

CDDH-INST(2018)05Rev

15/06/2018

**STEERING COMMITTEE FOR HUMAN RIGHTS  
COMITÉ DIRECTEUR POUR LES DROITS DE L'HOMME  
(CDDH)**

DRAFTING GROUP ON CIVIL SOCIETY  
AND NATIONAL HUMAN RIGHTS INSTITUTIONS

GROUPE DE RÉDACTION SUR LA SOCIÉTÉ CIVILE  
ET LES INSTITUTIONS NATIONALES DES DROITS DE L'HOMME  
(CDDH-INST)

---

Protection and promotion of the civil-society space:  
Compilation of measures and practices in place  
in the Council of Europe member States

Protection et promotion de l'espace dévolu à la société civile:  
Compilation des mesures et pratiques en place  
dans les États membres du Conseil de l'Europe

## TABLE OF CONTENTS

Introduction.....	4
Challenges including the shrinking democratic space (1.3):.....	5
International Standards (2.).....	17
Existing Council of Europe tools (2.1).....	17
Case Law of the European Court of Human Rights (2.1.1) .....	17
Other Council of Europe treaties (2.1.2) .....	21
Statements and reports by the Commissioner for Human Rights (2.1.9) .....	22
Other relevant international and regional standards and tools (2.2):.....	23
The core international human rights treaties (2.2.1) .....	23
Resolutions, declarations and reports of the United Nations (2.2.2): .....	23
Reports of OSCE/ODIHR (2.2.3) .....	24
Guidelines and reports of the European Union (EU) (2.2.4).....	24
Civil Society Organisations (CSOs) (3.).....	25
Supportive legal regulatory framework at domestic level (3.1) .....	28
Standards and regulation at domestic level (3.1.1) .....	31
Mechanisms at domestic level offering protection and redress (3.1.2) .....	33
Conducive political and public environment (3.2) .....	35
The right to associate (de facto), advocacy ability (3.2.1) .....	50
Public awareness and recognition of civil society's work (3.2.2) .....	51
Right to (access) information and freedom of expression (3.3) .....	55
Right to freedom of expression and information (Art. 10) applied to civil society / Human Rights defenders (3.3.1) .....	58
Free access to official data, reports, initiatives, decisions (3.3.2).....	58
Effective participation in decision-making (3.4).....	62
Resources and long-term support (3.5) .....	79
Human Rights Defenders (HRDs) (4.) .....	87
Supportive regulatory framework (4.1).....	89
Protection from threats, attacks and other abuses (4.1.1).....	89
Legislation to protect whistle-blowers (4.1.2).....	89
Conducive political and public environment (4.2) .....	92
Stigmatisation, marginalisation and the right to privacy (4.2.1) .....	94
Protection mechanisms (4.2.2) .....	94
Lack of proper investigations (4.2.3).....	96
Right to information and freedom of expression (4.3).....	99
Freedom of the media (4.3.1).....	100
Right to access and communicate with international bodies (4.3.2).....	101

National Human Rights Institutions (NHRIs) (5.) .....	104
Supportive regulatory framework (5.1).....	106
Competence and responsibilities (5.1.1).....	106
Composition and guarantees of independence and pluralism (5.1.2) .....	113
Methods of operation, models, roles and activities (5.1.3) .....	115
Accreditation with the Global Alliance of National Human Rights Institutions (GANHRI) (5.1.4) .....	126
Conducive political and public environment, compliance in practice with Paris Principles (5.2) .....	127

## Introduction

The present compilation has been prepared by the CDDH Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) within the framework of its work on the protection and promotion of the civil-society space, which includes also drafting of a non-binding legal instrument (Declaration of the Committee of Ministers)<sup>1</sup>.

During its two first meetings in 2017 the CDDH-INST elaborated the Analysis of the CDDH on the impact of current national legislation, policies and practices on the activities of civil society organisations, Human Rights defenders and national institutions for the promotion and protection of Human Rights (document CDDH(2017)R87 Addendum IV) which was adopted by the CDDH at its 87th meeting (6-9 June 2017) and subsequently transmitted to the Committee of Ministers for information. It took note of this Analysis at the 1293rd meeting of the Ministers' Deputies (13 September 2017).

