13th International Conference of National Human Rights Institutions

“Expanding the civic space and promoting and protecting human rights defenders, with a specific focus on women:
The role of national human rights institutions”

co-hosted by the Global Alliance of National Human Rights Institutions and the National Human Rights Council of Morocco
in cooperation with the United Nations High Commissioner for Human Rights

10 to 12 October 2018, Marrakech, Morocco

Concept Note

Introduction

The Global Alliance of National Human Rights Institutions (GANHRI) at its General Assembly, held on 22 February 2018 in Geneva, Switzerland, confirmed the decisions by the GANHRI Bureau at its meeting held in November 2017 in San José, Costa Rica, to host the 13th International Conference of National Human Rights Institutions on the role of National Human Rights Institutions and their role in expanding civic space and promoting and protecting human rights defenders, and that the conference should have a focus on women human rights defenders.

Civic space, human rights defenders and women are among GANHRI’s thematic priorities in its current strategic plan (2017-2019).

In consultation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the GANHRI General Assembly also accepted the nomination of the National Human Rights Council of Morocco (CNDH) by the Network of African
National Human Rights Institutions (NANHRI) as the host of the 13th International Conference.

The purpose of GANHRI international conferences is to develop and strengthen cooperation among national human rights institutions (NHRIs); to provide a forum to promote the exchange of creative ideas, experiences with and among peer NHRIs; to identify, collectively, what constitutes best practice and what it means to implement the Paris Principles into reality; and to discuss items on the agenda and ensure their follow-up at the national level.

The International Conference will be co-hosted by the CNDH and GANHRI in cooperation with OHCHR.

The International Conference will take place from 10 to 12 October 2018, in Marrakech, Morocco.

The International Conference will be marking

- the 70th anniversary of the Universal Declaration of Human Rights;
- the 25th anniversary of the endorsement of the Paris Principles and the establishment of the international network of NHRIs;
- the 20th anniversary of the Declaration on Human Rights Defenders; and
- the 5th anniversary of the adoption by the Human Rights Council of its resolution on Women Human Rights Defenders.

**Context**

**Problem analysis**

The international human rights framework – from the Universal Declaration on Human Rights, to the core international human rights treaties and the Declaration on Human Rights Defenders – sets out the fundamental rights and freedoms which States are required to respect, protect and fulfil.

These rights – including the freedoms of association and assembly, and opinion and expression, and the right to participation – are an essential part of a vibrant, peaceful and inclusive society, where people are able to contribute to important decisions that affect them so as to ensure ownership, and avoid conflicts. This positive impact of the respect for human rights on the development of societies is reinforced by the human rights principles of transparency, participation, non-discrimination, as well as
accountability and access to justice. As recently highlighted through the 2030 Agenda, and Sustainable Development Goal 16 in particular, the enjoyment of human rights is also essential to sustainable development, and thereby to sustaining peace.\(^1\)

Across the world, however, the exercise of these human rights is being restricted and those promoting and defending rights – including human rights defenders and national human rights institutions – are increasingly under pressure, and require support and protection.\(^2\)

Women human rights defenders, whilst facing the same pressures as human rights defenders generally, often also face gender-specific threats and violence, stigmatization and discrimination. As a result, these women may find themselves isolated and ostracized by their communities or even their families. In certain contexts, they are exposed to such risks because they are women and because they deal with issues considered sensitive or taboo, such as gender equality, sexual and reproductive health, modern forms of slavery, drug users, and people living with HIV.

This worrying trend is visible all over the world, and appears in various forms. Civic space is reduced in many democratic countries, when governments take overbroad measures against a perceived terrorist threat, including by declaring a state of emergency. In other countries, it is non-state actors that encroach upon civic space and that persecute human rights defenders so to protect their own economic interests, with the state being absent, unwilling or unable to protect civic space and human rights defenders. In other countries, state and non-state actors are closely interconnected through corruption, and, therefore, they jointly fight against civic space and human rights defenders. These manifold political and societal constellations must be taken into account when designing measures to guard and expand civic space effectively and to ensure a safe environment for human rights defenders.

