Experience with National Human Rights Action Plans

The Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in Vienna in 1993 launched the idea of National Human Rights Plans of Action (NHRAPs) by recommending that “…each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human right.”

Based on information available to OHCHR, 23 countries have since adopted NHRAPs, including four Members of the Council of Europe. The Plans, which are seen as a tool to improve the human rights situation of a country and contribute to democracy, vary in scope and focus. They cover civil and political rights as well as economic, social, and cultural rights, and often specifically target particularly vulnerable groups such as indigenous populations, minorities, children and teenagers, women, the elderly, sexual minorities, detainees, disabled persons, migrants, refugees. They look at the existing national institutional frameworks: parliament, government, courts, NGOs, law enforcement agencies. Some address issues such as human rights and the environment, the rights of consumers or victims of crime, the rights of non-citizens or the protection of religious organizations.

Since the World Conference, OHCHR has developed guidelines on NHRAPs that have been validated through expert workshops. The Office has provided assistance on the development of NHRAPs in various countries, followed the progress of a range of Plans and is now taking stock. The experience of countries in developing and implementing NHRAPs is not yet exhaustively documented and information, especially on their implementation, is not systematically available. However, it is possible to draw some lessons from practice to date, and point to areas where further reflection is needed.

a) Development of National Human Rights Action Plans

Methodology - The OHCHR Handbook on National Human Rights Plans of Action suggests general principles that should apply to all Plans. The process and outcome of an NHRAP are equally important; there should be broad and intensive consultation with civil society and the general public; the plan should be comprehensive in scope, reflecting the interdependence and indivisibility of human rights; it should be action-oriented, and its implementation should be effectively monitored and reviewed. Some of the key features of the suggested approach to developing an NHRAP are: the establishment of a national Coordinating Committee, including government agencies and civil society organizations, to conduct a baseline study on the human rights situation in the country as well as to lead the process; the participation of various sectors of the civil society in the development and implementation of the Plan; and the inclusion of implementation, monitoring and evaluation mechanisms within the NHRAP. These principles have found varying application in the experience of countries that have developed NHRAPs.


Sectoral Plans of Action related to human rights, for example on human rights education, anti-discrimination, children, women, refugees, have also been adopted by several countries to support action at the national level in the relevant sectors.

2 Latvia, Lithuania, Moldova and Sweden

Strengths and Advantages of NHRAPs - The experience of the past decade in developing NHRAPs has highlighted the strengths and advantages of using this tool in pursuing better respect for human rights, but also the drawbacks and challenges that may arise. Among the major benefits for countries is that the very process of developing the Plan, if well designed, is an opportunity to raise awareness of human rights and to educate the public. NHRAPs assist in raising the profile of human rights in national policy debates, provide a vehicle for public education at the community level and can contribute to strengthening a human rights culture. They can promote dialogue among different sectors of a society, and broaden the public’s participation in the development of human rights policies. They are also an important means to identify human rights priorities within the country and set time-bound goals and programmes to meet them.

Mechanisms - The mechanisms that have been set up for the development and implementation of NHRAPs are diverse. In some cases, National Committees for Human Rights consisting of ministries, civil society and the media are established to develop the Plan, some coordinated by the Ministry of Justice. In others, a National Commission on Human Rights has primary oversight responsibility, while a Committee (ministries, civil society, universities, media, independent individuals) has been set up to develop the plan. In yet another model, the Parliamentary Committee on Human Rights is politically responsible for the NHRAP and oversees its implementation, while a National Commission comprising representatives of public institutions, NGOs and the UN coordinates the implementation of the Plan. Other Plans provide for the establishment of a Committee to monitor its implementation. In some cases, the United Nations has had a key role in facilitating or supporting the development of the Plan. In others, Governments have done so without external assistance.