At its 88<sup>th</sup> meeting in December 2017, the CDDH took note, in light of the suggestions of the CDDH-INST, of the possibility to have the above Analysis be accompanied by a compilation of good practices (which would be based on a cooperative consultation process with States, civil society members, human rights defenders and National Human Rights Institutions) and to present this set (Analysis + Guide/Compilation) together with a draft non-binding legal instrument (Declaration/Recommendation of the Committee of Ministers). It also endorsed the questionnaire proposed by the CDDH-INST, aimed at receiving additional examples from the member States, civil-society organisations, Human Rights defenders and National Human Rights Institutions, and deemed that good national practices should be generally positive and innovative.

Consequently, the questionnaire was sent to the member States with a view to preparing a draft compilation of good practices to the Analysis of the impact of the legislation, policies and current national practices on the activities of civil-society organisations, human rights defenders and national institutions for the promotion and protection of human rights. As concerns the selection criteria, it was recalled that "good practices" should include national practices which have an overall positive character and are innovative in nature and that the emphasis was placed on "the collection of *good practices of implementation* of existing national legislation regarding the protection and promotion of the civil-society space" at the 87<sup>th</sup> CDDH meeting.

On the basis of a first reading made by the CDDH-INST at its 3<sup>rd</sup> meeting in March 2018, majority of the practices and measures submitted by 22 member States<sup>2</sup> and by ENNHRI in response to the questionnaire were integrated into the present compilation, except for practices which were considered as not going beyond common standards or concerned NHRIs which do not meet applicable international standards (including the Paris Principles). Since the CDDH-INST recognised some challenges in making a selection of "good practices" submitted by member States, it decided to prepare two documents, one presenting an overview and general conclusions which could be drawn from the contributions, and the other one containing most of the measures and practices submitted. The present compilation will thus be complemented with an overview document.

The structure of the compilation follows the one adopted for the Analysis; the headings and numbers in brackets thus refer to the different parts of the Analysis.

---

<sup>1</sup> It is recalled that the CDDH-INST has, *inter alia*, the following mandate: "On the basis of work conducted in 2016-2017, prepare a draft non-binding instrument of the Committee of Ministers and a guide of good practice with the aim that member States, through their legislation, policies and practices, effectively protect and promote the civil society space (activities of organisations of the civil society, human rights defenders and national institutions for the promotion and protection of human rights) (deadline: 31 December 2018)."

<sup>2</sup> Contributions have been submitted by Armenia, Belgium, Bosnia and Herzegovina, Croatia, Cyprus, Czech Republic, Finland, France, Georgia, Greece, Monaco, Montenegro, Netherlands, Poland, Portugal, Russian Federation, Serbia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia" and Turkey.

### Challenges including the shrinking democratic space (1.3):



#### *Activities of the Human Rights Defender in the field of refugees' and asylum seekers' rights protection*

- **Nature, level, date, explanation of the “good practice”:**

The [report](#) on ‘Ensuring the rights of refugees and asylum seekers in the Republic of Armenia’ was published on December 2017. It analyses the legislative framework of the relevant field in terms of its compliance with international commitments of Armenia. The report also studies the situation of asylum seekers and refugees who are kept or who live in special institutions (reception centres, detention facilities, etc.). Numerous legislative shortcomings were revealed and recommendations were addressed to competent authorities in this regard. The Report along with its recommendations will be considered as a crucial hallmark for launching rights-advocacy campaigns for the proper protection and promotion of the asylum seekers’ and refugees’ rights across the country.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Namely, among a number of recommendations on legislative shortcomings, the report suggests creating a new legal status for those foreign nationals (or person without nationality) who are not eligible for refugee status, but shall enjoy the protection under non-refoulement principle. Another important recommendation is to amend the relevant legislation so that it obliges all state agencies receiving asylum requests to provide free interpretation services during interviews. State and non-state actors operating in the named field participated in the publication of the Report and express their readiness to further discuss the report in detail.

Hence, in order to monitor whether the Government followed up any recommendation, the Defender’s Office is planning to organise a round table discussion with relevant state and non-state bodies in the near future and will further inform ENNHRI in this regard.



#### *Guidelines for Civil Society in Development Policy 2017*

- **Nature, level, date of the “good practice”:**

Guidelines for Civil Society in Development Policy/national/international/2017.

<http://formin.finland.fi/public/default.aspx?contentid=365590&nodeid=49540&contentlan=2&culture=en-US>

- **Substantive explanation :**

Strengthening civil societies in developing countries is an essential and integral element of Finnish development cooperation in its entirety. Civil societies provide opportunities for people to participate in and influence societal development and decision-making. The new Guidelines for Civil Society in Development Policy are based on the Government Report on Development Policy (2016) as well as on the global SDGs. They provide guidance for Finland in its efforts to strengthen civil societies in developing countries.

