

## Regional Symposium on the Implementation of the Marrakech declaration- Promotion and Protection of Human Rights Defenders in Africa

*"sustaining the gains made in the implementation of the Marrakech Declaration, 2018 in Africa."*

DATE: 14<sup>th</sup> and 15<sup>th</sup> FEBRUARY, 2022

### CONCEPT NOTE AND TENTATIVE AGENDA



<https://bit.ly/3IU0QYQ>

#### 1. Introduction

Human Rights Defenders (HRDs) are key levers for social change at the national and local levels as they actively contribute to the strengthening of States' capacity to ensure implementation of international human rights standards. They can also sometimes monitor the application of international human rights standards and in some cases follow-up the implementation of judgments, decisions and recommendations of UN and regional human rights mechanisms.

Their work underpins the system of national, regional and international human rights mechanisms by safeguarding their relevance, efficacy and credibility vis-a-vis rights-holders through their contributions of, awareness-raising, monitoring and reporting, development of new standards, mechanisms, and institutions, as well as mobilization of public support for the work on human rights.

The United Nations recognized the significant role played by human rights defenders. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by the General Assembly in 1998, underscored the significant role played by human rights defenders. At the regional level, the African Commission on Human and Peoples' Rights, in recognizing the crucial contribution of the work of human rights defenders in promoting and protecting human rights, democracy and the rule of law in Africa, called on States<sup>1</sup> to promote, protect and give full effect to the UN Declaration on Human Rights Defenders and to take all necessary measures to ensure the protection of human rights defenders and to include information on measures taken to protect human rights defenders in their periodic reports.

<sup>1</sup> Resolution 69 on the Protection of Human Rights Defenders in Africa - ACHPR/Res.69(XXXV)03

Similarly, on 10<sup>th</sup> to 12<sup>th</sup> October 2018, at the 13<sup>th</sup> International Conference of the Global Alliance of National Human Rights Institutions (GANHRI) which took place in Marrakech, Morocco under the theme of: *“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 conference discussed issues in the protection of HRDs and adopted the Marrakech Declaration. In adopting the Declaration, NHRIs acknowledged the context and reality of the environment in which most HRDs operate. In this regard, the NHRIs expressed their deep concern about reports on “the increasing number of physical attacks against human rights defenders.

Against this background, the Marrakech Declaration set out commitments by NHRIs aimed at ensuring they consistently and robustly respond to the situation of HRDs. These commitments are clustered in three key areas: promotion, protection, and cooperation and partnerships. It thus contains the most elaborate articulation by NHRIs themselves on their role in the protection of HRDs. Since the adoption of the Marrakech Declaration, Network of African National Human Rights Institutions (NANHRI) has sought to bolster its efforts and programs related to HRDs. In 2020, with TPP support NANHRI worked with nine African NHRIs to develop and strengthen human rights defender’s (HRDs) protection mechanisms based on the Marrakesh Declaration (2018). A rapid assessment was conducted that sought to document existing practices and frameworks that provide for the protection of HRDs and whether they were compliant with the Marrakesh Declaration (2018). This culminated in the development of tools that will aid in the human rights defender’s protection. Further in 2020, with TPP support NANHRI undertook a Rapid Needs Assessment of NHRIs in relation to COVID-19 response and their planned operation framework. The goal of the assessment was to identify African NHRIs needs, both short and long term to uphold human rights mandate in times of COVID 19 and provide key recommendations. Following this activity, a report was developed which presented NHRIs with an opportunity to self-examine and identify recommendations suitable for their contexts.

Similarly, in January 2021, NANHRI and the TPP convened a symposium on “African NHRIs in times of COVID-19 & the protection of human rights defenders and civic space.” The online symposium, which was attended by 70 participants, created an opportunity for key stakeholders, such as NHRIs and UN partners, to gather and discuss the implications of COVID-19 for NHRIs in the region. The symposium also discussed the status of NHRIs in the implementation of the Marrakech Declaration in expanding civic space and protection of human rights defenders and shared the tools developed to support NHRIs.

From May to November 2021, NANHRI has been providing technical support to Tanzania, supporting them to operationalize the tools previously developed. This regional forum will to provide an opportunity for sharing the experiences in Tanzania to foster peer learning

and encourage other NHRIs to undertake similar efforts to implement the Marrakech Declaration, including by utilizing the tools developed in 2020.