Success Factors - Experience from across the world shows that prerequisites for a successful development of NHRAPs include a political commitment at the highest level, high-level political representation on the coordinating bodies overseeing the NHRAP’s development, and ownership of the Plan and its implementation being in the hands of the Government. Broad participation of the various civil society sectors in the development of the Plan also ensures that public opinion is a primary basis for identifying human rights priorities, guarantees widespread recognition and support for the Plan, and will encourage all interested actors to help implement it. A baseline study to identify gaps in human rights promotion or protection is also an essential starting point for the formulation of a Plan of Action on Human Rights.

b) Implementation of National Human Rights Action Plans

Some possible pitfalls - The implementation of the Plans is where countries experience the greatest challenges. The few examples of NHRAPs that have entered the implementation phase point to some of the possible pitfalls. Planning and developing the NHRAP may be so time-consuming and labour-intensive that it uses up the time and energy that would otherwise be devoted to its implementation. Also, long NHRAPs that are overly ambitious are arduous to implement and can become very difficult for a Government to manage. Where new Governments come to power during the time frame of a NHRAP, there is a risk of a lack of continuity, ownership and commitment vis-à-vis Plans officially adopted by previous Governments. Lack of State support, both in terms of financial allocations and human resources, is a clear impediment to the implementation of Plans.

Success Factors - The establishment of an efficient governmental body that is capable of carrying out the Plan is a precondition for success. Choosing precise, achievable and realistic goals, within reasonable time frames, is critical for implementation. There seems to be a clear need for viable and practical goals to ensure implementation. Some countries have extracted recommendations and action proposals from their NHRAP and included them into a multi-annual plan for human rights or a broad governmental action plan to make them easier to realize. Plans that are concise and very practical, recommend solutions, identify key players, foresee their financial impact, make implementation easier and more likely to succeed.

A key factor in adequately implementing a NHRAP, despite the difficulties that it may involve, seems to
be the willingness and active participation of State institutions, that is to say the commitment and support of all government agencies, line ministries and their partners. State constituents would need to become motivated during the drawing-up of the Plan. For instance, the creation of a network of human rights focal points within relevant institutions during the Plan’s development would provide a support mechanism for its implementation. The organization of seminars for civil servants and NGOs, at the final stage of the development process, has been reported as a good practice to assist them in incorporating a human rights approach in their daily work. Indeed, civil servants in charge of drafting public policies, evaluation mechanisms and indicators, as well as NGOs, play a key role in implementing the National Human Rights Action Plan.

The allocation of a budget from within government funds to carry out the planned activities also emerges as a key element, as it demonstrates the Government’s commitment to the Plan. NHRAPs must also take into account other national plans and priorities, and aim for coherence and harmonization. Of great importance is the linkage of the NHRAP to the budget processes and the central planning authority: consequently, the Ministry of Finance should play an active role in the development of the NHRAP.

2. Use of Indicators in Human Rights Implementation, Monitoring and Evaluation

In recent years, many areas of human rights work have proved the need to develop indicators to monitor human rights, for instance in documenting human rights violations or reporting on treaty implementation, or more generally to guide state policy in furthering the implementation of human rights. There has been a growing demand for both qualitative and quantitative indicators to help promote and monitor the implementation of human rights. Indicators are seen as useful tools in articulating and advancing claims on the duty-bearers, and in formulating public policies and programmes for facilitating the realization of human rights.

Indicators and benchmarks are also required to effectively monitor implementation of National Human Rights Plans of Action, and evaluate it at the end of its cycle. The first required step would be to reach a general agreement on the choice of indicators. This would be followed by setting performance benchmarks on those selected indicators. The NHRAP should be reviewed periodically and revised as necessary to ensure effective responses to the needs identified in the baseline study. These reviews are a learning tool for understanding the strengths and weaknesses in the design and implementation of the Plan, and for making revisions as necessary with effective follow-up.

OHCHR Work on Indicators - OHCHR has initiated work on indicators in response to a request from the Inter-Committee meeting of Human Rights Treaty Bodies to help them make use of statistical information in States parties’ reports to assess the implementation of human rights. The organisation, in consultation with a panel of experts, has developed a conceptual and methodological framework for identifying operationally feasible human rights indicators. Based on the agreed framework, lists of illustrative indicators have been prepared for several human rights – both civil and political rights, and economic, social and cultural rights. The basic challenge is to translate universal human rights standards into indicators that are contextually relevant at the country level.