- **Implementation:**

In accordance with the new Guidelines, in all activities funded from the Ministry's development cooperation appropriations, attention must be given to practices that will strengthen civil societies.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The guidelines support the development policy of Finland and its four priorities

1. The rights and status of women and girls;
2. The growth of developing countries' economies to generate more jobs, livelihoods and well-being;
3. Democratic and better-functioning societies;
4. Food security, access to water and energy, and sustainable use of natural resources

Priority number three specifically refers to the role of the CSOs in development and the Finnish development policy.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs :**

The guidelines were drafted in close cooperation with CSOs.

*Linnanmäki Amusement Park – Children's Day Foundation*

- **Nature, level, date of the “good practice”:**

Children's Day Foundation was founded by six child welfare organisations. These NGO's first founded the Linnanmäki amusement park in 1950, and in 1957 they created the Children's Day Foundation.

- **Substantive explanation :**

For the past decades the Children's Day Foundation has been maintaining and developing Linnanmäki Amusement Park (opened in 1950) in order to raise funds for Finnish child welfare work.

- **Implementation:**

In 2017, the foundation donated a total of 4.5 million euros from the Amusement Park's ticket sales to these six non-governmental organisations who all work on children's rights and child welfare at national level.

- **Intended outcomes and/or envisaged impact;**

These six non-governmental organisations are:

*Barnavårdsföreningen i Finland* works for a better childhood, a stronger parenthood and a more child-friendly society. The organisation offers support for children and families who find it challenging to cope with their everyday lives by maintaining a children's home, offering summer camps for families, maintaining day-care centers, among other things.

*The Federation of Mother and Child Homes and Shelters* offers support to children and families who are living in difficult and insecure situations and prevents domestic violence. The Federation has 30 member associations in different parts of the country, which maintain mother and child homes, as well as units focusing on treatment of drug and alcohol-related problems.

*The Central Union for Child Welfare* is an umbrella organization that aims to develop child welfare and to promote cooperation between non-governmental organisations, municipalities and state authorities. It works as an active and uniting force in matters relating to children's rights on a national and European level. The CUCW aims for a situation where children's needs are a priority in decision-making and children's rights are implemented in full.

*The Mannerheim League for Child Welfare* promotes the wellbeing of children and families with children as well as the appreciation for childhood and strives for a state of affairs where children's views are taken into account in public decision-making. The organization provides diverse services; short-term child-care services and longer-term special services such as home care for disabled and chronically ill children, telephone counseling, as well as rehabilitation and child welfare services for children and families.

*Parasta Lapsille* is an NGO that aims to help young families to cope in their everyday lives by organising camps, weekend activities and clubs for children, young people and young families. It organizes more than 20 camps every year that reach hundreds of children and their families.

*Save the Children* aims to improve child welfare and children's opportunities to gain a better adulthood. It is a specialist in foster care and adoption. In addition, it provides services related to child protection for municipalities throughout Finland and offers diverse expert services to families and municipalities. It also promotes actively children's rights by advocacy work at national as well as at international level.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs :**

Children's Day Foundation was founded by non-governmental organisations.



### *Ensuring human rights in migrant camps (the case of Grande-Synthe)*

- **Nature, level, date, explanation of the “good practice”:**

Although the *Commission Nationale Consultative des Droits de l'Homme* (CNCDH) has not a complaint handling mandate, it operates with the NGOs (providing information from the field), undertake investigation missions (like in Calais, for migration issues), and asks for individual testimonies (for instance related to the monitoring of the State of Emergency measures). At the beginning of the year 2016, the CNCDH went to Grande-Synthe (a city between Calais and Dunkerque), where the pragmatic and courageous initiative taken by the mayor to establish a temporary camp to welcome migrant people in accordance with humanitarian standards, and with the help of the NGO *Médecins sans Frontières*, was at risk of being cancelled by the prefecture of the North.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

After its investigation mission, the CNCDH wrote a report to the Prime Minister and the ministry of Interior, which allowed the Mayor of Grande-Synthe and the associations to obtain the required authorisations for the opening of the camp. Moreover, the field visit to Calais resulted in opinions calling out the government about serious infringements of human rights in the slums of the city, a letter from the president of the CNCDH to the Interior minister to which he replied. In addition, our collaboration with local NGOs allowed:

- The end of intimidation against NGOs supporting migrants;
- That the State assumed responsibility for the meal distribution;
- The dismantling of the camp in conditions less disastrous than we could fear.

