Strasbourg, 12 December 2017

# WORKSHOP ON THE IMPLEMENTATION AND IMPACT OF NATIONAL HUMAN RIGHTS ACTION PLANS

Council of Europe, Strasbourg, 2 June 2017

## CONCLUSIONS

Introduction

The Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, organised a workshop on 2 June 2017 in Strasbourg aimed at facilitating an exchange of lessons learned from the implementation of National Human Rights Action Plans (NHRAPs) in several Council of Europe member states.[1]

The preparation and adoption of NHRAPs originates back to the 1993 Vienna UN World Conference on Human Rights, at which state representatives proposed a number of measures to help states fulfill their international human rights obligations. At the time, it was acknowledged that states needed to be active agents in bringing about positive change on human rights at the national level, and that a systematic and strategic approach, including through the adoption of strategic plans, could help. The development of NHRAPs, which involves assessing national human rights needs and the required actions to tackle them, was seen as a practical and coherent means of strengthening the implementation by states of their human rights obligations, and to monitor that implementation effectively.

Almost 20 member states of the Council of Europe (and more than twice that number around the world) have developed NHRAPs since the UN World Conference on human rights in 1993. According to information available to the Office of the Commissioner for Human Rights at this writing, the following member states of the Council of Europe have adopted one or several comprehensive NHRAPs over the past 20 years: Armenia, Azerbaijan, Croatia, Finland, Georgia, Greece, Latvia, Lithuania, Republic of Moldova, Norway, Scotland in the United Kingdom, the Slovak Republic, Spain, Sweden, The Netherlands, Turkey and Ukraine (see table below). In Europe, Kosovo* also has a NHRAP. Many Council of Europe member states do not have comprehensive NHRAPs but have adopted sectoral action plans covering specific human rights issues (for example on gender equality, on the human rights of Roma, of children, of LGBTI people, and on business and human rights).

The Commissioner for Human Rights of the Council of Europe is an institution which has long encouraged systematic work on human rights and the adoption of NHRAPs, as such plans can have a positive impact in various specific country contexts. In 2009, the Commissioner's predecessor issued a Recommendation on systematic work for implementing human rights at the national level. During his mandate, Commissioner Muižnieks has commented on the implementation of NHRAPs in his reports on Finland, the Republic of Moldova, Armenia, The Netherlands and the Slovak Republic. He encouraged the adoption of NHRAPs in several countries, including Iceland. He also provided technical advice on the development of the NHRAP in Ukraine and gave keynote addresses at several events dealing with NHRAPs. Following a first workshop on the development and adoption of NHRAPs in March 2014, the Commissioner created a special webpage dedicated to systematic human rights work and NHRAPs on his website.

The current period is an interesting juncture for the development and implementation of NHRAPs in European countries. Some NHRAPs have ended, while others have been or are being renewed. Several countries have now gone through the cycles of implementing one or two NHRAPs, and some have conducted thorough evaluations of their NHRAPs (see table below). The Commissioner therefore considered it timely to examine what has been the impact of NHRAPs to date, as well as the challenges encountered in their implementation.

At a time when human rights are being challenged across Europe, NHRAPs can be an effective tool for governments and stakeholders to reaffirm their commitments. At first sight, NHRAPs may appear to be a rather formal exercise. But, as demonstrated below, they have the potential to make a difference in the realisation of human rights, if designed and implemented well.  It is thus crucial to get the contents of the NHRAPs right and to work to maximise their impact.

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[1] This workshop followed-up on a first event convened by the Commissioner in Match 2014 on the development and adoption of NHRAPs. The conclusions of the first workshop are available on the Commissioner's website: https://rm.coe.int/16806daabd.

*All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

The objective of the 2 June workshop was to provide a platform to practitioners and relevant stakeholders to discuss in a candid and honest manner their experience –including successes, challenges, and pitfalls encountered - with the implementation of NHRAPs. The workshop sought to identify lessons learned from these various experiences which may help guide future work on NHRAPs. The workshop further aimed at identifying new opportunities to encourage the adoption of NHRAPs and discussing the kind of support that would be most valued to that effect.

The workshop was held under Chatham House rules and attended by 24 invited participants from public administration, national human rights institutions (NHRIs), and civil society from 14 member states of the Council of Europe, as well as representatives from the European Union's Agency for Fundamental Rights (FRA) and the UN Development Program (UNDP). In order to inform the discussions, the Commissioner distributed a non-public questionnaire in advance of the workshop (see Annex 1). Anonymised elements from the replies to the questionnaires are referenced in these conclusions to illustrate the points discussed. These conclusions do not engage individual participants in the workshop.

