CONSIDERATIONS TOWARDS THE DEVELOPMENT OF A NATIONAL HUMAN RIGHTS ACTION PLAN

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I. INTRODUCTION

The desire to further entrench human rights principles on the national level reflects a strengthened environment of openness and accountability that increasingly prevails in all regions of the world. It is recognized not only that these principles are important for the well-being of individuals and communities but also that they are an essential component of economic and social progress. In this regard, evidence abounds that the full national implementation of human rights principles strengthens social harmony and cohesion, advances the process of development and promotes the accountability and legitimacy of the government.

The fundamental purpose of a NHRAP is to improve the promotion and protection of human rights. It does this by placing human rights improvements in the context of public policy, so that the government, communities and individuals can endorse human rights improvements as practical goals, devise programmes to ensure the achievement of these goals, engage all relevant sectors of government and society, and allocate sufficient resources.

II. PROCESS AS WELL AS AN OUTCOME

A NHRAP is both an outcome and a process, with each being equally important. The outcome is the plan itself and activities that flow from it. The plan should be developed as a comprehensive document and should trigger activities in a wide range of areas of public administration. At the same time, the manner in which a national action plan is developed will influence its chances of success.

Contemporary society throughout the world increasingly demands a participatory and transparent approach to public policy-making. As such, the NHRAP development process must ensure current practice of providing a central role for the National Human Rights Institution (NHRI) and civil society. As such, the broadest range of participants should be embraced from all sectors of society – human rights NGOs and community organizations of all types, as well as relevant individuals. This is all the more important in the area of human rights, where individuals feel the result of developments and outcomes. An effective consultation process during the development of the plan will encourage broader civil society and public understanding and acceptance. Effective consultation processes are also crucial for the credibility and, ultimately, the effectiveness of the plan.

NHRIs, human rights NGOs and other representatives of civil society are involved at grassroots level in the protection of human rights and the identification of human rights problems. They also embody powerful reserves of commitment and energy. They are thus often best placed to make a substantive and constructive contribution to the national plan development process. Consultation and coordination within the government is also crucial. The involvement of a wide range of government agencies in developing and implementing the plan will reinforce the notion that human rights are not just a matter for the Ministry of Justice and/or Ministry of Foreign Affairs and Cooperation, but are the responsibility of government as a whole. Commitment by public officials to the plan is also vital to ensure that the plan’s substantial human and financial resource requirements are met.

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1 The content of this submission extensively relies on, quotes (without citation) and is further elaborated through the Office of the High Commissioner for Human Rights, Handbook on National Human Rights Plans of Action (Professional Training Series No. 10 of 2002).
(a) Action Orientation
A national action plan should, of course, be action-oriented so as to facilitate its implementation. Rather than setting forth claims and vague promises, a national action plan should:

- Indicate clearly what the current situation is;
- Identify what problems need to be overcome;
- Specify what action will be taken (providing benchmarks for the evaluation of progress);
- Prioritize actions to be taken;
- Specify who is to take the action;
- Establish a firm time frame in which action will be taken;
- Establish a budget for action; and
- Provide for effective monitoring and evaluation of what has been accomplished.

It is important to ensure that all those implementing the plan fully accept the need for concrete outcomes. This underscores the need for an inclusive approach to development of the plan. With this action-oriented approach in mind, it is beneficial to make a distinction between objectives that are achievable within a limited time frame and others that may be desirable in the long term or have inspirational value. The objectives achievable in the short term could then be described in terms of the considerations set out above in order that those responsible for implementing the plan and those affected by its actions have a clear idea of what the targets are and how activity achievement can be measured.

(b) A Public Document
A NHRAP is a public document that must be widely disseminated and easily obtainable. The plan should be developed, launched and reviewed with high-level political involvement so as to ensure media coverage. Alongside the plan itself, there should be a sufficiently funded media strategy to ensure that the widest possible spectrum of the public is involved in the development and implementation of the plan and is aware of its importance.

(c) Education
Implicit in the concept of a NHRAP is the central place of education about human rights. National action plans can educate citizens as well as public officials about the human rights situation in their own country. Organizations or individuals responsible for discrete aspects of the plan should be made aware of the plan’s requirements and given the necessary training or resources to enable them to meet the outcomes specified.

(d) Monitoring and Evaluation
NHRAPs should incorporate mechanisms for the monitoring of progress and for the evaluation of the plan’s achievements. Human rights issues are ultimately just as important as other areas of public administration. Every effort should thus be made to avoid a situation in which human rights objectives are launched with great fanfare but are then left to wither because of lack of follow-through.

(e) A National Undertaking
A NHRAP should be regarded as a truly national undertaking involving all elements of society. To make a real difference, it needs to be “owned” by the entire population. This is another way of looking at the elements of seriousness of purpose, inclusiveness, action orientation and publicity. It underscores that a NHRAP is a mechanism for the effective pursuit of national goals. Government, in seeking to achieve its objectives, must bring stakeholders into a meaningful partnership. This does not mean that government should stand back from the process. Indeed, they will need to take an active stance by promoting the national action plan at all stages and ensuring that it remains a living document. Through such a broad-based effort, better results may be expected in terms of enhanced public awareness and strengthened institutions.
(f) NHRAP Development: Common Difficulties
The following are some of the practical problems experienced in countries where NHRAPs have already been adopted:

● Possible duplication by a baseline study of existing human rights needs assessments;
● A lack of NHRAP credibility due to the lack of public participation, public awareness and/or political will;
● Lack of clear objective prioritization, particularly in view of the limited availability of resources;
● Insufficient budgetary allocations;
● Overly ambitious and ultimately unrealistic objectives;
● Failure to take into account existing initiatives, particularly by civil society organizations;
● Lack of agreement on implementing and monitoring responsibilities;
● Unmet expectations in establishing a follow-up secretariat responsible for NHRAP implementation;
● Insufficient coordination and ownership among NHRAP implementation actors and an ineffective division of labour among them; and
● Emphasis on relatively cost-intensive proposals in an unsuccessful effort to attract major donor funding.