Restrictions may take a variety of forms including limitations to fundamental rights such as on association, assembly and expressions, and a shrinking legal, policy and participatory space for civil society, for example through NGO laws that restrict their operations as well as restrictive cyber-security laws and policies, or through harassment or criminalization of civil society organizations. New technologies permit new forms of surveillance of civil society organizations and human rights defenders and the limitation of their ability to disseminate information and opinions.

\(^1\) Target 10 of Goal 16 contains the commitment to ensure public access to information and to protect fundamental freedoms in accordance with national legislation and international agreements, while Target 17 of Goal 17 affirms the need to encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.

Threats faced by human rights defenders may come in many guises (physical, psychological, economic, and social), reflect the interaction of multiple factors (poor governance, including the inter-connectedness of state power and private economic actors, the absence of the rule of law, conflicts, the surge in religious intolerance and fundamentalisms and their use by other political actors, xenophobia and hatred); and are triggered by a variety of (political, economic, religious, State or non-state) actors.³

Women human rights defenders share the fate of other human rights defenders, but often also face particular threats. These may take the form of gender-specific violence and threats, offline and online. Moreover, as the former Special Rapporteur on Human Rights Defenders observed, women human rights defenders are also experiencing "prejudice, exclusion and repudiation (...) because women defenders are often perceived as challenging accepted sociocultural norms, traditions, perceptions and stereotypes about femininity, sexual orientation, and the role and status of women in society."⁴

Important developments stand against the trend described.

The international community has become aware of the threats to, and importance of civic space and human rights defenders. Most recently, UN Member States have collectively reaffirmed the importance of civil society space,⁵ and the positive, important and legitimate role of human rights defenders in society – in the promotion of human rights, democracy and rule of law.⁶ They have also acknowledged the important contribution of women human rights defenders to the promotion and protection of human rights, democracy, rule of law, development, and peace and security.⁷ The UN, especially the Human Rights Council and the OHCHR, have devised new ways of protecting human rights defenders against reprisals for their cooperation with the UN.

Many civil society organisations have been innovating and adapting to respond to these developments, and, as a result, are helping to strengthen or even expand the operating space of all. They are exchanging experiences with their peers in comparable situations so as to learn from each other. They are supported by

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⁵ Human Rights Council resolution A/HRC/38/12 titled Civil society space: engagement with international and regional organizations, of 6 July 2018.
⁶ General Assembly resolution A/RES/72/247 entitled Twentieth anniversary and promotion of 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.
international NGOs, especially those focussing on human rights defenders and freedom of expression, both at the domestic level and in their cooperation with the UN.

Many states and international organizations have developed innovative tools and mechanisms to protect human rights defenders at risk.

New media have opened up unprecedented opportunities to give previously unheard voices space and reach new audiences, despite restrictions. New media also allow new ways of monitoring the human rights situation in countries, especially in remote areas, and to alert state authorities and domestic as well as international audiences quickly, so as to promote quick and effective actions.

UN human rights bodies are monitoring the ways in which human rights are being restricted, and provide authoritative guidance and recommendations to States and other actors on approaches to protect rights and secure an enabling environment in line with international human rights law. The Special Rapporteur on the Situation of Human Rights Defenders, for example, has developed seven principles underpinning good practices in the protection of defenders, and made recommendations on further ways to strengthen, replicate and disseminate them.\(^8\) Similarly, the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Human Rights Committee have elaborated on the permissible restrictions of rights during a State of emergency.\(^9\)

The role of National Human Rights Institutions

NHRIs as independent bodies established in compliance with the Paris Principles with a broad mandate to promote and protect human rights can play a unique and important role in guarding civic space and in protecting human rights defenders. By their very mandate to promote and protect all human rights of all in their respective country, NHRIs are required to work towards upholding the structural framework for the respect for human rights in their state. Thus, they are called upon to watch over the existence of civic space in which human rights issues can be discussed robustly and over the freedom to act for all human rights defenders.