*Table: National Human Rights Action Plans in Europe and available evaluations*

| country | expired | (partial) evaluation / implementation report | current | future NAP under preparation / consideration |
|---|---|---|---|---|
| Armenia | 2014–2016 | | 2017-2019 | |
| Austria | | | | ✓ |
| Azerbaijan | 2006, 2012–2015 | | | |
| Bosnia and Herzegovina | | | | ✓ |
| Croatia | 2008–2011, 2013–2016 | 2015 | | ✓ |
| Finland | 2012–2013 | 2014 | 2017–2019 | |
| Georgia | 2014–2016 | 2017 | 2016–2017 2014–2020 | ✓ |
| Greece | 2014–2016 | | | ✓ |
| Iceland | | | | ✓ |
| Latvia | 1995 | | | |
| Lithuania | 2002 | | | |
| Republic of Moldova | 2004–2008, 2011–2014 | 2015 | 2018–2022 | |
| Netherlands | | | 2013– | ✓ |
| Norway | 2000–2005 | | | |
| Portugal | | | | ✓ |
| Russian Federation | | | | ✓ |
| Slovakia | | 2016 | 2014–2020 | |
| Spain | 2008–2012 | 2012 | | ✓ |
| Sweden | 2002–2004, 2006–2009 | 2004 2011 | 2016– | ✓ |

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|---|---|---|---|---|
| Turkey | | 2015 2016 2017[2] | 2014–2019 | |
| Ukraine | | | 2015–2020 | |
| Kosovo* | 2009–2011 | | | ✓ |
| Scotland in the United Kingdom | | 2014 2015 2016 | 2013–2017 | ✓ |

\* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

Challenges in the implementation of National Human Rights Plans

At the outset, it should be stressed that the implementation of NHRAPs is by no means an easy undertaking. As became clear during the workshop, all countries that have NHRAPs face some challenges with their implementation. While it is an important first step, the adoption of a NHRAP does not guarantee that it will be effectively implemented in practice and in a timely manner.

Three broad categories of problems were mentioned in the course of the workshop. Some of the difficulties resulted directly from the contents of the plans themselves. Other impediments to the implementation of NHRAPs were not directly linked to the quality of the plans, but rather of an operational or political nature.

Regarding the conceptual quality of the plans, several participants noted that it can be difficult to get the right balance between the articulation of a strategic vision on improving the national human rights situation and the identification of concrete, measurable actions. Some participants, for example, regretted that their NHRAP read like a manifesto for human rights, but lacked concrete actions to be undertaken by the authorities. Conversely, other NHRAPs were criticised for containing a heterogeneous catalogue of actions and projects with no clear vision of the objectives to reach and the strategy to do so. Participants underscored the importance of conducting a thorough baseline study as a way of identifying the most pressing human rights needs in the country.[3] Sensitive issues were sometimes left out of the NHRAPs (for example property rights in one country or migration issues in another), which resulted in undermining public confidence in the plans.

At the operational level, it was noted that the lack of effective coordination between the various ministries and agencies in charge of implementing the NHRAP could hamper its timely implementation. In some situations, no focal point was designated to lead the implementation of the plan. The division of labour between agencies and timing for the planned activities was not always clear. In some countries, a lack of human and financial capacities hindered coordination. The staff in charge of implementing the plans sometimes lacked appropriate training to conduct this task effectively.

A lack of genuine political will on the part of the authorities to protect human rights remained the chief obstacle to the effective implementation of the NHRAPs. For example, disinterest in following through can be particularly pronounced when a country adopts a NHRAP as a result of pressure from development partners, or merely to meet recommendations by international human rights monitoring bodies, but without real appropriation or ownership. The failure to make the necessary resources available for the activities foreseen in the NHRAP, or the adoption of an unambitious NHRAP, can be manifestations of a lack of political commitment.

Additionally, it should be noted that uncontrollable external factors sometimes obstruct the implementation of NHRAPs. For example, economic difficulties led several countries to postpone or set aside the implementation of their NHRAPs due to a lack of resources to conduct the planned activities. The outbreak of an armed conflict or

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[2] Reports not available publicly.

[3] For more information on baseline studies, see "Workshop on developing and implementing national action plans for human rights – Conclusions", Council of Europe Commissioner for human rights, p. 3, Strasbourg, 27-28 March 2014, available at https://rm.coe.int/16806daabd.

declaration of state emergency can also lead to a NHRAP being set aside. Similarly, a political crisis or the holding of elections resulting in a change of government can displace the NHRAP from the agenda of current priorities.

