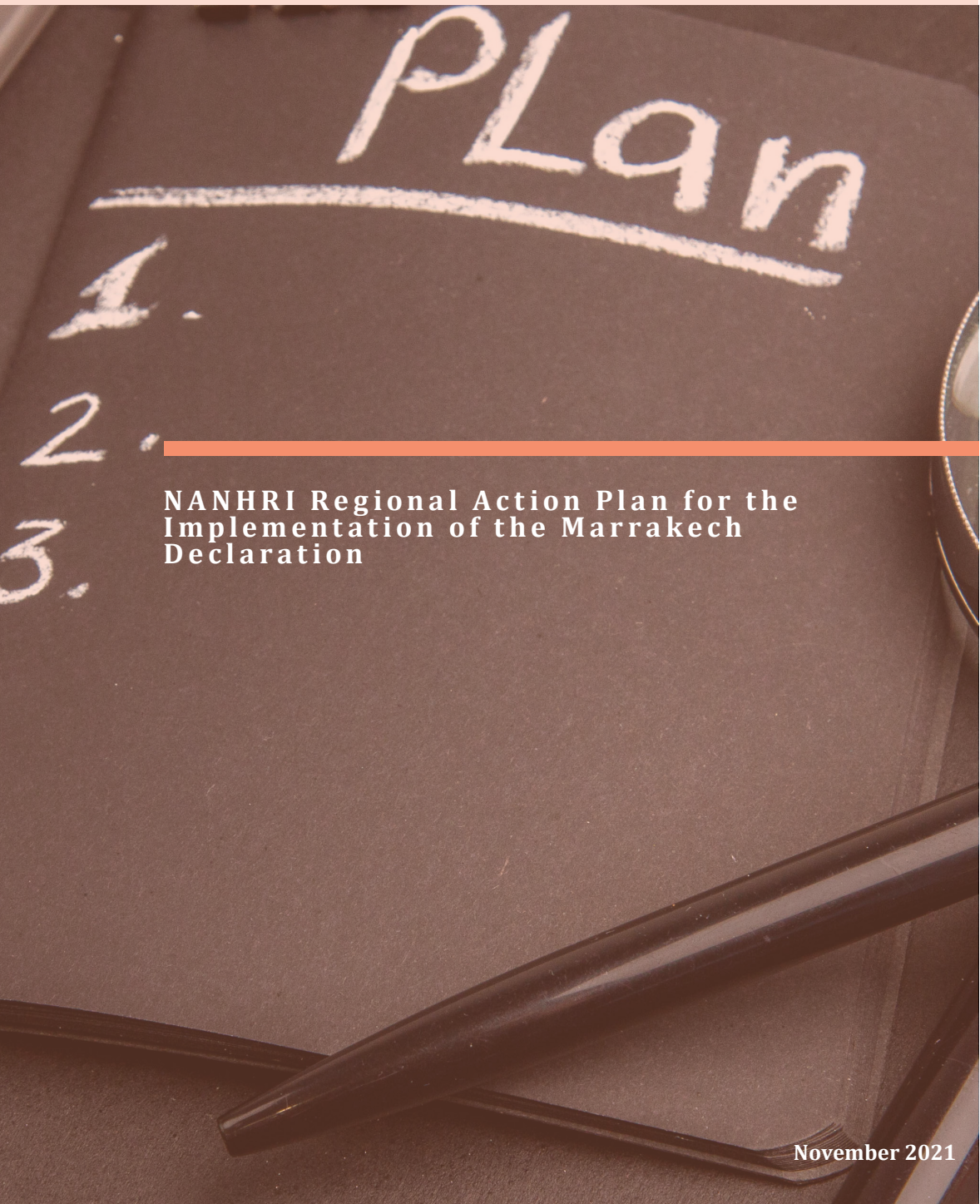




Network of African National Human Rights Institutions (NANHRI)



NANHRI Regional Action Plan for the Implementation of the Marrakech Declaration

action plan

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This report is published by: The Network of African National Human Rights Institutions

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Norwegian Ministry
of Foreign Affairs

Acknowledgment

Over the last few decades, the human rights situation globally has been a growing concern. In response, human rights defenders (HRDs), including National Human Rights Institutions, have dedicated their work in addressing the human rights situation in line with their mandate. For a better approach to expanding the shrinking civic space, the Global Alliance of National Human Rights Institutions (GANHRI) organised the 13th Triennial Conference under the theme: *'Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of National Human Rights Institutions'*. The meeting, which was held on 10-12 October, 2018 in Marrakech, Morocco, culminated in the adoption of the Marrakech Declaration.