NHRIs are in a unique position to contribute to legal safeguards that ensure international human rights and a vibrant and active civil society. They can advise the


\(^9\) See for example report from the Special Rapporteur on the promotion and protection of human rights and Fundamental freedoms while countering terrorism, A/HRC/37/52 of February 2018; and Human Rights Committee General Comment 5: Derogation of Rights in Emergencies and General Comment 29: States of Emergency.
State on the incorporation of international human rights norms and standards into national legislation and policies, and point out where existing or draft legislation is inconsistent with international human rights, including those shrinking civic space and negatively affecting human rights defenders and their important work.

Moreover, NHRIs can promote the development and implementation of laws and policies that protect civic space and that promote a safe and enabling environment.

Due to their unique position in the national human rights infrastructure, NHRIs can independently and authoritatively monitor the human rights situation at the national level, for example during demonstrations or elections, or in the internet, and report to national institutions such as Parliament, and to the international and regional human rights mechanisms. The Special Rapporteur on freedom of assembly and association has highlighted that NHRIs in compliance with the Paris Principles play a key role in monitoring demonstrations and assemblies, including by receiving and investigating into allegations of human rights violations and abuses, and that their work should be respected and facilitated by the authorities.10

NHRIs have a responsibility to protect human rights defenders, including those that face reprisals. The Special Rapporteur on the Situation of Human Rights Defenders has noted that strong NHRIs are one of the key elements providing a safe and enabling environment for Human Rights Defenders, and has repeatedly recommended that NHRIs should use a wide range of measures and interventions, including by establishing focal points for human rights defenders; developing formal complaints mechanisms and ensure prompt and independent investigations of all violations against defenders; by promoting awareness and capacities around the Declaration on Human Rights Defenders; and by setting up effective protection policies and mechanisms including public support for defenders.11

Because of their broad mandate, NHRIs are well placed to address the human rights challenges of groups at risk. NHRIs can integrate a gender perspective and pay particular attention to the specificities of the environment in which women defenders operate. They can also report on gender-sensitive early warning indicators.

NHRIs are mandated to promote a culture of human rights, through human rights education and awareness raising, and can thus promote a positive narrative on human rights and foster an enabling environment for human rights defenders.

NHRIs can act as important bridge-builders between rights-holders and the State, and with civil society, including through supporting human rights defenders, and by building partnership across different actors and relevant institutions. While working closely with civil society and human rights defenders, the media and business, they can advocate for the participation of civil society in decision-making processes, and

thereby ensure that the voice of the people affected by decisions is heard, decisions are improved and potential sources of conflict are defused.

NHRIs, when established and operating effectively, and independently in line with the Paris Principles are recognized as human rights defenders by the UN, and the existence of a NHRI that fully complies with the Paris Principles is an indicator to measure States’ progress to achieve Sustainable Goal 16 on peaceful and inclusive societies.

The General Assembly and the Human Rights Council have have further stressed that NHRI “should not face any form of reprisal or intimidation, including political pressure, physical harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries.”

Many NHRIs, their members and staff, however, encounter threats or reprisals as a result of their mandated activities in challenging and politically polarized contexts. Protecting them and upholding their independence and effectiveness is a responsibility which States, GANHRI, the UN, the Special Rapporteur on the situation of Human Rights Defenders and the international community clearly share.

Institutional context of the Conference

The International Conference is organized in the context of strengthened global partnerships in support of NHRIs at the country-level, as well as through increased support to their global network, GANHRI, and the four NHRI regional networks.

UNDP, GANHRI, and OHCHR, having enjoyed a strategic Tripartite Partnership (TPP) since 2011, agreed in October 2016 on a vision for scaling up joint support to NHRIs, GANHRI and its four NHRI regional networks.