A primary finding of this assessment was that the implementation of the Marrakech Declaration is integrated into the ongoing general as well as HRD-related work of the Tanzanian institutions (CHRAGG and other national entities). Consequently, and based on the findings of this assessment, NANHRI conducted two workshops (in August and October 2021), with the participation of the Tanzanian national entities and THRDC. The workshops focussed on and recognized the need for proper understanding of the obligations under the Marrakech declaration including establishment of focal points, regular information exchange and learning from best practices and enhanced interaction between the Commission for Human Rights and Good Governance and other relevant stakeholders including national actors such as NHRIs and NGOs. One of the main achievements so far was the development of national action plan on implementation of the Marrakech declaration which will ensure coordination of implementation of agreed actions.

## 2. Objectives of the Convening

The overall objective of this convening is to foster and increase regional and international support for the implementation of the Marrakech declaration; showcase and discuss national to regional success stories and challenges and recommended solutions; and finally, strengthen capacities for the implementation.

To give this activity a more specific focus, Tanzania will be used as a case study to highlight the lessons and best practices that can be replicated in other countries. For that reason, Tanzania will be given prime time to showcase the successes and challenges it experienced and continues to experience in the implementation of the Marrakech declaration.

Similarly, this forum will also be an opportunity for interaction among regional human rights mechanisms, civil society organizations, human rights defenders and NHRIs to share their practical experiences on the journey of the protection and promotion of rights of HRDs.

In view of this, and besides learning from Tanzania, the convening will also address questions such as: what is the landscape of the implementation of the Marrakech declaration? what are the roles and impediments of national protection mechanisms? how can the existing cooperation between civil society, national human rights institutions and regional mechanisms be enhanced? How can the

mechanisms be used to improve and legitimize the work of human rights defenders and simultaneously, establish a framework for their activities to enhance conformity with human rights objectives and values?

The specific objectives of the symposium are to:

- Share good practices and lessons learnt from Tanzania regarding the implementation of the Marrakech declaration
- Take stock of achievements on protection, promotion partnership and cooperation between the regional mechanisms; CSOs and NHRIs in terms of the implementation of the Marrakech declaration;
- Document key recommendations/action points from the discussions to further HRDs work in the region
- Highlight procedural aspects of cooperation between regional human rights mechanisms, CSOs and HRDs
- Identify common trends and possible new forms of cooperation between human rights defenders, CSOs, NHRIs and treaty bodies for possible replication.
- To launch and popularise the HRD tools

### 3. Methodology

NANHRI, in collaboration with Commission for Human Rights and Good Governance (CHRAGG) of Tanzania and the TriPartite Partnership between the Global Alliance of National Human Rights Institutions (GANHRI), the United Nations Development Programme (UNDP), and the United Nations Office of the High Commissioner for Human Rights (OHCHR), is organising this virtual regional forum in order to create space for in depth discussions with relevant stakeholders in the region on the implementation of the Marrakech declaration. The stakeholders include: civil society organizations; NHRIs; regional mechanisms; academia and experts and human rights defenders in the respective regions and the donors. Participants at this regional forum will reflect on the key human rights challenges in the region, and good practice, lessons learned on cooperation between the regional human rights mechanisms, CSO and HRDs.

There are many ways that participants can engage including Discussion Forums, Plenaries, Talks, and much more. Complementary to speakers sharing their experiences, an expert discussion and exchange formats, a range of general sessions will also take place to showcase and facilitate action on the implementation of the Marrakech declaration.

The regional symposium will be preceded by sub-regional convenings on 8-9<sup>th</sup> of February.

### 4. Participants

The workshop will bring together participants from various regional human rights mechanisms around Africa and experts from the African human rights system (e.g. Human Rights Treaty bodies members, as well as CSOs, HRDs and NHRIs). Governments and donor community will also be invited.

## SESSIONS

### **Session 1: Session 1: Implementation of the Marrakech declaration: Case Study- the Tanzania Experience**

Given the recent investment in Tanzania in supporting CHRAGG and the other entities in implementation of the Marrakech declaration, the NHRI will be given time to share their experience.