III. DEVELOPING A NATIONAL ACTION PLAN

(a) Parties to be Involved
Without broad participation at all stages of development and implementation, there is a risk that a NHRAP will end up as no more than a rhetorical gesture. Broad participation will ensure that a plan’s goals are widely shared and that the process is transparent. By mobilizing large numbers of people, broad participation will also help maintain momentum towards plan activity implementation. Depending on the size and scope of the plan and taking into account available resources, the planning process may include the participation or involvement of the following:

● The Office of the Executive Branch of Government;
● Members of the Legislative Branch of Government;
● The coordinating focal agency for NHRAP development;
● Other relevant government agencies that might include ministries responsible for the justice system, the interior, labour, education, health, women, social welfare, defence and the armed forces, finance, planning and development;
● Security institutions such as the armed forces and police;
● Relevant semi-governmental agencies, such as statutory authorities;
● The NHRI, where established;
● Human rights NGOs, including specialized organizations;
● Representative members of vulnerable and marginalized groups;
● Community organizations, particularly NGOs that may not normally be regarded as human rights organizations because they deal with social issues such as health, housing, education, development assistance, minorities, religious issues etc;
● Trade unions and professional groups, including associations of teachers, lawyers, journalists;
● Human rights experts;
● Academics and educators;
● Representatives of research institutes;
● The media;
● Corporate representatives, including business and industry associations; and
● Private foundations.
In addition, it may be useful in some situations to have representatives of international organizations as participants in the process, particularly where the development and implementation of the plan draws significantly on international technical cooperation.

(b) The Role of Government and Legislature
An effective plan will require productive cooperation between government and civil society. The role of government is, however, crucial as the effective implementation of the plan will require the mobilization of political will, effective coordination across a wide range of government agencies, sustained effort over a substantial period of time, the allocation of sufficient resources and a dispassionate monitoring process. Each of these elements can be difficult to put into practice. Ensuring the implementation of all of them will be a challenge for those centrally involved in the relevant government agencies.

The role of political parties and the Legislature should also be emphasized. As part of the democratic process, governments change. The national action plan must nevertheless continue operating without interruption. It is therefore important to ensure that the plan enjoys the support of all major political parties so that its implementation is not adversely affected if governments change. To facilitate this, opposition parties may be included in the NHRAP consultation process. Legislative committees dealing with such issues are a useful mechanism for achieving political outreach across party lines.

(c) Managing the NHRAP Preparatory Phase
It is a considerable task to manage all inputs and participation and as such there will be a need for a representative body/bodies and a management structure, together with sufficient resources to enable these bodies to function effectively. The following steps are generally relevant to the preparatory phase of the plan. The manner in which these elements are put into practice, the steps relevant to each situation and the order in which action is taken will, of course, vary from one country to another:

● Initial consultations within government and between government and civil society, possibly as a result of a recommendation by a NHRI or an NGO forum;
● A decision by the government to proceed with a NHRAP;
● Identification and appointment of a government body that is to act as the focal agency for NHRAP development within the government;
● Communication to relevant agencies of government as well as semi-government organizations of the intention to develop an NHRAP;
● Communication to major interested groups, such as NRHS, NGOs and academic and educational institutions of the intention to develop an NHRAP;
● Development by the focal agency of draft principles relating to the initial stages of developing the NHRAP. This should be done in close consultation with NRHS, civil society and other State agencies. The principles will be tentative and flexible and address in particular who should be involved in the process and the initial meetings necessary to set the process in motion;
● If not already part of the process, specific endorsement and direction from the Executive and/or relevant Ministers should be obtained;
● A high level public announcement, as part of an initial media strategy, of the intention to develop a NHRAP (such high level public announcements should continue as the plan evolves);
● The organization of a series of hearings/meetings to obtain input from various interested groups. The meeting or meetings should discuss the concept of the NHRAP and fill in the details of the development process. An important issue at this stage is the structure and membership of the national coordinating committee responsible for NHRAP elaboration and implementation. Other issues for discussion at the initial national consultative meeting might include the scope of the plan, time frames, resources, media and education campaigns and international cooperation;
● Consultations within government;
● Consultations with NHRIs, NGOs, other members of civil society (broadly defined) and vulnerable and marginalized groups;
● Organization of an initial national consultative meeting or meetings with stakeholders; and
● Establishment of the national coordinating committee.

(d) National Coordinating Committee
The key development in the preparatory phase of work on a NHRAP will be the establishment of a national coordinating committee. This body might alternatively be called a task force, a steering committee or something else, but for the purposes of this paper it shall be referred to as a “national coordinating committee”, “coordinating committee” or “national committee”. As part of its work in the preparatory phase, the focal agency could prepare a recommendation on the size, composition and methods of work of the national coordinating committee, and on its necessary supporting structures and resources. This recommendation could be considered by civil society representatives and other participants at an initial national consultative meeting mentioned above. The government will normally take the final decision on matters relating to the committee, though it is essential that these decisions enjoy the support of other stakeholders.

(e) National Coordinating Committee Size
The national coordinating committee should be on a scale that permits satisfactory representation of government agencies, NHRIs, civil society stakeholders and interest groups, while at the same time being manageable in terms of decision-making effectiveness and cost.

(f) National Coordinating Committee Composition
In order to achieve the twin objectives of effective implementation and broad popular support, national coordinating committee membership should include representatives of important government agencies, NHRIs, and civil society organizations. Gender balance and equitable representation of ethnic, religious, regional or other minorities should be an important consideration. Government agencies should include those that have particular responsibility for implementation of the plan, such as security authorities and departments responsible for social policy. Civil society organizations should include representatives of trade unions and those with responsibility for economic and social issues as well as representative members of vulnerable groups. Some representation from the business sector is desirable. In some cases, the public profile of the committee may be enhanced if it includes film, television, music or sports personalities. In some situations, such as where a plan is being developed with substantial international technical cooperation, it may be appropriate to include an international observer.

