

## **The Marrakech Declaration**

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

1. The 13<sup>th</sup> International Conference of the Global Alliance of National Human Rights Institutions (GANHRI) took place in Marrakech, Morocco, from 10 to 12 October 2018. It was co-hosted, under the High Patronage of His Majesty King Mohammed VI, by the Global Alliance of National Human Rights Institutions (GANHRI) and the National Human Rights Council of Morocco (CNDH), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). The theme of the Conference was *“Expanding the civic space and promoting and protecting Human Rights Defenders, with a specific focus on women: The role of National Human Rights Institutions”*.
2. The Conference marked the 70<sup>th</sup> anniversary of the Universal Declaration of Human Rights; the 25<sup>th</sup> anniversary of the adoption of the Paris Principles by the United Nations General Assembly and the establishment of the global network of NHRIs, today known as GANHRI; and the 20<sup>th</sup> anniversary of the Declaration on Human Rights Defenders.
3. National human rights institutions (NHRIs) expressed their gratitude to the CNDH for the excellent organization and the warmth of their hospitality. The Conference was enriched by the interactive and productive discussions and debates which reflected the wide range of experience and perspectives from NHRIs and partners from all regions.

#### **The NHRIs participating in the 13<sup>th</sup> International Conference declare:**

4. We recall the inherent dignity, equal and inalienable rights of all human beings, the need for universal and effective recognition of human rights and fundamental freedoms, as expressed in the Universal Declaration of Human Rights and codified in the international and regional human rights instruments and reaffirmed in the Vienna Declaration and Programme of Action;
5. States have the primary responsibility and are under the obligation to respect, protect, promote and fulfill all human rights and fundamental freedoms of all persons, including the exercise of due diligence with respect to protecting against all violations committed by non-state actors. States also have the obligation to progress on implementing these human rights instruments and report on this to national and international levels;
6. We welcome that States have adopted the 2030 Agenda for Sustainable Development, and recall in this regard that human rights, development and peace and security are central, inter-related and mutually reinforcing pillars of the United Nations system. We recall the Mérida

Declaration and we reaffirm that the implementation of the 2030 Agenda must be based on human rights and participation of all, including through the empowerment of women and girls (Goal 5). In line with this is the fact that Goal 16 indicates that the existence of independent National Human Rights Institutions in compliance with the Paris Principles is a contribution to promote peaceful and inclusive societies (Goal 16).

7. Human rights and fundamental freedoms including the right to freedom of expression, to peaceful assembly and association, and to participate play a decisive role in the emergence and existence of peaceful and inclusive societies, as they are a channel allowing for dialogue, pluralism, and tolerance, and are preconditions for the enjoyment of all human rights by all; *(based on A/HRC/20/27 para 84a)*.

8. We recall the Declaration on Human Rights Defenders, adopted by United Nations General Assembly in December 1998<sup>1</sup> as the international normative framework on human rights defenders;

9. Human rights defenders have a positive, important and legitimate role in contributing to the realisation of all human rights, at the local, national, regional and international levels, including by engaging with Governments and contributing to the efforts in the implementation of the obligations and commitments of States in this regard;

10. We reaffirm the principle of self-identification of human rights defenders. In line with the Declaration this includes anyone working for the promotion and protection of human rights, which encompasses: professional as well as non-professional human rights workers; those working for women's rights and gender equality; those working on the rights of ethnic, linguistic, sexual or religious minorities; persons with disabilities; defenders working on environmental and land issues; those working on indigenous rights; volunteers; journalists; lawyers; and anyone else carrying out, even on an occasional basis, a human rights activity.

11. We recall the resolution on women human rights defenders, adopted by the General Assembly in November 2013.<sup>2</sup> We stress the important role that women human rights defenders have in the promotion and the protection of all human rights, and that they often champion human rights issues that are overlooked and ignored.

12. We are deeply concerned about reports on the increasing number of physical attacks against human rights defenders particularly where this includes sexual violence and killings.