### **Session 2: Regional overview of the situation of human rights defenders in Africa and status implementation of the Marrakech declaration in Africa:**

- This will cover sub-regional situation of human rights defenders in Eastern, western, southern and northern Africa. It will also cover the successes, needs and gaps on the implementation of Marrakech declaration in those areas.

### **Session 3: Implementation landscape since the adoption of the Marrakech Declaration in 2018**

Discussions will be informed by the recommendations made during the adoption of the declaration and will also aim at identifying ways and means to learn from best practices.

### **Session 4: Procedural rules of cooperation between regional human rights mechanisms, CSOs and HRDs**

The objective of this session is to allow participants to share methods of work and rules of procedure developed by each mechanism to cooperate with CSOs and HRDs, where they exist, and to encourage mechanisms to ensure the meaningful and effective participation of civil society and human rights defenders through these procedures

For example, the human rights treaty bodies have developed specific guidelines, rules of procedures, general comments and information notes to interact with human rights defenders, civil society and NHRIs. The African Commission on Human and Peoples Rights grants affiliate status to NHRIs to participate in its sessions. Of what benefit are these procedures to CSOs, NHRIs and HRDs when it comes to

implementation of the Marrakech declaration? The African Commission has also adopted several resolutions on human rights defenders.<sup>2</sup> Participants can share best practice, lessons learned and challenges in relation to their procedures and civil society and HRD participation.

### **Session 5: Implementation of the Marrakech declaration in Africa in relation to specific challenges experienced by CSOs and HRDs at the regional and national level:**

The objective of this session is to give a voice to HRDs and CSOs to discuss their challenges and how the regional human rights mechanisms could cooperate to improve their situation at the regional and national level. These challenges include: reprisals, threats, executions, shrinking democratic space and enactment of restrictive legislation (including on defamation, terrorism and demonstrations), limitations for journalists/media, etc.

HRDs and CSOs face various challenges in their work at the national level. In several regions their voices are silenced through the enactment and use of overly restrictive legislation. Obstructive regulation of the democratic space online, including by blocking of websites and mass surveillance is also common. CSOs and HRDs continue to face reprisals in the promotion and protection of human rights including when they provide information to regional human rights mechanisms and UN human rights mechanisms

### **Session 6: Perspectives at country level, including how national authorities integrate obligations of the Marrakech declaration in their operations**

Participants could share best practices, lessons learnt, challenges and possible new forms of engagement around this area. In several countries national steering committees are established to follow up recommendations from UN and regional human rights mechanisms, a discussion could ensure on the use and effectiveness of these steering committees and other methods that have been used to ensure follow up to recommendations.

### **Session 7: A way forward: recommendations to strengthen cooperation between regional human rights mechanisms , CSO and HRDs**

This session is aimed at defining a way forward towards sustainability of the gains made on cooperation between regional human rights mechanisms , CSOs and HRDs.

## **5. Language**

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<sup>2</sup> The latest resolution ACHPR/Res. 345(LVIII) 2016,

Simultaneous interpretation into French will be available during all sessions of the convening. However, the agenda and concept note will be in English and French.

## 6. Expected results

Considering country commitments and country-specific variability, the convening seeks to accelerate action through:

- ❖ Increased political momentum for implementation of the Marrakech declaration. 2018;
- ❖ Better regional coordination and networking of relevant actors;
- ❖ Exchange of lessons-learned: demonstration of what works (or not), provide evidence-based, context specific insights on legal, political and technical solutions to enable discussions to upscale role models;
- ❖ To spark inter-stakeholder engagement across Africa to foster implementation through facilitation of dialogue between national, regional and international mechanisms to assure desirable, context-tailored solutions that engage all actors.



### OUTLINE OF THE PROGRAM

<https://bit.ly/3IU0QYQ>



TIME in (GMT)	SESSION	PRESENTORS/ FACILITATORS	PARTICIPANTS
<b>DAY ONE (14<sup>th</sup> February 2022)</b>			
11:00-11:10	<b>Registration</b>		
11:10-11:25	<b>Welcoming remarks</b>	NANHRI Executive Director	<b>All</b>
11:25-11:50	<b>Opening Ceremony: (5mins each)</b> <b>Remarks by the NANHRI Chairperson</b> <b>Opening address:</b> the situation of human rights defenders in Africa and challenges of implementation of the protection strategies <ul style="list-style-type: none"> <li>- High-level address by the Chairperson of the African Commission and Special Rapporteur on human rights</li> </ul>	Dr. Elasto Mugwadi Hon. Remy Lumbu	<b>All</b>