The indicators being developed by the OHCHR are intended for use in undertaking human rights situational analysis, to further the implementation of human rights and to measure trends in outcomes reflecting the level of enjoyment of human rights. They focus on quantitative information,

4 The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. There are seven human rights treaty bodies.

5 The framework has been outlined in the Report on Indicators for Monitoring Compliance with International Human Rights Instruments prepared for the Inter-Committee Meeting of the treaty bodies in June 2006 (HRI/MC/2006/7) and available at: http://daccessdds.un.org/doc/UNDOC/GEN/G06/419/60/PDF/G0641960.pdf?OpenElement
complementing qualitative one where statistics have an added value, and prevent subjectivity or perceptions. They also aim to compare countries with themselves and not to compare them with other states.

**Challenges Ahead** - Some challenges have emerged in the process of developing indicators and piloting the framework. Good statistics require good data and professionals available to interpret them correctly. The freedom to disseminate information that might not be pleasing for a government is also a prerequisite to obtain good statistical information. A balance must also be found between “practical” and “desirable” indicators that should be developed. Moreover, indicators should not be developed for everything that is important, but only where statistics have an added value.

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### 3. Role of National Human Rights Institutions

A National Human Rights Institution (NHRI) is one mechanism through which a State responds to its international responsibility ‘to take all appropriate action’ to ensure that international human rights are implemented at the national level. The creation of a NHRI may be a sign that a country takes its human rights obligations seriously; the strength of this commitment may be measured by the degree to which the Institution is truly independent and has the powers and resources required for it to be effective.

**Contribution to NHRAPs** - Virtually all NHRI s are involved in human rights promotion, investigation of complaints, human rights monitoring and advising the government on human rights issues. It is also good practice that they be involved in the development and implementation of National Human Rights Action Plans.

While it is important that the overall ownership and responsibility for the Plan lay with the government, the National Institution can play a key supporting role. For example, a National Institution can guide the conduct of the human rights base-line study which should be at the basis of the NHRAP, and have a strong role in facilitating a consultative process for its development. Practice shows that a National Institution can have primary responsibility to oversee the overall development of a NHRAP. It can take responsibility for implementing specific areas of the Plan, such as human rights education for the general public. Given its status of independence from government, a National Human Rights Institution can participate in monitoring and evaluating the implementation of the Plan in an objective manner together with other representatives (civil society organizations; state, judicial and legislative representatives). In countries where there is no NHRI, its establishment could be a key objective of the National Plan.

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### 4. Role of the Parliament

**Preparatory Phase of the Plan** - Political parties and the Parliament can play a particular role in the preparatory phase of a NHRAP. As part of the democratic process, governments change from time to time. The NHRAP should nevertheless continue operating without interruption. Ensuring that the plan enjoys the support of all major political parties would help avoiding that its implementation is negatively affected if government changes. To facilitate this, opposition parties should be included in the consultation process. A special effort should be made to involve parliamentarians from all parties who have an interest in human rights issues. Parliamentary committees dealing with such issues are a useful mechanism for achieving this.

**Development Phase** – As mentioned before, the process of consultation in developing a NHRAP will determine how widely the plan is recognized and supported by the general public. Members of Parliament

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can contribute to this through public hearings on human rights themes: a somewhat different version of a public meeting 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 or parliamentary committees. Such a hearing can inquire into issues in a systematic way, calling for submissions or the appearance of witnesses, analysing information provided and making recommendations. It can also attract media coverage and raise public awareness of the national action plan process.

A parliamentary committee can also support the drafting of a baseline human rights study, a key element highlighted earlier in this paper, as the main writer of as member of a drafting task force.

**Implementation Phase** - An issue that has formed part of some countries’ consideration of national plans is whether or not the NHRAP should enjoy legal status. What is possible or not will depend on the country’s legal traditions and policies. A government can choose to enact legislation or incorporate the plan in a government or presidential decree; a third approach is to seek parliamentary endorsement of the plan rather than specific legislation. This goes beyond endorsement by relevant political leaders in public statements, since it involves a specific parliamentary debate and an act of endorsement of the plan. Such a step is easier in legal terms than enacting legislation to give effect to the plan, and would give a substantive stimulus to effective implementation of the plan.

**Monitoring and Evaluation Phase** – The Parliament should also have a role in the monitoring and implementation of the NHRAP. It should receive the monitoring/progress reports prepared by the coordinating committee during the implementation of the NHRAP; furthermore, it should receive the evaluation report of any independent evaluation board that may have been set up, at the formal end of the plan period.