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<sup>1</sup> General Assembly resolution 53/144 of 9 December 1998.

<sup>2</sup> General Assembly resolution A/RES/68/181, adopted in November 2013.

13. We are also *concerned* about reports on shrinking civic space and on threats, risks and reprisals faced by human rights defenders, worldwide. This happens through restrictions on the rights to freedom of opinion, expression, association or peaceful assembly, and the right to privacy, or through arbitrary use of civil and criminal proceedings, prosecution, cruel, inhuman and degrading treatment, or acts of intimidation or reprisals;

14. Women human rights defenders, whilst facing similar risks as other human rights defenders, may also face additional gender-specific discrimination and violence, not only by state agents but also private actors. This comes in the form of intimidation, threats, and sexual violence. This may also happen not only in their own organizations, in their communities, and in their families. They also face social, political, cultural and religious barriers;

15. Recent and increasing reports from all regions on reprisals, threats, attacks and other acts of intimidation against NHRIs, their members and staff are extremely worrying.

16. We *recognise* that independent and effective NHRIs, as well as their members and staff, are human rights defenders themselves.

17. 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. We therefore stress the importance of establishing NHRIs where they do not exist and strengthening those that exist in full compliance with the Paris Principles, and encourage them to seek accreditation with GANHRI.

18. We recognise the important role of the Special Rapporteur on human rights defenders, in promoting and protecting human rights defenders, including NHRIs, and the mandate's regional counterparts. We call on all to cooperate with them.

19. During the International Conference, we discussed several areas such as: what are the crucial elements of an enabling environment; how to monitor civic space and threats to it; how to protect human rights defenders; how specifically to protect women human rights defenders; how to protect NHRIs who are themselves human rights defenders; and how to develop effective communication on human rights and promotion of positive narratives.

20. On the basis of all this, and taking inspiration from NHRIs' lessons and good practices exchanged in Marrakech, we resolve to

A. 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 those 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. 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.

## B. 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 indicator 16.10.1;
- b) Identify when policy implementation disproportionately impact 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 for the protection of human rights defenders are widely known, gender-sensitive and accessible also 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 that victims of violations of rights and fundamental freedoms have access to justice , and work closely with the judiciary in that regard.

C. Cooperation and partnerships

- 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 organisations including human rights organisations, the media, academia, business organisations, trade unions, national statistics offices, and local, national, regional and international intergovernmental and non-governmental organisations and institutions;
- c) 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.

21. We encourage GANHRI, its regional networks and all NHRIs, in line with their mandates under the Paris Principles, to collaborate in mutual capacity building and sharing of experiences and knowledge, including but not limited to the following:

- a) In close collaboration with the United Nations, continue to promote the establishment and strengthening of effective and independent NHRIs worldwide in full compliance with the

Paris Principles. NHRIs must ensure their independence in law and practice, and be pluralistic in order to increase their accessibility and ability to credibly engage on all human rights issues with all;

- b) Ensure that NHRIs can rely on effective protection measures when the NHRI, its members and staff are at risk or under threat. This includes cases of political pressure, intimidation of any kind, harassment or unjustifiable budgetary limitations;
- c) Support capacity-building, sharing of experiences and good practices as well as knowledge management with and among NHRIs in relation to civic space and human rights defenders, with particular attention to the situation of women human rights defenders.
- d) Encourage regional networks to elaborate regional action plans to follow-up on this Declaration. Regional Chairs are encouraged to report thereon to the GANHRI Annual Meeting in March 2019 and to subsequent regional and international meetings of NHRIs;
- e) Establish a mechanism on human rights defenders within GANHRI, mandated to identify emerging global trends and challenges in the area of civic space and human rights defenders and provide advice and support to the strategic work of GANHRI, regional networks and individual NHRIs in that regard.

Adopted in Marrakech, Morocco, on 12 October 2018