(g) National Coordinating Committee Chairperson
The chairperson of the national coordinating committee should be an effective spokesperson for the NHRAP and for human rights promotion generally. The chair will have an important role to play during all phases of the plan’s preparation. Whether the chairperson is elected by other members or appointed, it may be desirable for the incumbent to be a political figure, possibly a Minister, to ensure a profile within government for the development, launch and implementation of the national action plan. It would also be desirable to have a vice-chairperson drawn from the NHRI or NGO community.
In order to ensure representation from relevant organizations and to effectively mobilize available expertise, it may be necessary to establish subcommittees or “sectoral working groups” to deal with specific themes within the plan. There will be many government agencies and NGOs involved in implementing the NHRAP and it will probably not be practical to have more than those with broad responsibilities on the national coordinating committee itself. Issues specific subcommittees would ensure that all stakeholders are substantially involved in the NHRAP elaboration process and that their input can be channelled directly to the national coordinating committee. It would therefore be desirable to establish such sectoral working groups, which would be responsible for needs assessment, NHRAP drafting and monitoring with regard to the specific sectoral issues covered. Such issues could include the rights to health, education, and housing, justice, prisoner administration, refugees, the freedom of expression and many other issues. Sectoral working groups should be under the supervision of and would report to the national coordinating committee. The committee should monitor these bodies carefully to ensure economy of resources and time.

In the initial stages of developing the plan, the national coordinating committee should take a strong directive role so that the process can quickly develop momentum. The coordinating committee should ensure a rich flow of input from civil society and government agencies as well as the dissemination of accurate information to those directly involved and the general public. It is also desirable for the government, NHRI(s) and the NGO community to have separate additional committees to handle matters specific to their own spheres of activity. Such matters might include, on the government side, the development of recommendations to ministers and resource questions. On the NHRI and NGO side, it might include the development of coordinated positions, the dissemination of information to the grassroots level and/or monitoring and evaluation. Depending on national conditions and the needs of the plan, there may be value in setting up regional or local committees.

(i) National Coordinating Committee: Functions
The main functions of the national coordinating committee are to:

● Conceptualize the NHRAP as a synthesis of international/regional standards, national law and the local context;
● Conduct a baseline study (or assemble existing baseline information) to establish the national human rights context;
● Collate relevant existing human rights information such as government agency studies and reports, and reports by NHRI(s), international organizations and NGOs;
● Take into account existing action plans, including development plans and plans in the areas of women’s rights, children’s rights and educational planning;
● Formulate the draft national action plan by identifying goals, objectives, components, priorities, vulnerable groups, programmes and activities, monitoring, evaluation, implementation budget and revision within clear time frames;
● Organize consultative public hearings/forums/meetings to assess responses and then to revise and finalize the national action plan, taking into account the input received;
● Submit the plan for approval at the highest levels of government/legislature;
● Disseminate the adopted national action plan to all actors concerned for implementation and integration into their respective policies and plans of action;
● Develop and implement a media strategy, including the public dissemination of relevant materials, in order to bring all stakeholders into the process and to facilitate awareness of the plan among the general public;
● Monitor and facilitate evaluation of the national action plan; and
● Report, as appropriate, to the public, government and legislature.
(j) National Coordinating Committee: Secretariat and Resources
There should be a secretariat to support the national coordinating committee and to manage activities relating to the NHRAP between committee meetings. Core staff of the secretariat may be provided by the focal agency on a secondment basis. It is important to ensure that at least some of the secretariat’s staff are provided by other organizations. This will enhance the secretariat’s human rights expertise and promote new ideas and approaches. Organizations that might consider supplying staff include the NHRI(s), human rights NGOs, legal bodies and businesses.

(k) National Human Rights Institutions
NHRI(s) are a repository of knowledge and expertise on human rights issues and usually perform functions such as monitoring human rights violations and problems, advising governments on legislative and other matters, and carrying out programmes of human rights education. This institution can make a significant contribution to the preparation and implementation of a NHRAP and should participate in both the national coordinating committee and wider consultative activities.

Given their status of independence from government, it is normally difficult for NHRI(s) to take responsibility for supervising the implementation of a NHRAP. The role of NHRI(s) should be essentially to monitor implementation, provide expertise and to make recommendations to the government regarding appropriate action. This general point notwithstanding, there may be areas in which an NHRI itself will be the implementing body for one or more areas of the plan, such as human rights education for the general public. In addition, some national plan objectives may aim at the better functioning of NHRI(s). Where the activity of NHRI(s) under the plan goes beyond their normal functions, government should ensure that adequate resources are made available.

(l) The Importance of Process
It is often said that the process of developing the plan is as important as the document itself. This is because the process will determine:

- The extent of political support for the plan;
- The extent to which relevant government agencies and NGOs are effectively involved;
- Whether there is sufficient interaction between the various actors to ensure that the plan derives full benefit from their varying insights and perspectives;
- How widely the plan is recognized and supported by the general public; and
- How effectively the plan is monitored.

