

Guidelines on ENNHRI Support to NHRIs under Threat

February 2020

1. Introduction

ENNHRI acknowledges that, in the course of their work, European NHRIs could come under threat in a variety of manners¹, including reduction in formal independence; political pressure; reduction in mandate; reduction of funding; and/or the removal, arrest or attacks of NHRI representatives.

The purpose of these Guidelines is to state the principles that drive ENNHRI's support for NHRIs under threat; to provide an overview of the options for support available; and clarify the procedures that are followed in such cases.

2. Principles of action

2.1 Focus on NHRIs

ENNHRI recognises the general need to support human rights defenders² under threat, and addresses in these Guidelines the specific role of ENNHRI, as a network of European NHRIs, to provide dedicated support to NHRIs and individuals acting on behalf of NHRIs³ that experience threats, attacks and abuses during the exercise of their functions.

2.2 Urgency

The particular nature of NHRIs under threat generally requires an immediate or timely reaction, and therefore in such cases an accelerated procedure for drafting, approving and disseminating any statements or similar documents must be applied. Therefore, ENNHRI statements in support of NHRIs under threat do not follow the general ENNHRI policy on ENNHRI statements.

2.3 Coordination and communication

¹ A more detailed, non-exhaustive list of possible relevant stakeholders is set out at Annex 1

² NHRIs are also identified as human rights defenders in the 2013 report of the UN Special Rapporteur on the situation of human rights defenders. See [A/HRC/22/47](#).

³ This protection can be extended in particular cases after their mandate has expired, if the threats are directly related to the exercise of their mandate within the respective NHRIs.

In any actions to support NHRIs under threat, and at all stages of the procedure, ENNHRI will coordinate with the relevant NHRI under threat, exchange information and seek agreement on the action to be taken. European NHRIs are encouraged to contact ENNHRI, through the Secretariat, Chair or any member of the European Coordinating Committee (ECC), by telephone, email or other means, if there is any concern about a possible threat to that NHRI.

2.4 Sensitivity to the context

In any actions to support NHRIs under threat, ENNHRI will take into account the national context and all other contextual considerations of the specific case, to ensure sensitivity to the situation at hand. As a result, certain flexibility might be required in applying these Guidelines, and discretion will be exercised in this regard by the Chair and the ECC.

2.5 ENNHRI Values

ENNHRI's values⁴ will be thoroughly respected throughout the process. ENNHRI will act in the best interest of the NHRI concerned, pay due attention to possible unintended consequences, and the need to do no harm.

3. Examples of ENNHRI Support

ENNHRI can offer various types of support to European NHRIs under threat, including:

- ENNHRI statement (default action), following an accelerated procedure.
- Endorsing a submission to the Venice Commission
- (Open) letter from ENNHRI Chair.
- Public information including, but not limited to, publication through (on a case by case basis, where deemed appropriate):
 - ENNHRI website and social media
 - ENNHRI members
 - Relevant stakeholders, at a national, regional or international level
 - ICC Chair, ICC Bureau, ICC Regional Networks or SCA
 - Media.
- ENNHRI representative (generally the Chair) making direct contact with relevant national, regional or international stakeholders.

⁴ Respect of international human rights standards, Transparency, Cooperation, Accountability, Participation, Non-discrimination, Independence

- Planning ENNHRI events or representation that involves the NHRI under threat.

4. Procedure

4.1 Default Procedure

ENNHRI's support to European NHRIs under threat will generally follow this procedure, supported by the Secretariat throughout:

a) Establish contact with the NHRI under threat and assess situation

Following an NHRI's request for support (or however ENNHRI first learnt of the possible threat to a European NHRI), ENNHRI shall first contact the relevant NHRI to obtain information on the situation and clarify the type of support that would be helpful to that NHRI. If deemed appropriate to the case, and in consultation with the Chair, the Secretariat will also collect relevant information online and from relevant stakeholders.⁵

b) ENNHRI Chair consults with ECC

Following consultation with the NHRI under threat, the ENNHRI Chair will consult the ECC on the action requested by and/or agreed with the relevant NHRI under threat, including the proposed communications on such action. When releasing a statement or letter, the NHRI can propose a first draft. The ECC will be informed of proposed action by email and will be given a timeline to comment on the proposed action to be taken. Where appropriate, an emergency ECC meeting can be called.

c) Release of statement or other action

The action agreed by the ECC, in close coordination with the relevant NHRI under threat, will be taken in a timely manner, and with due consideration of the communications advised by the relevant NHRI and agreed by the ECC. Where appropriate, ENNHRI members and relevant stakeholders will be informed as soon as possible of the action taken by ENNHRI. Public information (on a case by case basis, where deemed appropriate) may include, but is not limited to publication through ENNHRI members, website and social media; relevant stakeholders, at a national, regional or international level; the Global Alliance of NHRIs; or the media.

⁵ A non-exhaustive list of possibly relevant stakeholders is available at Annex 2.

4.2 Discretion of Chair and ECC

ENNHRI recognizes that the specificities of each case might require discretion on the part of the Chair and/or the ECC. Possible divergence from the above procedure might include:

a) Action taken by the Chair alone

In exceptional circumstances, when the relevant situation requires a particularly urgent response, the Chair can use its discretion to act alone. If this is the case, the ECC will be informed as soon as possible of circumstances and of the action taken.

b) More detailed review of the situation

In advance of taking action, at the ECC's discretion, ENNHRI might carry out a more detailed review of the situation. The more detailed review could involve (further) consultation with relevant stakeholders and desk-based research, and could be carried out by the Secretariat and/or an ad hoc group of ENNHRI members.

c) Consult ENNHRI General Assembly

In advance of taking action, at the ECC's discretion, ENNHRI might undertake a full consultation with ENNHRI's General Assembly, as ENNHRI's highest decision-making organ. This will often not be possible, particularly in situations of urgency or confidentiality, but the appropriateness of members' participation will be taken into account.

Annex 1: Possible threats to NHRIs

NHRIs and / or their representatives could come under threat in a variety of manners. These might include:

- Political pressure
- Reduction of formal independence
- Changes in mandate or statute (such as revocation of status as a not-for-profit or public interest institution)
- Other legislative initiatives that could impact on NHRI
- Reduction in funding and / or restrictions of access to funds
- Organisational changes (such as inappropriate mergers)
- Removal of office holders (e.g. Ombuds, Chair, Chief Commissioner, Director)
- Trumped-up charges or arrest of office holders or staff
- Attacks on office holders or staff, including verbal, written or physical attacks
- Ill-treatment of office holders or staff
- Death threats to office holders or staff
- Defamatory media campaign against NHRI, office holders, or staff
- Public defamation, reputational attacks
- Electronic surveillance
- Restrictions on the freedom of movement
- Restrictions on holding of rallies
- Administrative or judicial harassment (e.g. pressure from tax inspection authorities).

This list will be added to, as needed.

Annex 2: List of possible relevant stakeholders

- Council of Europe Commissioner for Human Rights and other bodies, including the Venice Commission
- OHCHR Europe Regional Office
- UNDP Europe Regional Office
- UN Special Rapporteur for Human Rights Defenders
- OSCE / ODIHR
- OHCHR NIRMS
- FRA
- EU institutions
- European Ombudsman

- Equinet, ENO and IOI (if member in common)

This list will be added to, as needed.