	<p>defenders and Focal Point on Reprisals in Africa, outlining regional challenges.</p> <ul style="list-style-type: none"> <li>- UN special Rapporteur on the situation of human rights defenders;</li> <li>- GANHRI Representative</li> <li>- OHCHR representative.</li> <li>- UNDP Representative</li> </ul>	<p>Ms. Mary Lawlor, Ms. Katherina Rose Sisi Shahidzadeh Roselyn Akombe</p>	
		<b>Moderator: Hannah Forster</b>	
<b>11:50-12:15</b>	<p><b>Session 1: Implementation of the Marrakech declaration: Case Study - the Tanzania Experience</b></p> <ul style="list-style-type: none"> <li>- Tanzania and the implementation of the Marrakech declaration- challenges, lessons learnt and good practices.</li> </ul>	Mr. Mathew Mhina, Chairperson CHRAGG	<b>ALL</b>
<b>12:15-13:15</b>	<p><b>Session 2:</b> Regional overview of the situation of human rights defenders in Africa and status implementation of the Marrakech declaration in Africa A: (NHRIs perspective).  B: Input from CSOs/HRDs and plenary</p>	<p>High Level Representatives of NHRIs and CSOs from</p> <ul style="list-style-type: none"> <li>- West and North Africa Sub-Region</li> <li>- East and Central Africa Sub-Regions</li> <li>- Southern Africa Sub-Region, and</li> <li>- REDHAC</li> <li>- WAHRDN</li> <li>- CIDH Africa</li> <li>- DEFEND DEFENDERS</li> <li>- SAHRDN</li> </ul>	<b>All</b>
<b>13:15-13:20</b>	<b>BREAK</b>		
		<b>Moderator: Susan Muriungi</b>	
<b>13:20-13:40</b>	<p><b>Session 3:</b> Implementation landscape of the Marrakech declaration and regional developments in the field of human rights defenders.</p>	<ol style="list-style-type: none"> <li>1. Dr. Japheth Biegona</li> <li>2. Hon. Remy Ngoy Lumbu</li> </ol>	<b>ALL</b>

	- Facilitated discussion on patterns of implementation, good practices, needs and gaps.		
<b>13:40-14:10</b>	<b>Session 4:</b> Procedural aspects of cooperation between regional human rights mechanisms, CSOs and HRDs - This segment is to allow participants to share methods of work and rules of procedure developed by each mechanism to cooperate with CSOs and HRDs.	Representatives of the Regional Mechanisms - ACERWC -ACHPR, -AfCHPR,	<b>ALL</b>
<b>END OF DAY ONE</b>			
<b>DAY TWO: 15<sup>TH</sup> FEBRUARY, 2022</b>			
<b>11:00-11:10</b>	Registration and recaps	<b>Moderator: Donald Deya</b>	<b>All</b>
<b>11:10-12:00</b>	<b>Session 5:</b> Implementation of the Marrakech declaration in Africa in relation to specific challenges experienced by CSOs and HRDs at the national level	- Centre for Human Rights; - REDRESS - Frontline Defenders; and - THRDC.	<b>All</b>
<b>12:00-12:55</b>	<b>Session 6:</b> National Protection Mechanisms- roles and impediments in the implementation of the Marrakech declaration including how national authorities integrate obligations of the Marrakech declaration in their operations	Representatives of Governments institutions -Kenya (AGs office) and -Tanzania (AGs office and MoFA)	<b>ALL</b>
<b>12:15-13:00</b>	<b>BREAK</b>		
<b>13:00-13:30</b>	<b>Session 7:</b> Panel on the way forward: recommendations to strengthen cooperation between regional human rights mechanisms , CSOs and HRDs and identify new forms of cooperation. <b>(5mins each)</b>	1. Japheth Biegon 2. Hon. Remy Lumbu	<b>ALL</b>
<b>13:30-13:40</b>	<b>Session 8:</b> Launch of NANHRI HRD tools and NAP for Tanzania	David Barissa, (Moderator)	<b>ALL</b>
	<b>CLOSING REMARKS</b>	<b>Amb. Hans Lundquist (SIDA) and NANHRI Executive Director</b>	<b>All</b>