



BURKINA-FASO

UNITE-PROGRESS-
JUSTICE

National Human Rights Commission

CONTENT OF THE MNPDDH ORDER

PREAMBLE

Throughout history, there have been people who refuse all forms of injustice and work to defend the weak, the poor, the widow, the orphan... in order to restore their rights. These justice-loving people who are human rights defenders are often threatened in various ways because of their commitment.

Many human rights defenders have lost their lives, their property and their working environment as a result of their involvement. There are also many human rights defenders who carry traumatic scars as a result of their involvement and who need follow-up to return to their normal state of mind.

All of the cases cited are clear examples from Burkina Faso. The security crisis in the country has, among other things, increased the difficulties faced by human rights defenders in carrying out their work.

Indeed, since 2015, Burkina Faso has been severely affected by terrorist attacks, creating a hostile security climate characterised by, among other things, massive human rights violations and the adoption of legislation that puts human rights defenders under severe strain. We are increasingly witnessing a demonisation of the actions of human rights defenders, even though they are working to make their contribution to better respect for the rules of the rule of law.

In view of the numerous threats to which human rights defenders are subjected, texts have been adopted at the international and regional levels to contribute to their protection. For example, we can cite:

- the Declaration on Human Rights Defenders adopted by UN General Assembly Resolution A/RES/53/144 in 1998 ;
- the Johannesburg Declaration of November 04 1998;
- the Kampala Declaration of Human Rights Defenders of April 23 2009.

In addition to these instruments, there are mechanisms to ensure the protection of human rights defenders. These include, among others

- the UN Special Rapporteur on Human Rights Defenders ;
- the Special Rapporteur of the African Commission on Human and Peoples' Rights (ACHPR) on Human Rights Defenders.

In Burkina Faso, a law on the protection of human rights defenders (HRDs) has been adopted. It is Law No. 039-2017/AN of 27 June 2017 on the protection of human rights defenders in Burkina Faso.

This law confers the mandate to protect HRDs to the National Human Rights Commission through its permanent sub-commission on civil and political rights, which ensures a climate conducive to the realisation of the missions of human rights defenders.

In order to do this, it was felt that a mechanism for the protection of human rights defenders should be put in place.

This order defines the composition, powers and mode of operation.

TITLE I: General Provisions

Article 1 :

A mechanism for the protection of human rights defenders, known as the National Human Rights Defenders Protection Mechanism (NHDRPM), has been established.

The NHDRM is a synergy in the joint actions of human rights defenders and aims to contribute to the effectiveness of their work.

TITLE II: Composition - Functions of the mechanism for the protection of human rights defenders.

Article 2: The protection mechanism for human rights defenders has bodies and members to ensure its effectiveness and sustainability:

- the plenary of the NHRM;
- the executive board.

Article 3: The plenary of the NHRM is composed of the plenary of the CNDH and resource persons from ministries, institutions, CSOs, etc. These resource persons are strategic members with some very useful influence on the NHRM. These resource persons are strategic members with a certain influence that is very useful to the NHDRM. In case of emergency, they can be called upon by the mechanism to intervene. The plenary of the NHRM is headed by the President of the CNDH.

Article 4: The Chairperson and the General Rapporteur of the Executive Board shall participate in the plenary sessions of the NHDRM

Article 5: The plenary of the NHRM has the following mission:

- to examine the situation of human rights defenders in Burkina Faso;
- discuss new directions to strengthen the mechanism;
- review and adopt activity programmes and reports;
- to adopt the moral and financial balance sheets presented by the Executive Council;

Article 6: The plenary of the MNPDDH meets once a year to examine the situation of human rights defenders in Burkina Faso and make recommendations.

Article 7: It may be convened in extraordinary session by the President of the NHRC at the request of the Executive Council. This session can only be validly held if one third of the members of the plenary of the NHRC are present.

Article 8: The **Executive Council** of the mechanism for the protection of human rights defenders is the body that implements the guidelines and decisions of the plenary of the MHRDPM. It prepares and implements the programme of activities approved by the plenary of the MHRDPM and produces annual activity reports. The MNPDDH Executive Board is composed of **nine (9) members** from the CNDH, human rights CSOs and journalists' organisations. It meets once a quarter at the headquarters of the CNDH with a predefined agenda and is convened by its President.

Article 9: The Executive Council is composed of :

- one CSO representative, chairperson ;
- one technical staff of the NHRC, general rapporteur;
- one CSO representative as deputy rapporteur;
- six (06) advisors composed of five (05) CSO representatives and one commissioner.