To ensure that the plan achieves its optimum potential, the process itself, as well as the plan’s content and mechanisms, should be structured in such a way as to produce concrete results. The principal actors, State and non-State alike, should engage in consultations about the process from the outset. The end result will be much more effective if it is produced as a result of partnership between government, the NHRI(s), and civil society rather than as a government-driven exercise. It is true that, at the end of the day, obligations to fulfill the plan fall primarily on government, and from that point of view it is impractical to have a plan that provides for measures that the government cannot or does not wish to carry out. However, a genuine process of dialogue should produce an understanding between government, the NHRI(s) and civil society rather than as a government-driven exercise. It is true that, at the end of the day, obligations to fulfill the plan fall primarily on government, and from that point of view it is impractical to have a plan that provides for measures that the government cannot or does not wish to carry out. However, a genuine process of dialogue should produce an understanding between government, the NHRI(s) and civil society that lays the basis for a realistic plan enjoying broad community support. Mechanisms such as periodic meetings of government and civil society representatives will be a primary vehicle for consultations, but the principal actors in the process should constantly seek new and effective means to broaden consultations on the plan. The guiding principle should always be that the NHRAP is a national undertaking and that the broader the consultations, the more effective and long-lasting will be the plan’s outcomes.
(m) Public Meetings Hearings
Consultations with stakeholders should aim to reach out to people at all levels of society and in the various regions of the country. Efforts should be made to avoid a situation in which the plan becomes an exercise focused narrowly on government and civil society elites. Public meetings can make a significant contribution to the process of consultation and to the development of a plan that enjoys broad support. These meetings will be more effective where they are set up in partnership with NHRI s and/or civil society organizations, and are properly organized and funded. There will be many situations in which it will be desirable to take the public meetings to the people. For example, many persons belonging to vulnerable groups may live in areas distant from the capital city. Other members of vulnerable and marginalized groups may feel greater confidence in the process if public meetings are held within the framework of their own organizations. In addition, the general public will accord greater credibility to the process if it is seen to make an effort to reach out directly to ordinary people. An issue relating to public meetings is that they require adequate funding to cover travel costs of participants, advertising and venue hire. A somewhat different version of the public meeting is the public hearing, in which members of the public, civil society organizations and government officials can be invited or required to provide information on relevant issues. Public hearings may be part of the legal mandate of parliaments, parliamentary committees, NHRI s or other statutory authorities. Such hearings can inquire into issues in a systematic way, calling for submissions or the appearance of witnesses, analyzing information provided and making recommendations.

An important benefit of public meetings and hearings is that they can be the focus for positive media coverage of the national action plan process. Such coverage will constitute a potentially significant and cost-free element of the plan’s public information strategy. The public awareness benefits will probably be particularly evident in regional and rural areas.

(n) Participation through Comment or Other Contributions
No matter how effective a face-to-face consultation process may be, direct communication will be possible only with a minority of potentially interested members of the public. It is therefore important to make provision for dissemination of information about the plan to a wide spectrum of the interested public and to ensure that there is a capacity to receive and incorporate comments and submissions from the public, including from individuals. This should be part of the interactive media strategy.

IV. THE DEVELOPMENT PHASE OF THE PLAN
After initial structures have been established in the preparatory phase, the next step is substantive development of the plan itself, its content and the mechanisms for implementation, monitoring and evaluation. It is recommended that the NHRAP development process should include:

- Frequent meetings of coordinating committee;
- Conceptualization of national action plan;
- Establishment of secretariat;
- Consultation with NGOs and other interested groups;
- Public meetings and public hearings;
- Preparation of baseline study;
- Identification of priorities;
- Attention to vulnerable groups;
- Issues for special focus;
- Linkage with other national planning activities;
- Drafting the plan;
- Time frames; and
- The legal status of the plan.
(a) Conceptualizing the NHRAP

One of the first and most important tasks of the coordinating committee is to develop a model of the national action plan concept that both draws on international work on such plans and is adapted to the national situation. The value of having a broad-based committee that comprises representatives of the wider community, government organizations responsible for implementing the plan and human rights experts is that it facilitates the development of a practical synthesis of ideas to serve as the basis for an effective plan. The focal agency should prepare the way for the committee’s conceptual discussions by:

- Providing appropriate background material on national action plans and information on international human rights standards, domestic norms and the national human rights situation;
- Preparing an options paper that elaborates several scenarios for implementing a plan that might be suited to the local situation; and
- Inviting experts with experience in plan development to conduct workshops or seminars with the coordinating committee and other relevant stakeholders. The concept of the plan should incorporate both international norms and features of the local situation. In a series of meetings, the coordinating committee should seek to develop an outline for a plan that is ambitious but realistic and embodies substantive human rights commitments to be achieved within realistic time frames. This outline can then be used as the basis for consideration by the government and for consultation with the community.

(b) Baseline Study

A comprehensive and accurate baseline study or collection of baseline information is a key element in any systematic approach to the development of a national action plan. For a country to press forward on human rights, it is important to know where it stands at present. Many of the national action plans that have been published to date are based on comprehensive human rights needs assessments that were carried out in some cases with the assistance of the United Nations. As a result, some have provided a broad-brush account of human rights problems that need to be addressed, a statement of current policy and an overview of what has been or is being done to address these challenges. It must be acknowledged that such a detailed human rights baseline study may be perceived as a politically sensitive issue that governments are reluctant to embark upon. A baseline study will, by its nature, identify shortcomings that may imply organizational responsibility for deficiencies and this may in turn have negative implications. However, the willingness of the authorities to undertake a human rights assessment is itself an indication of the political will necessary for an effective national action plan process. Moreover, an accurate and frank assessment of pressing human rights problems is essential to identifying solutions. A thorough baseline study can, in addition, be a major exercise in itself. A baseline study that seeks to reach detailed conclusions on the state of observance of all areas of human rights requires investigation into health care, the education system and many other areas of service delivery as well as into the administration of justice and the existence of discriminatory attitudes.

If the baseline study is unreasonably expensive or prolonged, it may undermine the whole national plan process. In most cases, the solution is to find a commonsense approach to the preparation of the study. It is up to individual countries to decide how they should proceed in the light of their own circumstances, including available resources.

Political leaders, public officials, members of NHRI s, civil society organizations and members of the public will all, to a greater or lesser extent, have an understanding of the nature of present shortcomings and of what needs to be done. This understanding will be based on media reports, personal experience, information in the public domain and existing studies. The baseline study should only seek to confirm and systematize what is already known.
There is no single model for a human rights baseline study, however, some elements are generally appropriate. It should examine the legal framework, institutions for the protection of human rights and the state of human rights education and awareness. In particular, the report should identify the main areas in which problems have been encountered in meeting the country's human rights obligations. It should focus also on the situation of vulnerable groups and the picture presented by social indicators. Highlighting major human rights issues that have been identified in the public arena will enhance the immediacy and relevance of the study.