On this basis, the Network of African National Human Rights Institutions (NANHRI) embarked on establishing and strengthening structures of preserving the rights of HRDs in Africa. To effectively deliver on this assignment, NANHRI sought to understand the status and gaps in the existing structures by commissioning a study. The study informed the development of this Regional Action Plan.

Development of the report and the Regional Action Plan has been made possible through the participation of a host of actors.

We thank the NHRIs of Côte d'Ivoire, Kenya, Madagascar, Morocco, Tanzania and Zimbabwe for offering to be case studies.

We also thank the Consultants – Dr. Tarisai Mutangi, Dr. Japheth Biegon and Dr. Ashwanee Budoo- for making time for the development of this report and subsequent tools. Special thanks go to the NANHRI Secretariat team for its dedication and infatigable support to the entire project.

We would also like to acknowledge technical support of African Commission on Human and Peoples' Rights through its Chairperson, Prof. Rémy Ngoy Lumbu, as well as the Tripartite Partnership (TPP) members including the United Nations Development Programme (UNDP) the Global Alliance of National Human Rights Institutions (GANHRI) and the Office of the High Commissioner for Human Rights (OHCHR), among others.

We are immensely grateful to the Government of Norway for the financial support to the project without which this process would have not been completed.

It is with all humility that I accept the great honour to write this Foreword and to be associated with this Regional Action Plan for the Implementation of the Marrakech Declaration. Adopted during the 13th International Conference of the Global Alliance of National Human Rights Institutions (GANHRI), held in October 2018 in Marrakech, Morocco, the Declaration is an authoritative statement on the critical role of national human rights institutions (NHRIs) in the protection of human rights defenders (HRDs).

As stated in the Declaration, ‘Paris Principles compliant NHRIs can play an important role in promoting and protecting human rights for all by contributing to safeguarding and promoting civic space and protecting human rights defenders and women human rights defenders in particular’. This Action Plan not only sets out a comprehensive agenda for African NHRIs in relation to the protection of HRDs, but also reflects their dedication and commitment in pushing back against the shrinking of civic space on the continent.

In Africa, as elsewhere, HRDs are involved in a wide range of activities that seek to advance the course and legitimacy of human rights. Among other things, they expose injustices, fight impunity, and defend marginalised groups. The vital role of HRDs is indeed acknowledged in many official regional and international normative documents and instruments, including in the 1998 United Nations (UN) Declaration on Human Rights Defenders and the 2003 Kigali Declaration, which was adopted by the First African Union (AU) Ministerial Conference on Human Rights.

This withstanding, HRDs often work in risky and dangerous national contexts. They face diverse forms of reprisal and persecution for doing their work, including intimidation, physical attacks, online bullying and trolling, surveillance, smear campaigns, death threats, judicial harassment,

arbitrary arrests, detention, and torture. In extreme cases, HRDs have been forcefully disappeared or killed.

Threats and attacks against HRDs in Africa take place in a context of shrinking civic space, characterized by a clampdown on the exercise of the freedoms of expression, association and assembly, as well as the enactment of laws that curtail the work of HRDs and civil society. I have raised with governments this concerning trend in my capacity as Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and I am pleased that through this Action Plan, African NHRIs are committing to take a systematic and targeted approach to creating a safer and more conducive environment for HRDs.

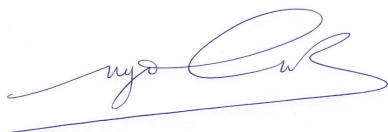
This Action Plan fulfills two functions. On the one hand, it builds upon and reinforces existing regional commitments, such as the 2017 Cotonou Declaration on Strengthening and Expanding the Protection of Human Rights Defenders in Africa. On the other hand, it constitutes a major contribution in this field insofar as it strengthens the instruments listed above.