As the workshop showed, once adopted, not all NHRAPs have been effectively implemented. Several factors explain this situation, as described above. The 2 June 2017 workshop convened by the Commissioner sought to identify best practices that helped countries overcome such difficulties (see section on lessons learned).

Impact of existing National Human Rights Action Plans

A systematic approach to human rights work, including through the development of NHRAPs, entails devoting attention continually and comprehensively to the realisation of human rights in a country. Adopting a NHRAP should be grounded in the intention to achieve concrete results.

In work done to promote NHRAPS after the Vienna UN World Conference on Human Rights, the UN Office of the High Commissioner for Human Rights (OHCHR) identified several possible benefits of NHRAPs. These included: generating a commitment to human rights that would otherwise not exist; set achievable targets and propose realistic activities to reach them; be a tool of sound public administration and governance; raise awareness about human rights; help mobilise international and national resources for the realisation of human rights, and establish or strengthen national institutions dealing with human rights.[4]

One key objective of the Commissioner's workshop was to evaluate whether this "promise" of the possible benefits of NHRAPs has been fulfilled and what concretely has been the impact of existing NHRAPs on improving respect for human rights in the countries that have them. Despite the problems identified in the section above, and the undeniable fact that some plans have not resulted in tangible results, the returned questionnaires and discussions at the workshop shed light on a variety of outcomes achieved through the implementation of NHRAPs.

Firstly, it was reported that the implementation of NHRAPs had contributed to improving states' alignment with international human rights standards, notably through: the ratification of international human rights conventions; the adoption or amendment of domestic legislation related to human rights; a stronger affirmation of the government's commitment to human rights; as well as facilitating state reporting to international treaty monitoring bodies and a more systematic consideration of the recommendations issued by these bodies.

Secondly, several participants to the workshop reported that the work on NHRAPs had led to concrete structural improvements in the way governments handle human rights issues. For example, several participants reported the creation of coordination mechanisms (such as working groups, or the nomination of focal points) among ministries and relevant agencies that help ensure a flow of information on human rights issues. Some countries created national human rights institutions or other national mechanisms tasked with promoting and overseeing specific human rights issues. Consultation and joint work on the implementation of NHRAPs helped improve the relationship between governments and civil society in some cases. Further, NHRAPs enhanced state authorities' accountability, by requiring them to monitor and report on the implementation of commitments undertaken. Several participants noted that the participatory manner in which the NHRAPs were developed was an innovation in their country, one that could help change the established culture on shaping policies and legislation. The discussions revealed that NHRAPs have the potential to improve not only the way governments work on human rights issues, but can also have broader positive effects on state governance and democratic processes.

Thirdly, it was reported that NHRAPs contributed to capacity building on human rights for the civil servants who develop and implement them, at the national and local level. They also helped raise awareness about human rights among the general public, when sufficiently communicated. Participants from some countries also considered that

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[4] "Professional training series No. 10: Handbook on National Human Rights Plans of Action", Office of the United Nations High Commissioner for human rights, New York and Geneva, 29 August 2002, pp. 9-10, available at:
http://www.ohchr.org/Documents/Publications/training10en.pdf.

the process of preparing a NHRAP had helped strengthen the professionalism of civil society, as well as its legitimacy and influence vis-à-vis state institutions.

Notwithstanding their importance, it was noted that the effects outlined above were primarily of a structural nature. While changes in policies, processes, laws and resources allocation are necessary prerequisites, they do not always translate in real-life improvements for vulnerable people. It is therefore important to monitor and gain an understanding of the concrete impact of NHRAPs on the ground. Only a handful of such real-life effects were mentioned at the workshop. In one case, it was reported that the NHRAP had improved access to housing, and led to a reduction of non-statutory police stop-and-search operations of minors and people considered as belonging to vulnerable groups. Another example was the designation of mediators to improve relations between Roma communities and schools or public administrations. In yet another case, the improvement of prison conditions was attributed to the implementation of the NHRAP.

Participants agreed that it is very difficult to evaluate and measure the impact that NHRAPs have on the real-life enjoyment of human rights by the population, and that there was a lack of adequate tools to conduct qualitative assessments of the impact of NHRAPs. More work is required to devise appropriate indicators and methodologies to conduct such evaluations (see also section on monitoring and evaluation).