(c) Identification of Priorities
A human rights action plan covers very broad fields of activity. It is not possible to overcome all human rights problems immediately. Resources and the need for education are important constraints. Consequently, judgments have to be made about priorities. Prioritization is a necessary management tool and is particularly important in the area of human rights because of the limited resources available in relation to the amount of work to be undertaken. Moreover, some human rights problems could be given priority, such as those concerning the right to life, freedom from torture, security of the person and the rights to food, clean water and housing. Lastly, prioritization is closely related to the concept of substantive equality. The promotion of substantive and not only formal equality contributes significantly to the elimination of discrimination on grounds of race, gender and other criteria that have been identified in international standards. Prioritization should be undertaken on a cooperative basis and it should be one of the prime tasks of the national coordinating committee. The following are some criteria for high-priority tasks:

● The severity of the problem identified in terms of its human rights impact;
● The cost implications of possible human rights “solutions”, taking into account the availability of resources;
● The impact of accomplishment of the task on other plan objectives; and
● The extent of public concern over the issue.

For those concerned with human rights improvements, the need for prioritization presents some dangers. They must be careful to avoid moving from discussion of priorities to the conclusion that one category of rights needs to be implemented before others can be realized. Recognition of the need to provide “all human rights for all”, to move forward in all areas, is essential to any comprehensive approach. What then should be the priorities? Obviously, they will differ from country to country but they should become clearer as a result of the baseline study process. The plan should certainly not fail to give proper expression to the most urgent problems identified in the needs assessment. Usually, such problems will draw attention to themselves. Where there are people whose right to life is at risk, who are living in pain, fear and insecurity, who are living in misery because their economic, social and cultural rights are denied, or who suffer discrimination, some at least of the priorities will become clear. A national plan’s time frames and financial resources should obviously be designed to give preference to eliminating such serious problems. This will give rise to some difficult choices for the national coordinating committee. In addressing priorities, it should give explicit attention to time frames - whether short, medium or long - for the achievement of priority goals. This will enhance the plan’s transparency and promote discussion and purposive action.

(d) Vulnerable Groups
An important issue in the consideration of priorities is the human rights situation of vulnerable groups, given the need to incorporate fundamental norms of equality and non-discrimination effectively in the plan. The human rights problems facing such groups are often significant in a country’s overall human rights picture. Yet because of the disadvantaged position of vulnerable groups, they may have a disproportionately low profile. In determining priorities, special
attention should be given to the needs of such groups and a particular effort should be made to bring them into the process as participants. Some vulnerable groups are apparent to those working regularly in the human rights field. Ethnic, linguistic or religious minorities and persons with disabilities are examples that appear in most of the plans that have been prepared to date. Women and children are also always mentioned as groups requiring specific attention. Other groups that may not always spring to mind also demand serious attention. They include people living with HIV/AIDS, the mentally ill, the elderly and sexual-orientation minorities.

(e) NHRAP Content
Members of the national coordinating committee will wish to make specific proposals regarding NHRAP content. Many of these proposals will represent the views of the organizations that committee members represent, be they civil society organizations or government agencies. The committee may also draw, should it so wish, on the experiences international organizations. In addition, proposals could be made by members of the general public, either through the various formal and informal consultation mechanisms established by the committee or through written submissions. It will be the responsibility of the committee to decide on how these public proposals should be incorporated in the plan.

(f) Who Should Draft the NHRAP?
There are several options as to how the actual drafting of the plan should proceed. Drafting may be done by: the secretariat; various sectoral working groups, whose separate contributions can then be harmonized by the national coordinating committee secretariat (referenced above), external consultants, and/or government agencies, the NHRI(s) and civil society organizations that can contribute to sections of the plan according to their responsibilities. Whichever approach is chosen, the committee secretariat will have major responsibility for plan drafting. Drafts of work in progress should be referred regularly to all members of the national coordinating committee, particularly to give committee members with specialist expertise an opportunity to contribute input for the text at an early stage.

(g) Timetable for NHRAP Drafting
There should be a clear timetable for the NHRAP drafting process. As a general practice derived from other nations, the national coordinating committee should aim to launch the plan some 12 to 18 months after the process has begun. Given the need for lead time for drafting to begin, for consultations and for time to consider the final draft, this will impose a tight schedule on the drafters and the coordinating committee. If specific interim deadlines and drafting targets are established, the task will be manageable.

(h) Dissemination and Consultations
It is also desirable for the draft plan to be made available publicly, both electronically and in hard copy, for comment and input. In this way, greater benefit can be drawn from the views of broader civil society for the development of the plan. Reaching out to people in this way will also enhance the credibility of the final version as its provisions will be likely to enjoy more effective support. Releasing the plan in draft form will also assist in promoting public awareness through the media, public hearings or other publicity to facilitate consultation. As with the original submissions, the national coordinating committee will have to decide on how public comment should be incorporated in the final version of the plan.

There may also be a need for close consultation between the national coordinating committee and the government as to the provisions of the final version of the plan. As there will have been substantial government representation on the coordinating committee, its deliberations may be expected to have proceeded with the government’s full awareness and concurrence. Sometimes, however, it is only at the point where a final draft is available for consideration that the
government’s full attention is applied to such an issue. It is vitally important that the final version of the plan enjoys not only the approval of the government but also its enthusiastic support. Achievement of the plan’s objectives will require adequate resources, sustained attention and direction from the highest levels. Thus, it is important that the plan’s text should be placed before government as coupled with a recommendation that it should be the subject of continuing government support.