Like the Marrakech Declaration, the Cotonou Declaration called on NHRIs to effectively use their mandates to hold States accountable for violations against HRDs, intervene on behalf of HRDs who fall victim to violations, establish focal points, and give special attention to HRDs facing increased risks. In this context, this Action Plan is as much an implementation framework for the Cotonou Declaration as it is for the Marrakech Declaration.

I remain committed to continuing to collaborate and work, without any discrimination, with all African NHRIs, through the Network of African National Human Rights Institutions (NANHRI) in strengthening the protection of HRDs across the continent.

This Action Plan fulfills two functions. On the one hand, it builds upon and reinforces existing regional commitments, such as the 2017 Cotonou Declaration on Strengthening and Expanding the Protection of Human Rights Defenders in Africa. On the other hand, it constitutes a major contribution in this field insofar as it strengthens the instruments listed above.

Our commitment and our determination must not fail as long as every defender of human rights in Africa does not have effective legal guarantees and sufficient measures, favorable to the emergence of human rights, and a safe and conducive environment for the achievement of their mission in the defence of human rights.

A handwritten signature in blue ink, appearing to read 'ngoy lumbu', with a long horizontal flourish underneath.

Prof Rémy Ngoy Lumbu

Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa and Chairperson, African Commission on Human and Peoples' Rights

The Global Alliance of National Human Rights Institutions (GANHRI) held its 13th International Conference in Morocco, Marrakech from 10 to 12 October 2018. The conference marked several auspicious anniversaries: the 70th anniversary of the Universal Declaration of Human Rights; 25th anniversary of the adoption of the Paris Principles by the United Nations General Assembly and the establishment of the global network of national human rights institutions (NHRIs), today known as GANHRI; and the 20th anniversary of the UN Declaration on Human Rights Defenders. The theme of the conference, *'Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women: The role of national human rights institutions'*, reflected a growing global concern: the shrinking of civic space in many countries, a trend that is characterized by a spike of attacks, intimidation and harassment of human rights defenders (HRDs).

A key outcome of the conference was the Marrakech Declaration. The Declaration is a product of a dynamic discussion during the conference that involved sharing of lessons and good practices amongst NHRIs. It contains commitments undertaken by national human rights institutions (NHRIs) to expand civic space and promote and protect HRDs, with a specific focus on women HRDs.

These commitments were clustered in three main areas: promotion; protection; and cooperation and partnerships. The resolutions so adopted are accompanied by several activities or action points so that the promotional, protection and cooperative objectives would be achieved in practice.

To foster the implementation of the Marrakech Declaration in Africa, the Network of African National Human Rights Institutions (NANHRI) has prepared and adopted this regional action plan. It replicates the resolutions contained in the Marrakech Declaration, but further identifies actors that will undertake specific activities and, appoints timelines for achievement of the overall objectives of the Declaration.

Although not included in the action plan, the human and financial resources component is crucial. It is incumbent on NHRIs, individually or collectively, to mobilize resources to implement the activities.

NHRIs resolved the following under the Marrakech Declaration:

Promotion

- a) Call on states to ratify and implement all international human rights instruments;
- b) Advise on national legislation, policies and programmes to ensure compliance with the State's international human rights obligations. For instance, any restrictions on fundamental freedoms such as the rights to freedom of peaceful assembly and association, and expression must be prescribed by law, should not be unreasonably or arbitrarily applied and should only be applied under due process. Legislation and policies must be in line with the principle of equality and thus protect against any discrimination on the basis of sex, and gender;
- c) Contribute to the establishment of national protection systems for human rights defenders, who need an enabling environment which is accessible and inclusive and in which all rights are respected. This should be done in consultation with human rights defenders and civil society, media and other non-state entities and individuals (such as ethnic, indigenous and religious leaders);
- d) Advance positive narratives on the importance of human rights in every aspect of our societies, and on the important and legitimate role of human rights defenders, in particular women human rights defenders. This should be done by communicating about human rights in an innovative way with the use of new technologies and a focus on youth;
- e) Raise awareness about the Declaration on Human Rights Defenders, translate it into local languages and disseminate it widely;
- f) Support the State in implementing the Declaration on Human Rights Defenders. This includes ensuring that the judiciary, administrative and law enforcement officials are trained to respect the Declaration and other human rights norms, and that human defenders can self-identify. This should be done with a specific focus on the position of women human rights defenders;
- g) Promote gender equality and develop strategies to combat all forms of discrimination against women human rights defenders;
- h) Raise awareness among private actors about their responsibility to respect the rights of human rights defenders and advise them on actions and measures to ensure that they meet this responsibility.