### *Human rights awareness raising of children through cartoons*

- **Nature, level, date, explanation of the “good practice”:**

The CNCDH is convinced the cartoons and short movies are powerful tools to introduce children, teenagers to human rights and to common values. They are very good tools not only for children but also for teachers, parents, associations working with children and teenagers.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In 2015, the CNCDH produced 5 short cartoons on key values linked to human rights. They are available on youtube (on different channels) and on the website dedicated to teachers. Teachers can also download the movies. Movies were produced in collaboration with the agency working with the minister for Education. Unfortunately, we don't have any feedback regarding the use of movies by teachers. In 2016/2017 members of the CNCDH presented the movies and animated debates with pupils in primary schools.

In 2016, on the occasion of the 30<sup>th</sup> anniversary of the International Convention for the rights of persons with disabilities, the CNCDH produced a cartoon “1jour1question” on the Convention. The videos “1jour1question” are very famous among children, parents, teachers. They are available on a website, on youtube and broadcasted daily on a public channel (France 4) in time slots perfect for children. They are produced by one of the biggest French media group, the Groupe Bayard. We presented the movie many times in France and abroad. In 2017, the CNCDH decided to produce short movies on “Laïcité” (freedom of religion) for teenagers (11 to 14 y. old), which invite them on a website [www.generationlaicite.fr](http://www.generationlaicite.fr). We prepared a big launch on social networks, which was a real success, also thanks to the involvement of one of the most famous French athlete, Nikola Karabatic. Another national institution was our partner, the Observatoire de la laïcité. We did not collaborate with the ministry for Education. Yet, they have shared this resource on the website for teachers.

### *Assessing human rights compliance of regulation adopted in context of state of emergency*

- **Nature, level, date, explanation of the “good practice”:**

During the debate in the National Assembly on the draft law strengthening internal security and the fight against terrorism, the CNCDH in partnership with the network “State of emergency - Antiterrorism”, composed of many organizations from the Civil society, trade unions, law firms and academics, held a

press conference on Monday, September 25, 2017 to denounce the risks for social cohesion and the serious violations of fundamental rights contained in this draft.

#### *Monitoring of emergency measures*

- **Nature, level, date, explanation of the “good practice”:**

CNCDH is in charge of monitoring the measures of the State of Emergency, and issues numbers of opinions, statements and communication towards the side effects of that difficult political climate.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In February 2016, the CNCDH issued an opinion against the draft constitutional reform aimed at putting in the constitution the emergency powers and the deprivation of nationality for terrorists. Finally, this project was abandoned one month later. The opinion of the CNCDH, gathered with other critics, have ground down it.

#### *Awareness-raising on combating human trafficking:*

- **Nature, level, date, explanation of the “good practice”:**

The CNCDH is partner of the group of associations combatting human trafficking “*Collectif Ensemble contre la traite des êtres humains*” in the creation and promotion of awareness tools, such as the movie and leaflet #DEVENIR.

#### *Awareness-raising on the Universal Declaration of Human Rights*

- **Nature, level, date, explanation of the “good practice”:**

As part of the 70th anniversary of the UDHR, we are also organising meetings with civil society and we are partners in events that NGOs are preparing.



#### *Protection of refugee women*

- **Nature/level/date:**

Policy-initiative (Protocol of Cooperation between 8 public stakeholders with the assistance of NGOs)

- **Substantive explanation:**

The General Secretariat for Gender Equality (GSGE), in cooperation with the Research Center for Gender Equality and with other public/civil agencies and NGOs, specialized and active in the field of refugee support, coordinates its actions towards the effective handling of the refugee crisis in Greece. In this framework, the GSGE provides additional protection to refugee women who belong –in accordance with the law (Law 4375/2016)- to extremely vulnerable groups, such as a) women who have been victims of gender-based violence or/and women exposed to serious risk of gender-based violence and b) to single women with their children. The participation of NGOs to this work is essential, due to their presence and help in different stages of the procedure. Their opinions are also taken into consideration, as they are the key actors in the field.

- **Implementation:**

Counseling Centers and Shelters of the GSGE receive women belonging to the target group, who are identified in the refugee hosting structures referred to in the protocol. In the 21 shelters, in addition to safe accommodation and food, refugee women are provided with psychosocial support and/or counseling in employment issues as well as legal support by the staff of the Network of Counseling Centers, provided that interpretation is assured. If there are children, the staff of the shelter is exploring the possibility to enroll them in nearby schools. The accommodation of refugee women and their children has a temporary nature (up to three months with a possibility to extend this period) and is provided together with services to other hosted women and their children. The issue of interpretation is solved in cooperation with the Research Center for Gender Equality (KETHI) and NGOs that provide interpreters. The staff involved in

providing services to refugee women must be trained on the existing cultural differences and sensitized on gender issues.