(i) Linkage with other National Planning Activities
Viewed conceptually, the realization of human rights may be seen to incorporate virtually all government activity in the social and legal areas. While this conceptual approach should be kept in mind, it should also be accepted that, realistically, linkages will be seen by the government as a matter of coordinating human rights planning with the many other planning activities that are likely to be under way. It is thus important for the national coordinating committee to ensure that the NHRAP is consistent with other national plans.

The committee should also seek to ensure that the plan’s human rights objectives are reflected in other planning activities. This applies in particular to development. International human rights standards provide a framework for the effective pursuit of people-centred processes of development. The NHRAP thus provides an ideal opportunity to promote public participation and to ensure the centrality of all human rights in development processes. In addition to broad national plans, such as those relating to development, protection of children and the elimination of discrimination against women, government social policy will usually be expressed in terms of objectives within some kind of plan, even if it is not given a public profile. It will be important for the coordinating committee to ensure that NHRAP goals are reflected in the State’s social planning objectives, regardless of the format for expressing these objectives.

(j) Overall NHRAP Implementation Time Frame
The duration for national action plans to date have ranged from two, three, five or ten years to an indefinite period. As the aim in national action planning is to promote a more systematic approach to human rights policy and to provide a stimulus to action, it is desirable to propose specific time frames in a plan for the achievement of its objectives. There should also be a time frame for the plan as a whole so that government, NHRI(s) and civil society have a global frame of reference for assessing the plan’s achievements and shortcomings. For the overall time frame, the plan should allow enough time for the necessary administrative, resource, educational and infrastructure measures to be put in place for some of the objectives to be achieved. The time frame should not therefore be too short. Equally, the time frame should not be so long that a sense of continuity or overall perspective is difficult to maintain. A period of five years is often chosen for economic plans and this also seems reasonable for a NHRAP. The key issue is to ensure that there is a time frame, so that those involved have a deadline to structure their activities and to facilitate monitoring and the final evaluation.
(k) **Time Frames for Implementation of Specific Activities**

Wherever possible, activities specified in the NHRAP should be accompanied by specific time frames for their accomplishment. Only where such targets exist will those charged with plan implementation have a clear structure to work in and a basis for monitoring the plan’s achievements. These time frames should be realistic. Where objectives are expressed in general terms (referred to elsewhere as “goals”) or are clearly long term, it may be desirable to propose interim or contributory objectives with more specific timings.

V. **SUGGESTIONS AS TO NHRAP STRUCTURE**

(a) **General Issues**

Determining and expressing the content of a NHRAP is one of the most important parts of the planning process. Other elements such as consultation and implementation are of course also important, however, it is the content that embodies the government’s commitment to take action and that provides the basis for implementation. Moreover, the commitments described will constitute benchmarks by which the degree of success is measured.

The plan should have a clear, systematic and logical structure. This will facilitate its acceptance and understanding by the general public, its incorporation in the planning of specific implementing agencies and the process of monitoring and evaluation.

(b) **Principles and Objectives**

Nations throughout the world share the goal of, broadly speaking, “all human rights for all” – however, the path to that goal, in practical terms, will be different for each country. Thus, while different NHRAPs will contain common elements, (broad principles and structure), each will differ in terms of exact specifics. As an NHRAP must be tailored to the circumstances of the nation concerned, each country will have a different starting point. Wherever the starting point may be, each country should formulate concrete measures to enable strengthened human rights promotion and protection.

Many existing plans have included, in their introductory sections, statements about broad purposes and conceptual issues. Sometimes these are described as “mission statements”. Such considered statements constitute a useful orientation for those working on the plan as well as providing guidance to the general public. Many statements emphasize the importance of a commitment to international, regional and national human rights standards, both as a source of inspiration and as specific guidance for action.

(c) **Broad Objectives**

When considering the drafting of a NHRAP, objectives may be grouped into three distinct areas:

- Achievement of genuine and substantive improvements in the observance of human rights;
- Promotion of greater human rights awareness by the general public and in specific sectors; and
- Promoting coordination of human rights activities among government agencies/civil society.

The overarching objective of a NHRAP is to bring about tangible improvements in observance of human rights. From this point of view, it is important for those involved in the development and implementation of the plan to prevent it from being limited to a public relations exercise. A desirable general approach is to set out broad principles but also to include particular and achievable targets. It will then be possible to demonstrate progress and to ensure that the effort that has gone into the national planning process has been worthwhile.
(d) Scope of the Plan
In keeping with the indivisibility of human rights, the plan should be broad in scope. At the same time, consideration should be given to how detailed the plan can or should be in some areas. This is particularly relevant to economic, social and cultural rights, although it is also a consideration in other areas. Many of the issues covered by the plan will represent a human rights orientation for activities that are an ongoing part of a government’s normal programmes. In areas where substantive activity is already taking place, care will be needed to focus on the substantive benefit of the plan. The national coordinating committee should clarify what the plan adds to work already under way. If it does little more than reformulate objectives and programmes already in existence, it runs the risk of adding to administrative and reporting workloads and undermining official support. In many areas, it will be better to emphasize raising awareness of the human rights dimensions of a particular issue among those responsible for implementing relevant programmes rather than attempting to provide a human rights version of most areas of government activity. In addition to more traditional issues such as civil rights within the legal system and discrimination, the plan should address issues that have appeared more recently on the national human rights agenda.

(e) Targets and Benchmarks
To be realistic, targets should be reasonably precise and achievable within reasonable time frames. Judgment will be required to decide in which areas and in what terms targets should be defined. In some areas, for example, the administration of justice, establishment of human rights coordination committees, ratification of international standards and human rights education, it is desirable to include detailed targets in the plan itself. In the case of economic, social and cultural rights, the plan may include targets such as reducing rates of illiteracy, mortality, morbidity or homelessness, increasing school retention rates and improving nutrition. However, it seems undesirable to attempt a plan that prescribes detailed activities in all areas of social policy, for example, extending into areas such as education and health. A preferable approach will often be for individual implementing agencies to incorporate the more general human rights objectives of the national plan into their own separate planning documents as higher-level targets, ensuring consistency with their own objectives. It will be for the specific agency to decide how their normal programmes should be pursued or adjusted in order to implement these human rights objectives.