There were a few other overarching conclusions concerning the impact of NHRAPs. Several participants observed that, in their experience, it is easier to achieve concrete impact when the NHRAP is focused on a limited number of concrete goals. It was also noted that impact is not always solely attributable to NHRAPs, particularly when a NHRAP includes specific measures that are also foreseen in other government policies and plans. While progress in the realisation of human rights is likely to be the product of combined efforts and factors, it would be good to be able to pinpoint the distinct contribution of NHRAPs.

It would appear that, to date, NHRAPs have primarily had positive effects with regard to the national infrastructures, legislation and processes related to the promotion of human rights, which are important achievements in themselves. There is less evidence and documentation currently available about the concrete impact of NHRAPs on the daily enjoyment of human rights for people. This does not mean that such impact does not exist, but initial evaluations of the implementation of NHRAPs have not necessarily focused on this aspect or found the most appropriate way to measure it.

Participants in the workshop agreed that achieving such real-life impact is one of the most important objectives behind adopting NHRAPs. Concrete efforts to increase this type of impact and to document it are required in order to build support for NHRAPs as means to achieve a transformative effect on the human rights situation in a country.

Some Lessons learned and examples of good practices

*1. Devising a strategic and action-oriented NHRAP*

As mentioned above, certain intrinsic flaws in the contents of NHRAPs can hinder their implementation and impact. These shortcomings include the absence of concrete actions or targets, the absence of a timetable for implementation, the lack of an overall strategy or omission of important human rights issues. One way to avoid some of these pitfalls is for states to abide by some general principles - articulated in international guidance - when drawing up their NHRAPs.[5] For example, participants stressed the importance of conducting baseline studies

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[5] For more information, see "Handbook on National Action Plans for Human Rights", pp. 12-21; "Recommendation on systematic work for implementing human rights at the national level" by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 18 February 2009, available at: https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2009)3&Language=all&direct=true. The fundamental steps to observe when working on NHRAPs include: conduct a detailed baseline analysis of the human rights needs in the country; cover

before embarking on a NHRAP, as a way to gain a full understanding of the human rights situation in a country. The importance of thorough consultations with all relevant stakeholders was also underscored.

In any event, it may be difficult for a country to succeed in devising the NHRAP most suited to its needs on a first attempt. Representatives of countries that have gone through one or several cycles of implementing NHRAPs found that their first plan(s) needed amendments or a change of approach altogether to better fit the human rights needs in the country. This may require creativity and some innovation.

One specific area of difficulty discussed at the workshop was that of the prioritisation of human rights issues. International guidance suggests that NHRAPs should cover comprehensively all human rights issues, and broad consultations tend to result in each stakeholder's wishing to see their issue covered in the plan. At the same time, those with experience noted that a NHRAP is more likely to be effective if it focuses on a limited number of issues and activities. How to go about prioritisation can be challenging and raises important questions. It was noted at the workshop that some topics may be omitted because of a lack of political will to address them. Some governments may favor including in the NHRAP only "realistic" targets which would have been achieved regardless of the plan. It was noted that consulting organisations working closely with victims of human rights violations -- and not just experts -- can help ensure that important human rights priorities are included in the plan. If it is decided to pursue a limited number of priorities in a given NHRAP, an explanation should be included about how and when other issues might be tackled or why they were left aside. It is also possible to include an overview of all relevant issues while identifying priorities for a given implementation period.

Participants also discussed difficulties that arise around the need to combine a list of concrete and time-bound activities in the plan, with strategic vision of how to move toward various human rights goals. Achieving the right balance between the action-oriented and strategic nature of the plan can be difficult. This difficulty is further compounded when a country has one or several sectoral plans dedicated to specific human rights issues, which also include sets of activities and of which the NHRAP may be duplicative. The discussions at the workshop showed that several countries are currently reflecting on how to create NHRAPs that are both strategic and concrete. In some countries, mid and long term objectives (for the next 10 or 30 years) have been added into a shorter (3 to 5 years) plan, in order to insert vision beyond the implementation period. In other countries, there is a long term human rights strategy, that is translated into short term NHRAPs. Countries with sectoral plans are reflecting on the fact that these may constitute the pillars of a broader NHRAP, the value added of which would be to steer the government in a specific direction while engaging the broader public in debates on human rights.

It is clear that a set of increasingly diverse NHRAPs is developing and more work may be needed to collect, evaluate and share these experiences for the benefit of other countries.