- **Outcomes/envisaged impact:**

This policy initiative has already resulted in giving care to 151 beneficiaries, 126 of whom have been sheltered in the Structures of the Network. 79 out of the 126 are refugee mothers; at the same time, 164 children have been sheltered and offered services in the Structures of the Mechanism.

In addition, the initiative has already made a significant difference in the provision of services to refugee women and their children through training and open activities. Such activities, along with the experience of the implementation of the Protocol of Cooperation gained by so many public actors, is already an investment on the way public sector operates in Greece. This investment derives from the initiative's innovative character and from its ambitious goal to connect different organizations of the public sector such as the signatories to the Protocol of Cooperation, along with NGOs and individual professionals on the field and encourage them to cooperate both on a horizontal and vertical level through a detailed procedure, to offer a wide scope of support services to refugee women and children.

*Fight against trafficking in human beings*

- **Nature of the good practice/level/date:**

Law and implementing acts (Law 4198/2013 and Ministerial Decision 3003/2016, published in the Official Gazette on 20.09.2016).

- **Substantive explanation of the good practice with regard to the protection and promotion of the civil society:**

The Office of the National Rapporteur, under law 4198/2013, has initiated an official strategic partnership with more than a dozen NGOs competent in the field of THB. The Office provides a platform for systematic consultation, information exchange and joint projects with a view to benefiting from the added value of the grass root experts in victim assistance.

Greece has initiated a formal National Identification and Referral Mechanism for victims and presumed victims of trafficking. The Office of the National Rapporteur on Trafficking in Human Beings supervises the National Referral Mechanism (NRM) which operates as a hub for coordinated action and partnership building, among all actors involved in combating trafficking in persons (competent state authorities, civil society actors and international organizations).

- **Implementation:**

Overall, NGOs are an intrinsic part of our National Referral Mechanism and national action plans and provide assistance to the Office in the advocacy for legislative reforms, awareness-raising campaigns, training, research, psychosocial and legal assistance to the victims of trafficking.

Civil society organizations have been actively involved in the working groups developing the NRM's Standard Operating Procedures (SOPs), and each organization has appointed a focal contact point to facilitate collaboration with the NRM. In addition, specialized NGOs provide annually anonymized data on victims and potential victims of THB that have been assisted by those organizations. The abovementioned data are a point of reference for the Office of the National Rapporteur to evaluate prevention and prosecution actions against THB, as well as welfare and protection services offered to victims. NGOs and state authorities' data are used to better elaborate National action plans against human trafficking.

*Awareness-raising*

- **Substantive explanation of the "good practice":** “

BREAK THE CHAIN- BtC” is an annual on-going awareness-raising platform that brings in the private and the cultural sector into a strategic partnership with the anti-trafficking community in Greece. Part of the Campaign is the “Break the Chain Festival”, an international two-day multidisciplinary festival against Human Trafficking. The Festival was inaugurated in October 2015, in Athens, on the occasion of the 10<sup>th</sup> EU Anti-Trafficking Day and two more festivals have followed since then.

- **Outcomes/envisaged impact:**

The festival is aiming to address the general public that is not familiar with the vicious reality of human trafficking and to shed light on all aspects of this heinous organized crime and human rights violation. Through a trans-media conceptual framework, the festival events combine culture and art with awareness

raising and social activism. Civil society organizations are actively involved in planning and implementing the Festival, which gathered the participation of more than 100 artists and 40 stakeholders from state authorities, International Organizations, NGOs, universities and the private sector.

#### *Memorandum of Cooperation*

- **Nature of the good practice/level/date:**

Memorandum of Cooperation (2014).

- **Substantive explanation of the “good practice”:**

The Office of the National Rapporteur on Trafficking in Human Beings has signed a Memorandum of Cooperation with the Corporate Social Responsibility Hellas Network (CSR Hellas) in December 2014, aiming at raising awareness among businesses, consumers and employees by conducting trainings, organizing workshops and events and by engaging social media tools in order to reach out to broader audiences. A positive example has been set by a major super-market chain in Greece, which decided to commit resources to combating trafficking among other human rights violations. The company participated in trainings provided by an expert organization, as well as in relevant conferences, “Business against Slavery” being one of them.