Moving forward, strengthening NHRI at the global, regional and country levels to fulfill their mandates will be the key cornerstone of this partnership. Expected results include the strengthened ability of NHRI to fulfill their mandate through the

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12 A/C.3/72/L.45
13 These are: The the Network of African NHRI (NANHRI), the Network of the Americas, the Asia-Pacific Forum of NHRI (APF), and the European Network of NHRI (ENNHRI).
14 See the concept note on “Joint Programme in Support to National Human Rights Institutions” (September 2016) available at: https://nhri.ohchr.org/EN/IHRS/tripartite/Pages/Main.aspx.
provision of contextualized country support, including through stronger relationships with civil society actors, human rights defenders, and support to rights-based realisation of the SDGs.

The International Conference is part of the strategic priority of GANHRI and the four regional networks to join forces for enhancing NHRIs’ impact as human rights defenders in the protection and promotion of human rights in accordance with the Paris Principles. It focuses on providing support to NHRIs in defending and strengthening civic space at national level in coordination with civil society and human rights defenders, also by advocating for states’ fulfilment of their responsibilities with respect to enabling NHRIs to fulfil their mandate and ensuring civic space and protection of human rights defenders.

### Actions

**Objectives**

The overall objective will be to explore the roles and contributions that NHRIs have in expanding civic space and promoting and protecting human rights defenders, with a particular attention to women human rights defenders. The objective will be achieved through sharing experiences, lessons and practices from NHRIs’ work from all regions and input from UN experts, regional organizations, and civil society organizations, especially human rights defenders’ organizations. The discussion will take into account the political, economic, and societal factors and their interplay that are the root-causes of the threats to civic space and human rights defenders so as to permit reflections on the transferability of successful solutions.

In particular the objectives will be to:

- Further the understanding of the types of challenges for civic space and human rights defenders as well as of their root causes;
- Discuss and explore the roles that NHRIs can and should play in contributing to protecting and expanding civic space, including by monitoring civic space (including online) and early warning, providing legislative or policy advice, promoting human rights education and advocacy, and by fostering participation, cooperation and inclusion;
- Discuss and explore the roles of NHRIs in promoting and protecting human right defenders in general, and women human rights defenders in particular, including by raising awareness about their work and their contributions to human rights and peaceful societies, and by NHRIs serving as early warning and protection mechanisms; and
- Explore how states, GANHRI and regional networks, civil society and the UN as well as regional human rights mechanisms can, separately and jointly, guard civic space, protect and promoting human rights defenders, and strengthen the powers and independence NHRIs, both for these purposes and to ensure that NHRIs can fulfil their mandates as human rights defenders.

Sub-themes

The Conference will have the following sub-themes:

Crucial elements of an enabling environment

- How can NHRRIs promote the development and implementation of laws and policies that protect civic space and that promote a safe and enabling environment, including in relation to freedom of expression, freedom of assembly and association, and access to justice when these rights are violated?
- How can NHRRIs contribute to women's full participation in the civic space?

Monitoring civic space, and threats to it

- How can NHRRIs monitor civic space, including the right to freedom of assembly and association, expression, and speech, and political participation?
- What are effective tools that NHRRIs can use to collect and disaggregate data, pointing out current trends and serving as early warning mechanism?
- How can NHRRIs ensure gender-specific monitoring?
- How can NHRRIs can contribute to, and make use of, global monitoring efforts, including the United Nations human rights system and other processes such as the 2030 Agenda and the related indicator frameworks?

Protecting human rights defenders, including NHRRIs, and particularly women human rights defenders

- What is the role of NHRRIs under the under the six elements identified by the Special Rapporteur on the Situation of Human Rights Defenders as being critical to protect human rights defenders, namely
  1. The State’s duty and responsibility to promote and protect human rights and fundamental freedoms;
  2. Human rights compliant laws and provisions that protect, support and empower defenders and their important work;
  3. The fight against impunity and access to justice for violations against defenders;
4. Strong, independent and effective NHRIs;
5. Effective protection policies and mechanisms, including public support of the work of defenders and NHRI focal points;
6. Addressing the specific needs of women human rights defenders.