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comprehensively all relevant human rights issues, in application of the principle of interdependence and indivisibility of human rights; ensure that that the plan's elaboration process is based on broad consultations with stakeholders; ground the plan in a commitment to implementing existing universal human rights standards; ensure that the plan include concrete, measurable activities; make the NHRAP a public document that can be used for human rights education; include information in the plan about its implementation, including on financing of activities, monitoring and evaluation of the implementation.

*2. Building strong and broad ownership*

NHRAPs are most likely to be effectively implemented when there is strong national ownership over them. Participants at the workshop stressed the key role that national authorities should play in driving implementation. Certain common difficulties in anchoring and maintaining ownership were discussed at the workshop. For example, when a NHRAP covers a broad range of human rights issues, it can happen that no single Ministry or parliamentary committee feels responsible for its implementation. Conversely, tensions may arise between various implementing agencies wishing to claim credit for the activities undertaken instead of attributing them to the implementation of the NHRAP. Difficulties are likely to arise when the NHRAP was prepared and adopted under one government but elections bring another government in power.

Some good practices to build and maintain strong ownership on the part of national authorities were highlighted. Firstly, it was suggested to obtain the explicit support and commitment of officials at the highest level of government (President, Prime Minister) through public statements. In order to provide stability to the NHRAP, it can also be helpful to dissociate it from the government currently in power. This has been done by including the implementation of the NHRAP in a long term formulation of broader national objectives, in countries where such a political framework exists. It was also suggested to give the NHRAP the status of an act of parliament. It is also of key importance to involve municipalities and regional authorities in the development, implementation and monitoring of the NHRAPs. Some participants in the workshop reported specific efforts to ensure ownership by local authorities.

Beyond national and local authorities, it is also worthwhile to create a "community" of stakeholders in support of the implementation of the NHRAP. Involvement of national human rights institutions and civil society in consultations at the development phase of the plan is critical to shape the contents of the plan and to help ensure that those actors have an interest in its implementation. Involving both vulnerable groups and the public in general, notably through effective communication about the NHRAP, raises public expectations and thus contributes to maintaining pressure on the national authorities to move forward with its implementation.

*3. The importance of communication*

Effective dissemination, discussion and communication about the NHRAPs form an integral part of their successful implementation and can increase their impact. This aspect of the work on NHRAPs fulfills a number of key functions and should not be handled as optional or as an afterthought. Communication ensures transparency and accountability of the authorities regarding their work on implementing the NHRAP. As mentioned in the previous section, consultations and communication with the general public are directly related to building ownership and public support for the NHRAP. In addition, communication about a NHRAP can be an important tool for human rights education. In times marked by populism, extremism, and identity battles, the adoption and implementation of NHRAPs provide an opportunity for broader discussions on the importance of human rights in strengthening mutual respect and social cohesion in increasingly diverse societies.

Communication about NHRAPs seems to have been fairly limited to date. Countries with NHRAPs posted them on a Ministry's website and occasionally issued a press release about their adoption. Participants mentioned a number of obstacles with regard to broader types of communication. First, they noted that it can be difficult to generate interest in the plans, which are often drafted in technical and dry language. Civil servants in charge of the NHRAPs frequently lack training in communication skills and methodologies, and in many contexts are simply not allowed to communicate with the public. Furthermore, it is not always possible to enlist ministers or high level officials to talk about the NHRAPs. Communicating with the general public may also create a backlash and result in curtailing the implementation of certain aspects of the NHRAP. In one country, for example, a portion of the population opposed the implementation of measures to strengthen the human rights of LGBTI people contained in the NHRAP.

Despite these difficulties, there are some positive examples of communication good practices. If there is to be effective communication about a NHRAP, the national authorities should prepare a strategy and allocate resources

to it. This requires carefully defining the audience, messages and phases of communication. While actors such as national human rights institutions and civil society can be involved in the communication work, the authorities should still bear responsibility for disseminating key messages about the NHRAP and its implementation. Several countries reported having organised public debates about the NHRAP, either in parliament or as separate events. In some countries, outreach events targeting civil society and local media were organised at the regional level in cooperation with local authorities. One country reported an extensive set of innovative communication strategies, including the use of social media campaigns, videos and other visual materials such as comic strips, and enlisting popular public figures, including artists. One effective strategy to make the plan more palatable to the general public was the use of case studies that illustrate how the plan was used to advance a specific human rights issue (for example, access to social housing.) The power of presenting individual stories of people affected by the implementation of the NHRAP was also underscored. More work overall is required to design strategies to better reach the general public on issues that may be difficult or controversial.