(f) Goals
Those involved in developing the plan will often wish to express more general or aspirational goals, probably couched in more imprecise terms. The use of such general formulations need not be a problem so long as they are incorporated into a systematic framework. As a general principle, such general goals should be few in number. A lengthy list of goals is to risk drowning the plan in vague in rhetorical flourishes.

(g) Specific Objectives
At the next subordinate level, a NHRAP may outline more specific targets as objectives. These should not simply be a rewording of the goals but should set out conditions and providing evidence that the goals are being achieved. For example, pursuing the public awareness theme, an objective might be “to disseminate awareness of the human rights needs of vulnerable groups in society”. This greater level of specificity will serve the important purpose of facilitating more effective implementation, monitoring and evaluation.
Activities and Performance Indicators
The next subordinate level may comprise a list of the various activities proposed as the substantive content of the plan. These are the specific actions that the government concerned commits itself to undertake. An activity corresponding to the example given above might be “to produce and arrange the dissemination of a series of radio and television programmes on the human rights of vulnerable groups in society”. The completion of various activities would represent the achievement of the objectives set out at higher levels in the plan. Looking at the logical character of the plan, these actions may be incorporated as specific performance indicators, which lend themselves to more effective implementation and monitoring. It is extremely important for the performance indicators to be clear and fully understood by all who need to work with them. It will usually be better if they are simple and precise. It is also important for the national coordinating committee and the relevant implementing agency or agencies to agree that the performance indicators represent the standard that will be used to evaluate whether or not the agreed objectives have been achieved. It is probably better not to include an objective in the plan unless there is a genuine willingness to move towards its achievement and some reasonable prospect of success. The inclusion of targets for rhetorical reasons is likely only to undermine the whole planning process and, by diminishing the plan’s credibility, to render less likely the achievement of other more realistic goals. While the preparation of the plan is not intended to become a mechanical exercise, the process may become clearer if, in addition to the narrative text, the plan is prepared in a tabular format that sets out the interrelationship between its various elements. Such a table might incorporate goals, objectives, activities, the agency or agencies responsible for carrying out each activity, the timetable for each activity and a description of the performance indicators that may be used to determine whether the activity has been carried out according to plan.

Responsibility for NHRAP Implementation
The NHRAP should specify which agencies are responsible for implementing the various activities provided for in the document. This should extend to implementing partners such as civil society organizations. It should also extend, where appropriate, to provincial or local government agencies that have ultimate responsibility in certain areas.

VI. SUGGESTIONS AS TO NHRAP CONTENT
The following outline is not prescriptive. Circumstances differ from country to country however, consideration of the following proposed areas is warranted where they are consistent with the national context. Moreover, the proposals in below outline are not exhaustive. There will be other elements appropriate to individual nations that should be proposed for action within the plan.

(a) Economic, Social and Cultural Rights: Suggested NHRAP Content
● Commitment to take legislative and administrative measures to entrench the recognition and observance of economic, social and cultural rights;
● Commitment to effective means to redress economic, social and cultural rights violations;
● Elaboration of benchmarks for the realization of economic, social and cultural rights in line with the country’s human rights obligations and development of specific programmes to achieve targets in areas such as: the right to an adequate standard of living, including nutrition and housing; the right to health; the right to education; the right to social security; the right to take part in cultural life; the right to work; and, the right to just and favourable conditions of work etc;
● Elimination of discrimination in the observance of economic, social and cultural rights;
● Development of mechanisms to monitor on a regular basis the observance or non-observance of economic, social and cultural rights;
● Public inquiries into systemic problems in the areas of economic, social and cultural rights;
● Proposal of programmes of awareness of economic, social and cultural rights both for relevant officials and workers and for the general public; and

● Promotion of research and debate on economic, social and cultural rights. Much government activity focuses on the economic, social and cultural sectors but the extent to which activity in these areas has a human rights dimension is not well understood by many practitioners. The key point is that the recognition of rights in the economic, social and cultural area requires policy-makers and service providers to move away from the traditional welfare approach. The framework in which they work should no longer be based on what a government is prepared to provide within existing budgets and policy settings but on the entitlements of rights-holders. This should provide a stimulus to intensified action. If, for example, a government seeks to eliminate inequalities between ethnic groups in, say, the rate of infant mortality, it will start with the recognition that the disadvantaged group has the right to outcomes no worse than for the community as a whole. The reduction of the infant mortality rate to a certain level will then become one of the benchmarks for the observance of human rights in this area.

● It is suggested that the plan should focus on promoting legislation, redress, benchmarks, monitoring and greater awareness and understanding of economic, social and cultural rights. It should also focus on linkages with programmes of agencies with responsibilities in the economic, social and cultural areas. The plan should involve such agencies in the planning process so that their programme targets promote observance of economic, social and cultural rights. Awareness-raising programmes should aim at alerting officials, parliamentarians, community workers, academics, the media and the general public to the fact that action in these areas is part of the effort to improve observance of human rights. Such programmes should both be specific to this area and form part of general human rights education activities. The awareness-raising effort should also encompass research. Work that has taken place within the framework of the United Nations, including the contributions of the Committee on Economic, Social and Cultural Rights, will be invaluable in promoting this better understanding.