#### *Reception and integration of asylum seekers*

- **Nature, level, date, explanation of the “good practice”:**

The *Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg* (CCDH) has regular exchanges with the other national human rights institutions: Centre for Equal Treatment, National Ombudsman, Ombuds-Committee on the Rights of the Child, National Commission for Data Protection.

The Commission is currently working on a report on the reception, accommodation and integration of asylum seekers in Luxembourg. In this context, the Commission also consulted the Ombuds-Committee on the Rights of the Child on the topic of asylum seekers that are (unaccompanied) minors. Two formal meetings took place, respectively in October and in November 2017. In addition, informal contacts were maintained.

The Ombuds-Committee on the Rights of the Child gave insights into their work, especially on their now-published report on the situation of child asylum seekers and on trends in relation to individual cases and in respect to their interactions with public authorities. The Commission gave its input on the wider situation of asylum seekers in Luxembourg.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The consultations contributed to a report on the reception conditions and the integration of asylum seekers in general, including minors, the Commission is currently working on. Moreover, the exchange helped to harmonize the message of both institutions in relation to the topics at hand.

A coordinated approach to issues relating to child asylum seekers allows both institutions to carry a stronger message in the public sphere and in their contacts with public institutions, and thus to be more effective in the promotion of human rights in general, and of the rights of child asylum seekers in particular.

#### *Legal Opinion on full-face veil triggering public debate on diversity and tolerance*

- **Nature, level, date, explanation of the “good practice”:**

In January 2018, the CCDH presented two of its most recent opinions on:

1) the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence by Luxembourg, and

2) the draft law, which proposes a ban on full-face veils in certain public spaces in Luxembourg, during two press conferences. The draft law, which proposes a ban on full-face veils in certain public spaces in Luxembourg, was deposited in September 2017.<sup>3</sup>

The CCDH adopted its opinion in January 2018<sup>4</sup> and presented it during a press conference in February 2018. The opinion and the resulting recommendations received significant media coverage in the Luxembourgish written press, on radio and television. Analysing the Luxembourgish draft legislation and the relevant case law from the ECHR, the CCDH led to the conclusion that the draft law is not compatible with human rights because the necessity of the restriction of individual freedoms of the concerned persons has not been sufficiently demonstrated.

The Commission invited the government to analyse the potential implications of a prohibition on women's rights and to provide the necessary measures in order to prevent the marginalization of the targeted women, the dangers of the polarization of Luxembourgish society and the stigmatizing of a religious community.

CCDH urged government to launch awareness raising campaigns on the rights of women, targeting both men and women, and to promote equality between women and men, equal opportunity and human dignity in civic education classes.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The presentation of the opinion of the CCDH has contributed to the public debate about tolerance and diversity in our society. As an example, during a recent interview<sup>5</sup>, the Minister of Justice was asked to comment on the opinion of the CCDH and its criticism of the bill of law.

*Counter-terrorism measures and respect of human rights*

- **Nature, level, date, explanation of the “good practice”:**

In January 2017, Amnesty International presented a report “Europe: Dangerously disproportionate: The ever-expanding national security state in Europe”. The Luxembourg division invited the CCDH to their press conference, where the Commission presented its opinions on draft legislation in that field. Those opinions were also cited in the report.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The report cited the opinion of the CCDH on draft legislation modifying criminal procedure law in the case of terrorism. The draft legislation expands law enforcement's investigative and arrest powers, and extends considerably their power to collect and use private data. The report states “The National Consultative Commission on Human Rights had criticized the bill for a range of human rights deficiencies. The law does not define what would constitute an “emergency” or “extreme emergency”. The National Consultative Commission on Human Rights had warned that clear and precise definitions of such situations must be delineated in the law. Luxembourg's laws already contain a definition of “terrorism” that is vague and overly broad. Compounding that with a vague notion of what constitutes an “emergency” or “extreme emergency” would open the way for potential abuse.

Under the new law, the authorities can:

- limit access to counsel for some detainees to 30 minutes;
- wiretap places and vehicles;
- engage in expanded forms of surveillance, including of telecommunications, and seize such information relating to both a suspect and anyone communicating with the suspect; and
- decline to notify a person who has been under surveillance in a terrorism investigation that he or she has been subjected to such scrutiny.”