Finally, several participants stressed that it is important not to communicate only at the start and at the end of the plan, but rather on an ongoing basis about the implementation of specific actions and activities. Proceeding in such a manner ensures transparency and can help maintain interest in the plan.

*4. Human rights-based approach to monitoring and evaluation*

Workshop participants agreed that the implementation of NHRAPs should be monitored on an ongoing basis and evaluated at the end. Monitoring and evaluation are undertaken for a range of purposes, which include measuring the results, impact, and overall effectiveness of the plan; ensuring transparency and accountability; and strengthening coordination and partnership between implementation agencies. Ongoing monitoring can also help assess the level of political commitment on the part of the authorities and document any drop-off in this regard. One key objective of monitoring and evaluating NHRAPs should be to "course correct" and make necessary adjustments or improvements. The NHRAPs should be living instruments that can be adapted in case of changed circumstances or obvious shortcomings.

The majority of countries represented at the workshop reported having created an ongoing monitoring process for their NHRAPs. These monitoring processes vary greatly from one country to the other. In some countries, it is the parliament that is entrusted with oversight of the implementation of the NHRAP, on the basis of technical reports prepared by the administration. It is sometimes one ministry that collects the relevant information and produces a monitoring report which is then submitted for adoption by the government. In other countries, a monitoring body is set up within the government, gathering leaders or focal points in the various agencies and ministries responsible for implementing the activities contained in the plan. In at least one country, an independent monitoring body has been designated, bringing together representatives of the government, national human rights institutions, representatives of local authorities and of audit services, as well as independent academic experts, all with specific expertise in monitoring and evaluation. The national human rights institution can sometimes be entrusted with conducting the monitoring. Participants at the workshop discussed the pros and cons of the monitoring process being conducted by the government or independently. Irrespective of the approach chosen, it was felt that the authorities should be involved in monitoring the implementation of the plan, as a way of maintaining ownership of the process.

Monitoring reports should be made public at regular intervals. In some countries, they are discussed in parliament, where national human rights institutions and civil society can pose questions or raise concerns. In the experience of the workshop participants, it is important to keep the monitoring process straightforward and "light" (i.e., not burdensome) so that it can be carried out easily, without distracting from the actual implementation of activities. The monitoring should feed into an analytical evaluation of the success of a NHRAP, to be undertaken at the end of its implementing period (current NHRAPs have timeframes between 2 and 6 years). Several countries have now undertaken such evaluations (see table above). In order to ensure its objectivity and legitimacy, the evaluation should be carried out by independent experts. The evaluation should cover the intrinsic quality of the plan, as well as its results and impact. It should include recommendations on how to improve both the process and impact of a subsequent NHRAP.

The question of "what" exactly the monitoring and evaluation process should measure led to extensive discussions at the workshop. Current monitoring and evaluations tend to focus on the concrete outputs of activities listed in the NHRAP (for example: ratification of international treaties, adoption of new pieces of legislation, number of people trained, etc.) As mentioned above in the section on impact, these outputs do not necessarily give information as to whether there have been concrete improvements to the enjoyment of human rights through the implementation of the NHRAP. Some participants questioned whether it was even possible to measure such real-life impact in a reliable manner. It was noted that, in order to effectively monitor changes in people's human rights experience, it would be necessary to start off with precise data, disaggregated by region, by population groups, as well as by gender, disability and age. Such information is often not available.

Several participants agreed that there is a need to develop better indicators in order to measure the impact of NHRAPs. In that regard, a human rights-based approach (HRBA) can help. According to the HRBA, indicators are designed to evaluate an activity in a holistic manner: structural indicators measure a state's commitment to an activity, the process indicators measure the quality of the efforts undertaken, and the outcome indicators measure the actual results of the activity in terms of enjoyment of human rights.[6] Several participants expressed interest in further cooperation to develop HRBA indicators specifically designed for the implementation of NHRAPs, in consultation with intergovernmental organisations with expertise in this field, such as OHCHR and FRA. While this is possibly a new and interesting field, some participants also warned against excessively complicated measurement methodologies. As an intermediary step, it was suggested to explore dissecting and profiling the impact of the NHRAP in a designated field of human rights through contained case studies.