Protection

- a) Monitor and report on civic space – online and offline – through the collection and analysis of disaggregated data, including gender-based disaggregation and statistics related to killings, fabricated legal charges, misuse of specific laws and other attacks against human rights defenders, journalists and trade unionists, lawyers, students, academics, in line with SDG indicator¹ 16.10.1;
- b) Identify when policy implementation disproportionately impacts on human rights defenders and civic space
- c) Set up efficient and robust early warning mechanisms and focal points within NHRIs. This should be done with specific attention to groups at risk: human rights defenders, women human rights defenders and all those that advocate for the rights of those left behind. These mechanisms should have the mandate, capacity and expertise to initiate urgent actions;
- d) Interact with the international and regional human rights systems in support of human rights defenders, and monitor follow-up and implementation of recommendations;
- e) Report cases of intimidation, threats and reprisals against human rights defenders, including against the NHRI members or staff, and do what is possible to ensure protection;
- f) Ensure that international, regional and national mechanisms available to the protection of human rights defenders are widely known, gender-sensitive and accessible for persons with disabilities;
- g) Monitor places of detention including where appropriate by conducting preventive visits, and provide legal aid to persons in detention;
- h) Promote access to justice for victims of violations of rights and fundamental freedoms, and work closely with the judiciary in that regard.

¹ https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202021%20refinement_Eng.pdf

Cooperation and Partnerships	<ul style="list-style-type: none"> a) Interact with human rights defenders and civil society in a regular manner and include them in the planning and, implementation of, as well as follow-up on, the NHRI’s activities, in a gender and disability-sensitive manner; b) Look for ways to cooperate with organizations including human rights organizations, the media, academia, business organizations, trade unions c) National statistics offices, and local, national, regional and international intergovernmental and non-governmental organizations and institutions d) Support the development of national and regional defenders’ networks and strengthen existing ones, in coordination with human rights defenders. Specifically support networks of women human rights defenders.
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Founded in 2007, NANHRI is a not-for profit regional organization that brings together 46 NHRIs in Africa. Its mission is ‘to support, through national, regional and international co-operation, the establishment and strengthening of NHRIs to more effectively undertake their mandate of human rights promotion, protection, monitoring and advocacy’. NANHRI seeks to support and strengthen national human rights institutions in Africa as well as to facilitate coordination and cooperation between and among themselves and other key human rights actors at the regional and international level.

Being alive to a context and environment of work marked by shrinking civic space that limits the work of HRDs, NANHRI is implementing a programme that seeks to support NHRIs to develop/strengthen existing protection mechanisms for HRDs in accordance with the Marrakech Declaration. In May 2020, NANHRI commissioned a study to establish and document existing practices and experiences towards the protection of HRDs and provide capacity-building support and training to NHRIs and other stakeholders. Another output of the project is a reference handbook for a HRD complaints handling mechanism.

In addition, NANHRI has conducted a study of selected NHRIs to assess the extent to which they are implementing the provisions of the Marrakech Declaration. This study identified several gaps that NHRIs across the continent face in implementing the Declaration. It is based on this study that NANHRI adopts this regional action plan.

NANHRI commits to do the following to support NHRIs in their efforts to implement the Marrakech Declaration:

Objective	Action	Actor/ Responsibility	Timeline
PART I: Promoting the expansion of civic space and rights of women human right defenders			
1. Lobby African governments to ratify and implement international human rights instruments on the protection of HRDs	<ul style="list-style-type: none"> - Undertake a mapping of States with low levels of ratification of relevant international human rights instruments - Hold high level consultations with States representatives, the United Nations and African Union Special Rapporteur on Human Rights Defenders on the situation of HRDs in countries of concern with focus on ratification of international instruments, the adoption of a domestic law on HRDs, conferring NHRIs the status of HRDs and adopting national protection systems for HRDs; - Hold consultations with States representatives when adopting laws or policies that may negatively impact on the rights of HRDs; - Raise awareness on the situation of HRDs in the country with States representatives. 	NHRIs, NANHRI	Short-term
2. Assist NHRIs to operate in line with the Paris Principles	<ul style="list-style-type: none"> - Conduct periodic capacity building and refresher consultations with NHRIs to remind them of the various aspects of their mandate according to the Paris Principles; - Conduct bi-annual or annual assessment of NHRIs' compliance and threats to their compliance with the Paris Principles. 	NANHRI	Long-term
3. Assess the needs of HRDs in the implementation of the Marrakech Declaration	<ul style="list-style-type: none"> - Hold consultative meetings with HRDs to assess their needs in the implementation of the Marrakech Declaration; - Assist NHRIs in collectively developing a model action plan to implement the Marrakech Declaration. 	NHRIs, NANHRI	Medium-term

