



ENNHRI Written Submission to OSCE HDIM 2017, Working Session 2

1. Recommendations

ENNHRI recommends OSCE participating states:

- to establish and support NHRIs in compliance with the Paris Principles and to enable their independent functioning as an important actor for the protection of other human rights defenders;
- to recognize and support NHRIs in compliance with the Paris Principles as human rights defenders;
- to provide NHRIs in compliance with the Paris Principles a status and role independent from state delegations across OSCE human dimension activities and meetings, including by considering existing international practices (e.g. UN Human Rights Council, Council of Europe) that could be drawn upon as models.

ENNHRI recommends OSCE ODIHR:

- to further strengthen cooperation with and support provided to NHRIs in compliance with the Paris Principles and, to this end, make use of the coordinating and facilitating function of ENNHRI;
- to bolster support for NHRIs under threat, in cooperation with ENNHRI;
- to further facilitate the participation of NHRIs in compliance with the Paris Principles and of ENNHRI in OSCE Human Dimension Meetings;
- to further strengthen OSCE participating states' and other OSCE stakeholders' awareness of the standards set by the Paris Principles with regard to what constitutes an independent National Human Rights Institution.

ENNHRI recommends civil society human rights defenders:

- to further cooperate with NHRIs in compliance with the Paris Principles for the promotion and protection of human rights and upholding the rule of law;

- to seek protection and support from NHRIs in compliance with the Paris Principles when human rights defenders are under threat;
- to provide support to NHRIs under threat, in consultation with ENNHRI.

2. Statement delivered by ENNHRI at HDIM 2017 Working Session 2:

National Human Rights Institutions (NHRIs) are state mandated organisations, independent of government, with a broad mandate to promote and protect human rights. NHRIs can have different shapes (such as ombuds-institutions or human rights commissions), but all NHRIs are accredited against the UN Paris Principles¹ to ensure their independence, impartiality, accountability and pluralism.

ENNHRI (the European Network of NHRIs)² brings together 41 NHRIs from across Europe. ENNHRI's mission is to strengthen, support and connect European NHRIs in order to enhance the promotion and protection of human rights across the region, including also the right to freedom of assembly & association.

Being independent institutions fully dedicated to the promotion and protection of human rights, NHRIs in compliance with the Paris Principles are recognized by the UN and various European organizations as human rights defenders,³ and also enjoy participation rights at UN/European human rights fora independent from state delegations.⁴

According to the Paris Principles, NHRIs have a legal mandate to advise state authorities on how to better implement their human rights obligations, and to enhance public awareness of human rights. Through their independent human rights monitoring and reporting work, as well as their complaints-handling functions, NHRIs in compliance with the Paris Principles also hold governments to account when human rights are being violated. NHRIs carry out their work in close cooperation with other human rights defenders, including civil society organisations, which can, for example, provide grassroots information to NHRIs. With their formal access to state accountability procedures, such as the delivery of human rights reports before parliament, NHRIs in compliance with the Paris Principles have a legally entrenched mandate to require follow-up from governments when they fall short in the implementation of their human rights obligations.

¹ Adopted by UN General Assembly Resolution 48/134 of 20 December 1993.

² www.ennhri.org.

³ See, inter alia: UN Special Rapporteur on Human rights Defenders of 13 January 2013, A/HRC/22/47; OSCE Guidelines on the Protection of Human Rights Defenders 2014, p. 25, §7; Council of Europe, CDDH(2017)R87 Addendum IV of 17 July 2017.

⁴ For example, Paris Principles-compliant NHRIs have participation rights, with the right to speak immediately following the state delegations in the context of the UPR of the UN Human Rights Council: A/HRC/RES/16/21. ENNHRI has official observer status at the CDDH within the Council of Europe.

In the context of shrinking democratic space in Europe, the effective cooperation amongst, and protection of, human rights defenders becomes both more challenging and important. NHRIs in compliance with the Paris Principles can play an important role in the protection of human rights defenders facing threats. In various European countries, NHRIs regularly meet with other local human rights defenders, in order to find the most effective manner to support those under threat. NHRIs can use their access to formal accountability procedures to support human rights defenders, or can launch other initiatives, including for example the organization of public / confidential dialogue with relevant national and international stakeholders, to strengthen the position of those under threat.

In the current climate, European NHRIs also come increasingly under threat themselves in a variety of manners, including reduction of formal independence; political pressure; reduction of their mandate or funding; and also the removal of, arrest of or attacks on NHRI representatives. ENNHRI has elaborated guidelines on how to support NHRIs under threat,⁵ and strongly speaks up against any threats which undermine NHRIs' functioning in accordance with the Paris Principles.

ENNHRI is further prioritizing its work to support NHRIs to uphold the rule of law and democratic space, including through facilitating exchange of expertise and information among its members, the organization of capacity-building activities, and engagement with national and international partners, including OSCE ODIHR.

Throughout the past year, ENNHRI actively participated in the elaboration of a study of the Council of Europe Steering Committee on Human Rights (CDDH) which contains an 'analysis on the impact of current national legislation, policies and practices on the activities of civil society organisations, human rights defenders and NHRIs'.⁶ By the end of the year, the study will be complemented with a list of good practices on how states can provide enabling legal and practical environments for HRDs, including CSOs and NHRIs. The study and good practices will offer an important resource to be used by states across Europe, and all other actors dedicated to better promoting and protecting human rights defenders across the region.

Especially in challenging times, it is of crucial importance to join our forces effectively. ENNHRI welcomes that the OSCE is paying particular attention to the better protection and promotion of HRDs and NHRIs, and stands ready to further build upon and strengthen our ongoing cooperation, especially with OSCE ODIHR.

⁵ <http://www.ennhri.org/IMG/pdf/guidelines.support.nhris.threat.march16.pdf> .

⁶ [https://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH\(2017\)R87%20Addendum%20IV_EN.pdf](https://www.coe.int/t/dghl/standardsetting/cddh/CDDH-DOCUMENTS/CDDH(2017)R87%20Addendum%20IV_EN.pdf) .