*5. Some investment in the implementation process*

It is important that the procedural aspects of successful implementation of the NHRAPs be given consideration during the plan's development phase. One good practice discussed at the workshop was the creation of a small secretariat, or coordination mechanism, in charge of the plan. The secretariat can be entrusted with setting deadlines for the implementation of activities, ensuring coordination between ministries and implementing agencies, collecting information about implementation, and preparing regular reports. Furthermore, the secretariat can also be tasked with ensuring that the NHRAP is mainstreamed into other national policy making. Consideration should be given to locating this small secretariat in the office of the Prime Minister, as this would give it more authority over all relevant ministries and would signal that the whole government takes responsibility for the plan. Another good practice mentioned was the nomination of focal points in all relevant ministries and implementing agencies to monitor the human rights situation and the implementation of the plan. It was emphasised that this "plan on how to implement the plan" should be spelled out in detail in the actual text of the NHRAP.

While it is obvious that the state needs to earmark resources for the implementation of the substantive activities foreseen in the plan[7], the discussions at the workshop highlighted that a limited amount of funding should be specifically foreseen for the work around leading the implementation of the plan. This includes the running of a small secretariat and/or monitoring body, as mentioned above. Experience to date demonstrates that a small investment in such infrastructure is critical to ensure that the NHRAP does not remain as dead letter.

The way forward

Several approaches were discussed at the workshop to reinvigorate the work on NHRAPs.

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[6] OHCHR, "Human Rights Indicators: a guide to measurement and implementation", 2012, available at: http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf.
[7] On the need to link the NHRAP with the state's budgeting process, see "Workshop on developing and implementing national action plans for human rights – Conclusions", Council of Europe Commissioner for human rights, p. 3, Strasbourg, 27-28 March 2014, available at https://rm.coe.int/16806daabd.

One opportunity is to link current and future NHRAPs to states' commitments to meeting the 2030 UN Sustainable Development Goals (SDGs). The SDGs are a universal set of 17 goals, plus targets and indicators, which were adopted in 2015, and which all UN member states are expected to use to frame their agendas and policy-making in order to improve the lives of people and "leave no one behind." The SDGs are themselves aligned with the international human rights system (for example goal 5 on gender equality, goal 8 on decent work, goal 10 on reducing inequalities, and goal 16 on peace, justice and strong institutions).[8] The SDGs are seen as both a means of preventing contemporary problems such as conflict, poverty, inequality and forced displacement, as well as contributing to creating an enabling environment for the fulfillment of civil, political, as well as economic, social and cultural human rights. It was noted that the UN SDGs are attractive because they are formulated in positive terms, as objectives to be reached. The SDGs and human rights are mutually reinforcing.[9] The UNSDGs can provide an entry point to talk positively about human rights, while NHRAPs can help with the implementation of the UN SDGs. It is certainly cost-effective for states to link the two processes, notably with regard to collecting baseline data, as well as developing common activities and monitoring processes. In light of the discussion above about HRBA indicators, it may be useful to develop human rights relevant indicators analogously to UN SDGs indicators.

The UN SDGs are not the only entry point for renewed discussions on NHRAPs. For example, political processes such as association agreements or accession negotiations with the European Union (EU) can be a good opportunity for a country to use a NHRAP as a tool to press forward with human rights reforms. In other countries, it may be possible to use the authorities' interest in one specific sectoral plan to initiate discussion about the need for a broader NHRAP. For example, there has been a recent wave of action plans on business and human rights.[10]

In conclusion, the workshop highlighted a number of positive effects that have already resulted from the adoption of NHRAPs, including improved alignment with international human rights standards, increased awareness and ownership of human rights goals, and more transparent and participative policy-making.

The next front is to bring the NHRAPs more effectively into the "open". Instead of confining the NHRAPs to ministries, people should be made aware about them and – ideally – should be able to discern their impact, through an improvement of their daily enjoyment of human rights. States should improve consultations with groups representative of broad strata of society during the development phase of the NHRAP. More work is needed to devise effective ways to monitor and document the impact of NHRAPs on the realisation of human rights, through appropriate indicators. It is also very important to engage in effective communication about the NHRAPs. Increasing the visibility and impact of NHRAPs is all the more important in the current turbulent political climate, where the human rights protection system itself is being eroded.

The nexus between governments, national human rights institutions and civil society is critical in seeing through the effective implementation of NHRAPs, and requires continued fine-tuning. While all agreed that the authorities must take ownership and lead the implementation of the plan, national human rights institutions and civil society make vital contributions at all stages.

