

## **2021 GANHRI Annual Meeting**

*Discussion on Global Action Plan on HRD and civic Space and discuss experiences from NHRIs in relation to protecting human rights defenders and civic space.*

**1 July from 16.30 to 18:00 CEST**

### **Talking Point of the Chairperson**

1. Within the African Human Rights System, the African Union recognised the importance of NGOs in the protection of human rights through the Grand Bay (Mauritius) Declaration and Plan of Action in 1999.<sup>1</sup> It further called on African countries to implement the UN Declaration on HRDs.<sup>2</sup> The Kigali Declaration reiterated this and recognised the important role of CSOs, the media and HRDs in the protection of human rights in the continent.<sup>3</sup>
2. In 2005, the African Commission on Human and Peoples' Rights (African Commission) established the mandate of the Special Rapporteur on Human Rights Defenders in Africa,<sup>4</sup> which was expanded to include reprisals against HRDs in 2014.<sup>5</sup> The mandate of the Special Rapporteur on HRDs and reprisals in Africa worked with the Study Group on Freedom of Association and Assembly and other partners to develop the Guidelines on Freedom of Association and Assembly in Africa.<sup>6</sup>
3. NHRIs, like many civil society organisations (CSOs) and HRDs, have a mandate to promote and protect human rights. The promotion of human rights involves increasing the public knowledge and awareness of human

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<sup>1</sup> OAU: Grand Bay (Mauritius) Declaration and Plan of Action, 1999. The First OAU Ministerial Conference on Human Rights, meeting from 12 to 16 April, 1999, in Grand Bay, Mauritius. Section 17 provides, "The Conference recognizes the importance of promoting an African Civil Society, particularly NGOs rooted in the realities of the Continent and calls on African governments to offer their constructive assistance with the aim of consolidating democracy and durable development."

<sup>2</sup> Section 19 of the OAU: Grand Bay (Mauritius) Declaration and Plan of Action, Ibid.

<sup>3</sup> Section 28 and 29 of the AU: Kigali Declaration, 2003. The 1st African Union (AU) Ministerial Conference on Human Rights in Africa meeting on 8 May 2003 in Kigali, Rwanda

<sup>4</sup> 83 Resolution on the Appointment of a Special Rapporteur on Human Rights Defenders in Africa - ACHPR/Res.83(XXXVIII)05. Adopted by the African Commission on Human and Peoples' Rights meeting at its 38th Ordinary Session held from 21 st November to 5 th December 2005 in Banjul, The Gambia, <https://www.achpr.org/sessions/resolutions?id=217> (accessed 8 January 2021)

<sup>5</sup> 273 Resolution on Extending the Scope of the Mandate of the Special Rapporteur on Human Rights Defenders in Africa - ACHPR/Res.273(LV)2014, <https://www.achpr.org/sessions/resolutions?id=320>

<sup>6</sup> Guidelines on Freedom of Association and Assembly in Africa. Adopted by the African Commission on 21 September 2017.

rights, the actions that constitute a violation of such rights, and mechanisms for redress in case of violations.

4. *And perhaps, this bring me to ask ourselves who is qualify as HRDs?*

Any action in protecting and promoting human rights and fundamental freedoms qualifies you at that particular time as HRD, whether you are a tomato seller, members of Non-Governmental Organisations, staff of National Human Rights Institutes (NHRIs), community activists, lawyers, journalists, political activists, trade unionists, and others.

5. As DefendDefenders and AfricanDefenders, we recognise the important role NHRIs play in the promotion and protection of human rights, civic space and HRDs - particularly taking into account their statutory origins which provide them with formal authorisation and powers to hold the state to account as well as to act as a public advocate that furthers the human rights agenda.

6. During our convention of AfricanDefenders Convention held in Zanzibar in 2019, we agreed to promote the Marrakech Declaration and the role of NHRIs<sup>7</sup> in protecting civic space and we have developed currently a policy framework and action plan seeks to provide a way forward for fostering systematic partnership between National Human Rights Institutions in Africa and AfricanDefenders. If successfully implemented, this policy framework and action plan will have a positive impact on the African continent in line with the African Union Agenda 2063.<sup>8</sup> It will particularly contribute to aspirations 3 and 4 of Agenda 2063 which call for, “An Africa of good governance, democracy, respect for human rights, justice and the rule of law”, as well as “A peaceful and secure Africa.”

7. The protection of HRDs and civic space will further contribute to achievement of the Sustainable Development Goals (SDGs). In particular, goal 5 on gender equality;<sup>9</sup> goal 10 on reduced inequalities;<sup>10</sup> and goal 16 on peace, justice and strong institutions.<sup>11</sup>

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<sup>7</sup> See: African Defenders Convention Joburg +20, Convention Report, Zanzibar, Tanzania, 12 – 14 June 2019, <https://africandefenders.org/wp-content/uploads/2019/11/JOBURG20-EN-FOR-PRINTING.pdf> (accessed 20 January 2021)

<sup>8</sup> Agenda 2063: The Africa we want, African Union, September 2015, [https://au.int/sites/default/files/documents/36204-doc-agenda2063\\_popular\\_version\\_en.pdf](https://au.int/sites/default/files/documents/36204-doc-agenda2063_popular_version_en.pdf) (accessed 25 January 2021)

<sup>9</sup> See in particular targets 5.1, 5.2 and 5.5.