(b) Civil and Political Rights: Suggested NHRAP Content

● Commitment to enact legislation protecting civil and political rights, including legislative harmonization on issues such as violence against women;

● Legal reform with a view to bringing the criminal procedure code and other key legislative acts into conformity with the relevant human rights treaties;

● Proposed measures aimed at strengthening the independence of the judiciary;

● Proposed training on human rights issues for the judiciary, police, correctional service workers and security authorities;

● Provision of adequate resources to ensure that the court system and the general administration of justice operate effectively, that police operations are able to give full attention to the rights of citizens and that correctional institutions are better able to observe the rights of detainees;

● Establishment of monitoring mechanisms (such as a prison inspectorate) and commissions of inquiry where needed to investigate and formulate recommendations on specific issues;

● Establishment of operational policies and guidelines for the judiciary, police, correctional service workers and security authorities that ensure actions are in accordance with internationally recognized human rights standards;

● Steps to strengthen the electoral system to ensure it provides for genuine periodic elections in accordance with international human rights standards and international best practice;

● Establishment of effective mechanisms aimed at the eradication of impunity, including grievance procedures in relation to public administration and effective measures of redress for violations of human rights;

● Steps to promote freedom of information, particularly access to State-owned media;

● Steps to promote freedom of religion;

● Establishment or strengthening of provisions for legal aid; and
National action plans should focus on administration of justice issues, which are often the source of serious human rights problems, particularly for minorities. This involves improving the protection and promotion of the human rights of persons coming into contact with the police, the courts and prisons. Legal reform is another area that is often of relevance to civil and political rights, as many legislative acts may never have been brought into conformity with the applicable international human rights obligations of the government.

(c) Vulnerable and Marginalized Groups: Suggested NHRAP Content

An NHRAP would be well served to indicate legislative or administrative action aimed at improving the human rights realization of vulnerable and marginalized groups such as women, children, ethnic, religious, linguistic and other minorities, persons living in extreme poverty, persons with disabilities, persons living with HIV/AIDS, older persons, and the mentally ill etc. Further, the plan could indicate steps that will be undertaken to prevent discrimination.

NHRAPs should also promote broad national goals such as national integration, elimination of inequalities and poverty alleviation. If substantive equality is to be achieved, it will be necessary to develop programmes targeted at the needs of specific groups, including vulnerable and marginalized groups, who may not benefit from legal and other measures providing for formal equality. Most of the plans that have been developed to date have laid emphasis on special measures directed towards promoting and protecting the rights of such groups.

(d) Collective Rights

Suggested NHRAP content in this regard could include:

- The promotion of research and debate on collective rights;
- Coverage of collective rights in human rights education programmes;
- Promotion of consideration of the right to development and human rights issues in international forums dealing with economic issues;
- Development of policies that integrate human rights into the development process;
- Strengthening of the ability of minority peoples to maintain and develop their distinct identities and to make decisions on matters affecting them;
- Protection of minority peoples from policies destructive of their economies and cultures; and
- Facilitating the establishment by minority peoples of their own political and social institutions.

(e) National Human Rights Institutions

Suggested NHRAP content in this regard could include a commitment to:

- Strengthening the mandate of the NHRI; and
- Increasing resources available to the NHRI.

(f) Human Rights Education (HRE)

Human rights education is the fundamental instrument through which a culture of human rights may be developed. Such a culture can change underlying attitudes, strengthen respect for human rights norms and form the basis for the observance of human rights in the long term. Suggested NHRAP content in this regard could include:

- A commitment to a comprehensive programme of human rights education using the guidance provided by the World Programme for Human Rights Education and Guidelines for National Plans of Action for HRE;
- Human rights training for police, prisons officials, judges, magistrates and lawyers;
- The development of human rights curricula at all educational levels; and
- Public information and awareness campaigns.
(g) Civil Society
Virtually all actors in the field of human rights, governmental and non-governmental bodies alike, have accepted that the active involvement of civil society in measures to promote and protect human rights is essential. The plan should therefore propose ways in which this involvement can be fostered. Suggested NHRAP content in this regard could include:
● Proposed legal and administrative measures aimed at facilitating the activities of CSOs;
● Commitment to implementing the provisions of the “Declaration on Human Rights Defenders”;
● Commitment to involving CSO representatives in implementation and monitoring of the plan.

(h) International Assistance
Human rights activities have developed as an important area of international cooperation. The United Nations and other international and regional bodies carry out programmes in the area of monitoring, standard-setting, technical assistance and research. Any country seeking to improve its human rights performance should consider how it can contribute to international human rights work. Such efforts assist in promoting human rights elsewhere and enable interested countries to benefit from the experience, technical assistance and resources of others. NHRAPs can serve the very useful purpose of providing a framework for the development and implementation of assistance programmes. Countries whose own resources are limited may wish to enter into arrangements to receive technical assistance from others. This has been done by a number of countries that have established national action plans to date. In some cases, they have designated specific plan activities as particularly appropriate for implementation with international assistance. Others have simply expressed a more general interest in receiving assistance for their implementation.

Suggested NHRAP content that takes account of international assistance could include:
● Measures to strengthen cooperation with regional/international human rights organizations;
● Measures of cooperation with other countries on human rights matters;
● Submission of overdue reports to the United Nations treaty monitoring bodies;
● Active follow-up to the conclusions and recommendations of the treaty bodies, the Universal Periodic Review mechanism of the United Nations Human Rights Council and regional mechanisms;
● Measures to make reports submitted to the treaty bodies available to the general public;
● Increased cooperation with Special Rapporteurs of the Council on Human Rights;
● As applicable, steps to follow up the conclusions and recommendations of Special Rapporteurs;
● Where appropriate, drawing on international funding and technical assistance for the implementation of national action plan components;
● Where appropriate and requested, provision of funding and technical assistance for the promotion and protection of human rights in other countries.

(i) Proposed NHRAP Monitoring and Evaluation Mechanisms
An NHRAP should provide for its own monitoring and evaluation mechanisms to emphasize the seriousness of the enterprise. An important part of the monitoring and evaluation process is the establishment of time frames both for the plan as a whole and for individual activities. The plan should also outline how the monitoring and evaluation process might be carried out. It will probably not be necessary to go into detail because it is not always possible to foresee at the outset the best methods of conducting the monitoring or evaluation process at a later stage. Details of the evaluation mechanism can be worked out towards the end of the plan. The important thing at this stage is make an explicit commitment to monitoring and evaluation.