- In particular, with respect to women human rights defenders, how can NHRIs effectively monitor threats to their activities? How can they ensure that their monitoring covers human rights defenders from marginalized groups, such as ethnic or sexual minorities? How can NHRIs make their practices and measures for the protection of human rights defenders gender-sensitive and more effective? How can they take into account that women human rights defenders often work on women's human rights that are coming under increasing attack?
- How can mechanisms at national, regional and global levels more effectively protect a NHRI that is under threat?

Communicating on human rights and promoting positive narratives

- How can NHRIs most effectively apply their mandate to raise awareness for human rights and to further human rights education for rights holders and duty bearers?
- What new communication models can NHRIs effectively use and develop that are gender-sensitive and human-centred, that reach new audiences and that convey positive narratives about human rights and their contributions to society?
- What approaches can NHRIs undertake to describe how the full enjoyment of all human rights requires taking into account the different social realities of women and men, stemming from the human right to non-discrimination and full equality, resulting in the responsibility of states and NHRIs alike to gender mainstreaming in their work? How can NHRIs contribute to spreading the understanding that realizing women’s human rights contributes to a just, inclusive society and thus benefits all?

Promoting participation in public life and the voice of people being heard, as well as cooperation and partnerships

- How can NHRIs support and promote participation in public life and decision-making processes, in particular women’s participation?
- How can NHRIs maximise their institutional linkages with other state institutions and bodies including Parliament so as to strengthen their awareness of human rights as well as the concerns and ideas of the persons most affected and/or most marginalized?
• How can NHRIs build stronger alliances around civic space with civil society, the media, business, trade unions, and increasingly involve women?

Expected output and outcomes

The Conference will conclude with the adoption of a final Declaration, to be prepared by the Conference Drafting Committee. The Declaration will set out a strategy and actions for NHRIs, GANHRI and regional networks to ensure impact of the Conference outcomes are long term, including a roadmap for regional action plans.

The following mid and long-term outcomes are expected:

i) NHRIs develop a broad understanding on their roles within civic space and in promoting and protecting the work of human rights defenders;

ii) Existing NHRI approaches and practices within this field are identified and shared with and among NHRIs, and beyond;

iii) Needs in terms of capacity building/experience sharing of NHRIs are identified;

iv) NHRIs develop strategies to engage governments, civil society, human rights defenders, and women’s groups in efforts to expand civic space and promote and protect the work of human rights defenders including women human rights defenders;

v) Conference output informs the work and strategic engagement of GANHRI, regional networks and NHRIs;

vi) Reporting on outcome developments at future GANHRI meetings;

vii) Means of implementing the outcome of this conference are explored; and


Participants

The Conference will see the participation of NHRIs from all regions, the four NHRI regional networks, as well as that of UN partners and experts, including the Special Rapporteur on the situation of human rights defenders, Michel Forst, as well as NGOs, human rights defenders, and representatives of international, regional and national bodies.

Approximately 200 representatives are expected to participate in the Conference.
Civil society and human rights defenders will play an important part in the Conference. The contribution of NGOs and defenders will be crucial to shaping the outcomes of the Conference.

### Dates and venue

The Conference will take place from 10 to 12 October 2018 in Marrakech, Morocco.

### Working methods

A preparatory committee comprised of representatives of the CNDH, GANHRI and OHCHR will be established to lead preparations for the Conference.

A Drafting Committee will be designated prior to the Conference and will be responsible for developing the draft Declaration, for consideration and adoption by NHRIs participating in the Conference.

The Conference will feature interactive and participatory multi-stakeholder panel and working group discussions on selected thematic focus areas. The Conference will be designed to promote creative thinking, proposals and recommendations.

The Conference languages will be Arabic, English, French and Spanish.