Objective	Action	Actor/ Responsibility	Timeline
4. Build the capacity of NHRIs on the legal framework for the protection of HRDs, including women HRDs and circumstances in which limitations can be imposed on rights	<ul style="list-style-type: none"> - Encourage and support NHRIs to establish HRD focal points within their structures; - Support the creation of a regional coalition of women HRDs that works in close collaboration with the national coalition of HRDs; - Hold consultative meetings with women HRDs and the NHRIs to understand their entrenched vulnerabilities for redress; - Conduct capacity building for NHRIs to understand and lobby for adoption or adaptation of laws and policies for the protection of HRDs; - Build the capacity of NHRIs to identify entry points to review existing laws and advise governments on national legislation, policies and programmes. 	NANHRI	Medium-term
5. Develop a model internal policy for the protection for NHRIs	<ul style="list-style-type: none"> - Assist NHRIs by convening consultations on the development of a policy, emphasizing mainstreaming gender in activities concerning HRDs; - Assist NHRIs in the creation of focal point/working group on HRDs. 	NANHRI	Medium-term
6. Annually review the extent to which States implement the recommendations of NHRIs on HRDs; call on States to implement such recommendations if they have not	<ul style="list-style-type: none"> - Adopt a model framework for NHRIs to monitor and report on implementation of their recommendations; - Build capacity of NHRIs to monitor implementation of recommendations by States; - Conduct an annual review of State implementation of the recommendations of NHRIs and call on States to implement such recommendations if they have not yet done so. 	NHRIs, NANHRI	Long-term

Objective	Action	Actor/ Responsibility	Timeline
7. Conduct country studies to map the national protection systems for HRDs for identification of gaps	<ul style="list-style-type: none"> - Develop and adopt comprehensive terms of reference (TORs) for the joint mapping national protection systems for HRDs; - Develop and adopt comprehensive TORs for a joint study on the role of technology in the protection of HRDs with the view of adopting recommendations for NHRIs; - Commission the national studies; - Assist international human rights mechanisms in conducting investigations and studies on the role of NHRIs in the protection of HRDs with a focus on women HRDs and other vulnerable groups. 	NANHRI, NHRIs	Medium-term
8. Support NHRIs in sensitization and awareness raising campaigns by creating annual topics relevant to HRDs	<ul style="list-style-type: none"> - Carry out consultations to agree on adopting a Day for HRDs; - Collectively adopt an annual theme for HRDs' Day celebrations focusing on women, and other vulnerable groups; - Adopt regular regional campaigns on policy frameworks on the protection of HRDs. 	NANHRI, NHRIs	Long-term
9. Translation of the Declaration on HRDs into local languages	<ul style="list-style-type: none"> - Fundraise for the translation of the Declaration on HRDs into local languages of each country; - Disseminate these translated documents through media platforms 	NHRIs, NANHRI	Medium term
10. Training of officers working on issues of HRDs	<ul style="list-style-type: none"> - Conduct capacity building of public officers working with or on HRDs in each country placing focus on the vulnerabilities that women, children and HRDs with disability or forming part of minority groups face; - Develop appropriate curriculum for this training utilizing the findings of studies cited above. 	NANHRI, NHRIs	Medium-term