The report is available on the website of Amnesty International:

<https://www.amnesty.org/en/documents/eur01/5342/2017/en/>. In its opinion, the Commission insisted on the proportionality and necessity principles when adopting anti-terrorism legislation and reminded the government of its obligation to respect the right to privacy and the right to protection of personal data.

The draft law has been amended numerous times and has not yet been voted. Most of the recommendations of the CCDH have been taken into account.

<sup>3</sup>

<http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/Accueil/Actualite&id=7179>

<sup>4</sup> <https://ccd.h.public.lu/fr/actualites/2018/01/avis-7179.html>

<sup>5</sup> <https://www.100komma7.lu/program/episode/189699/201802050732-201802050745>



*Lutte contre la violence à l'égard des enfants*

- **Nature, niveau, date, explication de la "bonne pratique":**

A Monaco, la Société civile joue un rôle important dans la lutte contre la violence à l'égard des enfants et principalement par la participation des organisations non gouvernementales monégasques et des Associations : « Association Mondiale des Amis de l'Enfance », « Innocence en danger », « Jeune J'écoute », « L'enfant d'abord », « Dignity international », « Action innocence Monaco ».

- **Résultats attendus et / ou impact envisagé, preuve de son impact:**

Depuis 2003, « Action Innocence Monaco » entretient une collaboration étroite avec la Sûreté Publique Monégasque afin de lutter contre le trafic de fichiers illicites. Pour ce faire, elle a mis gracieusement à la disposition des services de police un outil permettant de traquer ces fichiers au contenu illicite. C'est grâce à cette étroite collaboration que Monaco a été primée en Avril 2010 pour sa lutte contre la cybercriminalité et a reçu le prix Francopol sur la cybercriminalité.

En 2012, après avoir effectué une veille technologique, « Action Innocence Monaco » a procédé à la mise en place d'un nouveau logiciel spécialisé à la Sûreté Publique pour déceler les téléchargements illicites de données à contenu pédopornographique. Les membres de la cellule de cybercriminalité de la Sûreté Publique ont été formés par « Action Innocence Monaco » au paramétrage et à l'utilisation du dit logiciel qui est aujourd'hui utilisé quotidiennement par la Brigade des mineurs.

*Lutte contre la violence à l'égard des femmes*

- **Nature, niveau, date, explication de la "bonne pratique":**

En ce qui concerne les organisations non gouvernementales (ONG), il peut être relevé que les femmes monégasques sont particulièrement actives, notamment dans celles qui offrent une aide s'adressant spécifiquement aux femmes et aux enfants parmi lesquelles : « Femmes leaders Monaco » et « Gender Hopes Monaco ». Le Gouvernement Princier soutient activement les ONG ayant leur siège en Principauté de Monaco, tant sur le plan opérationnel que financier. Ainsi, chaque année se déroule une réunion entre le Gouvernement et les associations monégasques de solidarité internationale.

- **Résultats attendus et / ou impact envisagé, preuve de son impact:**

La Société civile (les Associations « Gender Hopes » et « Femmes Leaders Monaco »), en collaboration avec le Département des Affaires Sociales et de la Santé, a édité en 2014 une brochure et créé un site Internet (« Monaco dit non aux violences »-<http://www.monacosaysnotoviolence.org/fr/>) afin de mieux informer, sensibiliser et fournir une assistance aux victimes de violences conjugales.



*Human Rights yardstick on migration pacts between EU and third countries*

- **Nature, level, date, explanation of the “good practice”:**

The Netherlands Institute for Human Rights developed a human rights yardstick to assess whether the proposed and agreed migration pacts between the EU and third countries about migration comply with human rights obligations. This yardstick is intended for civil servants and government officials developing the agreements with third countries, for leaders of government and national and European parliamentarians approving the agreements and/or monitoring their implementation process, for journalists and nongovernmental organisations acting as watchdogs and for citizens concerned about the respect for human rights of their own government and EU.

- **Envisaged impact:**

The ultimate objective of the yardstick and the accompanying policy paper is to prevent human rights violations as a consequence of EU migration pacts with third countries.

The immediate aim of the yardstick is to inform national and European policy makers, politicians, NGOs and journalists on the human rights implications of EU migration pacts in order for the human rights of migrants to become part of the discussion, media coverage and advocacy on the issue. NGOs in particular have been using the yardstick in their advocacy efforts.