Participants in the workshop expressed appreciation for the expert support on NHRAPs provided by international organisations such as OHCHR, FRA, the Council of Europe and UNDP. They noted that existing guidance is becoming outdated and may not fully integrate lessons learned that are emerging from the implementation of NHRAPs in several countries. They also underscored that further peer-to-peer exchanges of experience such as that facilitated through the Commissioner's workshop are needed, and expressed the wish that such events be organised every two years.

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[8] For more information on the UN Sustainable Development Goals, see https://sustainabledevelopment.un.org/?menu=1300.

[9] On the link between the UN SDGs and human rights and working on common data and indicators, see the work of the Danish Institute for human rights: https://www.humanrights.dk/what-we-do/sustainability/human-rights-sdgs/sdg-indicators.

[10] "The potential of National Action Plans to Implement Human Rights Norms: an early assessment with respect to the UN guiding principles on business and human rights", Damiano Defelice and Andreas Graf, Journal of Human Rights Practice, Vol. 7 Nr 1, February 2015, pp. 40-71, available at: https://academic.oup.com/jhrp/article/7/1/40/2188840.

Background Documents

Council of Europe Commissioner for Human Rights, *Recommendation on systematic work for implementing human rights at the national level*, 18 February 2009, CommDH(2009)3.

Council of Europe Congress of Local and Regional Authorities, Monitoring Committee (Rapporteur: Lars O. Molin), *Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries*, 7 April 2014, CG(26)5 Final.

Office of the United Nations High Commissioner for Human Rights, *Handbook on National Human Rights Plans of Action*, Professional training series No. 10, 29 August 2002.

Office of the United Nations High Commissioner for Human Rights, *Key issues in developing and implementing a National Human Rights Action Plan,* September 2011.

Office of the United Nations High Commissioner for Human Rights, *Human Rights Indicators: A Guide to Measurement and Implementation*, 2012.

European Union Agency for Fundamental Rights, *Joining up fundamental rights: Toolkit for local, regional and national public officials.* Available at: *http://fra.europa.eu/en/joinedup/home*.

APPENDIX

<u>To be returned by 20 April 2017</u>

1) Does your country currently have a valid national action plan for human rights (NAPHR)? (please send us a link or paper copy):

   a. If the NAPHR has expired, are there plans to renew it? If not, why not?

   b. If your country does not have a NAPHR, are there plans to develop one? What are upcoming opportunities to do so?

2) Development of the current (or expired) NAPHR:

   a. Was a baseline study of the human rights situation in your country conducted prior to developing the NAPHR? If so, by whom?

   b. How are new issues taken on board?

   c. Were consultations organised during the development of the NAPHR? If so, with whom?

   d. If your country also has sectoral or regional plans, what is the relationship between the NAPHR and those other plans?

   e. To what extent does your NAPHR address relevant case-law by the European Court of Human Rights? Recommendations contained in the reports of the Commissioner for Human Rights or Council of Europe (CoE) monitoring mechanisms? Recommendations from the UN Universal Periodic Review? The UN Sustainable Development Goals 2030? The UN Guiding Principles on Business and Human Rights or the CoE Committee of Ministers recommendation on human rights and business?

3) Implementation and impact of the current (or expired) NAPHR:

   a. Has the NAPHR in your country contributed to identifiable progress on the human rights commitment of your government (new legislation, increased engagement with the regional and international human rights system, others)? Please provide some examples.

   b. Have there been any identifiable or measurable effects of the implementation of the NAPHR on any emerging human rights challenges in your country? (For example, has the NAPHR assisted in addressing issues related to migration, including hate speech, racist attacks, social integration of refugees? Has it helped strengthen compliance with relevant regional and international legal obligations? Has the implementation of the NAPHR assisted in diminishing the incidence of human rights violations, as may be reflected for example by fewer reported complaints against the police or other public officials?) Please provide some examples.

c. Does your country have a process to monitor the implementation of the NAPHR and to evaluate its impact? Please describe.

d. What is the role of the national human rights institution with regard to the NAPHR, including monitoring its implementation and evaluating it?

e. If the NAPHR has not been implemented to date, what are the key reasons?

4) Are there initiatives to communicate about the existence and implementation of the NAPHR in your country? Are there initiatives in your country to communicate more broadly about human rights, notably but not only in the context of the implementation of the NAPHR? Has the NAPHR influenced public or political debate in any identifiable way? Please provide some examples

5) Conclusion:

a. If the NAPHR has had a positive impact, please explain why.

b. If the NAPHR has not had a positive impact, please explain why.

c. How could the NAPHR work better?

d. Are there any upcoming opportunities for making the NAPHR work better in your country?