<sup>10</sup> See in particular targets 10.2 – 10.4 and 10.6.

<sup>11</sup> See in particular targets 16.3, 16.6, 16.7, and 16.10.

**From experience on the continent, we have seen positive collaboration with NHRIs especially:** The development of national laws for the protection of HRDs;

- The development of joint submissions concerning regional and international human rights framework;
- The reform of restrictive laws, such as anti-terrorism laws, which limit the work of CSOs and NHRIs;
- The organisation of joint human rights events to highlight the situation of HRDs;
- The elaboration of legislative and policy briefs for parliamentarians and decision-makers from a human rights perspective;

### **How to foster Protection of HRDs and Civic Space together with NHRIs?**

8. Increase their knowledge of existing protection resources and networks for HRDs at the African level, including manuals on security management and digital security,<sup>12</sup> as well as pools of trainers for such, the ubuntu Hub cities<sup>13</sup> for the relocation of HRDs at risk, and other emergency support available for HRDs. NHRIs should aim to support HRDs at risk in accessing available resources, as well as strengthening their own capacity to provide such support.
9. Coordination, solidarity and support to HRDs under threat at all stages of the process, exchange information and seek agreement on the action to be taken. take into account the national context, as well as all other

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<sup>12</sup> For example, the organisation, Frontline Defenders produced a protection manual for human rights defenders ([https://www.frontlinedefenders.org/sites/default/files/protection\\_manual\\_-\\_english.pdf](https://www.frontlinedefenders.org/sites/default/files/protection_manual_-_english.pdf)), which was updated by Protection International (<https://www.protectioninternational.org/wp-content/uploads/2012/04/Protection-Manual-3rd-Edition.pdf>). The manual aims to provide HRDs with knowledge and tools for understanding and assessing risk and threats for the purposes of developing effective security and protection strategies and plans. It is supplemented by the Workbook on Security: Practical Steps for Human Rights Defenders at Risk ([https://www.frontlinedefenders.org/sites/default/files/workbook\\_eng\\_master.pdf](https://www.frontlinedefenders.org/sites/default/files/workbook_eng_master.pdf)).

<sup>13</sup> The Ubuntu Hub Cities are temporary city-based relocation programs for HRDs under attack in Africa. See: <https://africandefenders.org/what-we-do/hub-cities/#:~:text=The%20Ubuntu%20Hub%20Cities%20initiative,rights%20work%20to%20temporarily%20relocate>. (accessed 26 January 2021).

relevant contexts such as the sexual orientation, gender, age and any other relevant identity of the HRD under threat with the view of ensuring appropriately targeted action to protect the HRD under threat without exposing them to unnecessary further risk.

10. Set up HRD protection desks within the NHRI specifically handling cases of harassment and intimidation against HRDs, and will accompany HRDs under threat during missions to provide an added layer of security. NHRIs should consider staffing such protection desks with HRDs themselves and ensure adequate knowledge and resources to the desk.
11. Where laws exist for the protection of HRDs, NHRIs and CSOs will advocate for effective implementation of such laws, including effective resourcing, capacity and independence of HRD protection mechanism set up by the laws.

### **Accountability for attacks?**

12. Recognising that impunity is an important element contributing to recurrence of attacks, and that the State has the responsibility to ensure accountability for intimidation, harassment and attacks against HRDs by State and non-State actors, take steps, jointly and individually, to ensure States implement their obligation, including through raising cases with the State and calling on them to take appropriate action, as well as calling for the adoption of appropriate judicial and administrative mechanisms for addressing violations.
13. The EU Guidelines on HRDs<sup>14</sup> call for diplomatic entities to monitor the status of HRDs, including through regular contacts with them, receiving them in missions and visiting their places of work; supporting their work publicly through the media; reacting to cases of threats; raising specific cases with third government; providing emergency visas and offers of temporary accommodation for HRDs in danger; as well as

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<sup>14</sup> Ensuring Protection - European Union Guidelines on Human Rights Defenders, available at: [https://eeas.europa.eu/headquarters/headquarters-homepage\\_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders](https://eeas.europa.eu/headquarters/headquarters-homepage_en/3958/EU%20Guidelines%20on%20Human%20Rights%20Defenders)

providing access to financial support. In view of this, NHRIs should seek to use and advocate for diplomatic avenues for the protection of HRDs.

14. NHRIs should view attacks against HRDs and shrinking civic space not only as a national concern, but as an international concern constituting a potential violation of international human rights laws, and therefore requiring a response at the national, regional and international level. To this end, NHRIs and CSOs will collaborate through their regional bodies, NANHRI and Pan African Human Rights Defenders, as well as other relevant sub-regional bodies of NHRIs and other groupings of HRDs, for example, the Pan-African Lawyers Union.
15. NHRIs should seek to facilitate engagement of local HRDs with regional and international human rights bodies and mechanisms through platforms that are more accessible for locally based HRDs, including for example by organising national thematic seminars and inviting national and international human rights mandates. NHRIs and CSOs will further strengthen the meaningful participation of WHRDs and other HRDs at high risk in regional and international human rights bodies.