Article:10 The members of the Executive Council from human rights CSOs and journalists' organisations shall be appointed for one (01) year, half of which may be renewed.

Article:11 The Executive Council of the HRD Protection Mechanism shall have the following functions

- Establish cooperation and maintain a dialogue with the Government and all institutions, structures or actors interested in the promotion and protection of human rights;
- Organise quarterly meetings with HRDs;
- to formulate effective recommendations to better protect human rights defenders and to monitor the implementation of these recommendations;
- to provide any necessary assistance to a human rights defender in a situation of imminent danger or not;
- promote the implementation of the UN Declaration on Human Rights Defenders and the national law for the protection of human rights defenders;
- to examine drafts and proposed legislation with an impact on HRDs and make recommendations;
- ensure capacity building of HRDs;
- use legal counsel to assist HRDs;
- to question the State on the human rights violations of HRDs;
- develop strategies for the protection and defence of human rights defenders;
- to draft and submit the texts governing the functioning of the NHDRM to the plenary of the NHDRM;
- develop draft programmes of activities;
- ensure the reporting of the activities carried out;
- **Organise an annual forum of human rights defenders that brings together all human rights defenders in Burkina (CNDH, CSOs, journalists, etc.).**

Article:12 The Executive Council shall work closely **with the Standing Sub-Committee on Civil and Political Law** in the implementation of certain of its tasks.

Article 13: The Executive Council shall benefit from the technical and logistical support of the National Human Rights Commission.

Article:14 The Chairperson of the Executive Board of the Human Rights Protection Mechanism is the first representative of the Executive Board. To this end, he/she shall

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- convene and chair the meetings of the Board;
- **convenes quarterly meetings with HRDs;**
- countersign the minutes with the rapporteur;
- ensures the regularity of the functioning of the Executive Board;
- ensure compliance with the internal rules;
- **collaborates with all natural or legal persons working in the field of human rights;**
- submits the programme of activities and the expenses of the activities **to the plenary of the MoNCHR;**
- presents the moral and financial balance sheets of the executive board **to the plenary of the MHNDP.**

Article 15: The general reporter is responsible for drafting the minutes of the activities, archiving the documents and reports of the Executive Board of the Coordination Unit.

Article:16 The deputy rapporteur shall assist the general rapporteur.

Article:17 Membership of the NHDRM is voluntary for all human rights defenders.

TITLE III: Operation - Resources of the Facility

Article 18: The national mechanism for the protection of human rights defenders benefits from voluntary contributions from human rights organisations and human rights defenders, grants from the CNDH and from Technical and Financial Partners (TFPs) and any other organisations.

Article 19: The funds allocated to the Facility shall be directly managed by the Directorate for Administrative and Financial Affairs.

Article 20: The members of the plenary of the MHRD and of the Executive Council are not remunerated; they devote their time and energy on a voluntary basis to the implementation of actions for the protection of human rights defenders.

Article 21: They shall work to ensure a climate of trust and cohesion between the members of the Mechanism and identified resource persons who can provide support to the Mechanism's mission.

Article 22: Meetings of the Executive Council with human rights defenders shall be convened quarterly by the Chairperson at the premises of the National Human Rights Commission.

Article 23: Any human rights defender who wishes to include a particular item on the agenda of the National HRD Forum must first inform the Executive Council and mention it in writing within two weeks.

Article 24: Cases of violations involving human rights defenders that have been documented shall be the subject of a crisis meeting led by the Chairperson, members of the Executive Council and the person or association that reported the case.

information. The executive board takes up the case and plans actions together with human rights defenders.

Article 25: The mechanism shall receive a minimum financial support from the National Human Rights Commission to ensure the coordination of activities.

Article 26: The Executive Council may not engage in income-generating activities or submit projects for funding to technical and financial partners.

TITLE IV: Discipline - Removal of human rights defenders

Article:27 Discipline remains the basis for success in all missions and all members of the NHRM are obliged to respect these rules of procedure.

Article:28 The members of the executive board and the plenary of the external NCHRM are invested with their mandate at a national HRD forum.

Article:29 Withdrawal from the network of human rights defenders depends on two conditions:

- the notification of withdrawal addressed **to the President of the NHRC;**
- The decision to withdraw the human rights defender or human rights organisation is made by **plenary notification from the NHDRM to the President of the NHRC.**

TITLE V: Amendment of the Order

Article 30: The decree can only be amended at a meeting of the **plenary of the MHRNP.**

Article 31: This decree shall take effect upon its adoption at the **plenary session of the MHNDP.**