Objective	Action	Actor/ Responsibility	Timeline
12. Promote gender equality through strategies combating all forms of discrimination against women HRDs	<ul style="list-style-type: none"> - Mainstream gender in all programmes on HRDs in order to eliminate all forms of gender discrimination of women HRDs; - Train staff on gender equality and mainstreaming with a specific focus on women HRDs. 	NHRIs	Medium-term
Part II: Protection of Human Rights Defenders			
13. Lobby governments to grant NHRIs the status of HRDs	<ul style="list-style-type: none"> - Advocate for national law on protection of HRDs; - Pending the enactment of a national law, develop a national policy on protection of HRDs; - Monitor legislative developments relevant to protection of HRDs and intervene as appropriate; - Report threats in annual reports submitted to national oversight bodies like parliament as part of building visibility on the role and status of HRDs. 	NHRIs	Long-term
14. Support NHRIs to strengthen their complaints handling mechanisms and response to HRDs under threat	<ul style="list-style-type: none"> - Develop a model complaint handling procedure with a focus on the vulnerabilities of women HRDs, and other minority groups; - Raise awareness and bring the plight of HRDs under threat to the attention of relevant authorities and human rights mechanisms at the regional and international levels; - Facilitate legal support for HRDs facing arrest or judicial harassment; - Initiate or support strategic litigation relating to the rights and protection of HRDs; - Establish rapid responses to HRDs under threat (e.g. helpline or designating specific trained staff as rapid responders); - Facilitate peer exchange amongst NHRIs on good practices and functioning of complaint handling procedures. 	NANHRI, NHRIs	Medium-term

Objective	Action	Actor/ Responsibility	Timeline
15. Training of NHRIs to engage with the African human rights bodies	<ul style="list-style-type: none"> - Develop training materials on NHRIs engagement with the African Commission on Human and Peoples’ Rights, the African Court on Human and Peoples’ Rights and the African Committee of Experts on the Rights and Welfare of the Child and human rights bodies at the sub-regional level such as the Court of Justice of the Economic Community of West African States and the East African Court of Justice; - Provide information to NHRIs on regional and sub-regional mechanisms and tools for supporting HRDs. 	NANHRI	Medium-term
16. Building the capacity of civil society organizations (CSOs) to engage with relevant stakeholders, including NHRIs	<ul style="list-style-type: none"> - Publish user-friendly versions of the UN Declaration on HRDs (e.g. in pocket-size or booklet format); - Develop learning and training materials on issues relating to protection of HRDs; - Undertake training of CSOs and HRDs with a focus on women HRDs and those in rural areas; - Serve as resource persons in training workshops and seminars organized by CSOs and HRDs. 	NHRIs	Long-term
Part III: Cooperation and Partnerships			
17. Create a coordinating mechanism for stakeholders on HRDs	<ul style="list-style-type: none"> - Create a regional all stakeholder platform on HRDs where all stakeholders periodically gather to brainstorm and adopt new strategies on the rights of HRDs; - Support the development of sub-regional mechanisms that coordinate the work of HRDs. 	NANHRI	Medium-term
18. Assist NHRIs in building new partnerships for the promotion of the rights of HRDs	<ul style="list-style-type: none"> - Build partnerships among NHRIs in the region; - Build partnerships with CSOs and development partners; - Build partnerships with research institutes; - Build partnerships with African Union and United Nations human rights bodies to be more involved in cases involving violation of the rights of HRDs. 	NANHRI	Medium-term

Objective	Action	Actor/ Responsibility	Timeline
19. Lobby governments for more budgetary allocation to NHRIs to reinforce their work on HRDs	<ul style="list-style-type: none"> - Lobby governments through Parliament to increase allocation of resources towards protection of fundamental rights and freedoms; - Advocate increase in access to justice for violation of fundamental rights; 	NHRIs	Medium-term
20. Participate at the international level through the State reporting process, the Universal Periodic Review and the African Peer Review Mechanism to have inputs on the implementation of the Marrakech Declaration.	<ul style="list-style-type: none"> - Participate in the State reporting process through the submission of shadow reports; Set up meetings on the challenges that NHRIs face in the implementation of the rights of HRDs on the margins of sessions of international human rights bodies, with a focus on the African Commission; - Assist the African Commission Special Rapporteur on Human Rights Defenders and Focal Points on Reprisals in Africa to bring into fore the role of NHRIs in the protection of HRDs; - Link up NHRIs to relevant regional actors and mechanisms. 	NHRIs, NANHRI	Long-term

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