*Plateforme des femmes* - <http://plataformamulheres.org.pt/sobre-nos/>

Plateforme des femmes – section dédiée aux femmes gitanes :

<http://plataformamulheres.org.pt/interseccionalidade/mulheres-ciganas/>

- **Nature:**

Association DH + droits des femmes

- **Niveau:**

National + droits des femmes + information

- **Explication:**

La Plateforme des femmes est une ONG qui s'occupe des questions sociales des femmes. Elle a été instituée en 2004. Elle s'occupe essentiellement de produire des études et des rapports, parfois très poussés, susceptibles d'être pris en compte dans la recherche universitaire et dans la formulation de politiques. En particulier cette plateforme dispose du Centre Alzira Lemos qui est un centre de ressources, notamment documentales, destiné à donner appui aux ONG qui s'occupent des droits des femmes.

- **Impact:**

Fort.

*Association Portugaise pour l'Appui aux Victimes de crimes*

[http://www.apav.pt/apav\\_v3/index.php/pt/](http://www.apav.pt/apav_v3/index.php/pt/)

- **Nature:**

Association DH + victimes de crimes violents

- **Niveau:**

National + droits des victimes

- **Explication:**

Cette association a une importante mission de protection aux victimes notamment en ce qui concerne la prestation de l'indemnité provisoire aux victimes de la part de l'Etat (en attendant le paiement définitif dans le cadre de la procédure pénale avec constitution de partie civile), dans la mesure où elle participe à l'instruction de cette procédure indemnitaire aux termes de la loi relative aux indemnités publiques aux victimes de crimes violents et de crimes contre les femmes. Elle a encore un rôle important en matière de discrimination raciale dans la mesure où ont été créées en 2004, les UVIDRE (unités d'appui aux victimes de discrimination raciale) dans les commissariats de police, qui aident notamment les victimes d'une possible discrimination raciale à y présenter et y formuler leur plainte.

APAV est affiliée à Victim support Europe, et s'occupe aussi des victimes de cybercriminalité, dont le harcèlement informatique, de trafic de personnes, de violence contre les personnes âgées, de questions en rapport avec les jeunes où ceux-ci peuvent se trouver dans la position de la victime, de victimes de crimes contre le patrimoine, des victimes immigrantes et des victimes de discrimination, de victimes de violence domestique, et de stalking. Enfin, APAV possède aussi un système d'alerte contre le suicide.

- **Impact:**

Fort.



**SLOVAK REPUBLIC / REPUBLIQUE SLOVAQUE – BY ENNHRI**  
Slovak National Centre for Human Rights (B-Status NHRI)

*Ensuring the rights of older persons through monitoring and reporting*

- **Nature, level, date, explanation of the “good practice”:**

The Slovak National Centre for Human Rights has conducted a research in 2016 on poverty and social exclusion of older persons in cooperation with a civic association Help the Elderly Forum, which followed-up a similar joint research from 2008. The report was published in November 2016 and the Centre together with the Help the Elderly Forum organised a press conference to present the main results on 15 November 2016.

- **Intended outcomes and/or envisaged impact, proof of its impact:** We followed up on the research by covering it in our annual [Report on the Observance of Human Rights including the Principle of Equal Treatment in the Slovak Republic for the year 2016](#).

In a specific chapter on the rights of older persons we also addressed population ageing and national policy documents. We recommended:

1. The Ministry of Labour secure effective and independent evaluation of social service quality and pay due attention to assessment of fulfilment of the requirement of human rights and freedoms observance without undue delay.
2. Competent ministries within grants schemes support projects and activities focusing on active ageing and lifelong learning of the population of the Slovak Republic.
3. Competent ministries and other public bodies create and thoroughly implement measures to tackle poverty and social exclusion of vulnerable groups, including the elderly.
4. Cities, municipalities and self-governing regions organise and promote cultural, awareness raising and education events for seniors in order to support their participation in social life.

We distributed the annual report to various stakeholders, including ministries with a advocacy letter picking up those recommendations that are relevant for their resort. Consequently, the Ministry of Labour, Social Affairs and Family of the Slovak Republic consulted the Centre about our statement and opinion regarding the adoption of a specific convention on the rights of older persons. We advocated for the adoption.

The Slovak National Centre for Human Rights has conducted a research in 2016 on poverty and social exclusion of older persons in cooperation with a civic association Help the Elderly Forum, which followed-up a similar joint research from 2008.

*Training on combating extremism for police officers*

- **Nature, level, date, explanation of the “good practice”:**

Pursuant to an agreement with the Unit of the Extremism and Spectator Violence of the Criminal Police Department of the Presidium of the Police Force of the Slovak Republic, the Slovak National Centre for Human Rights delivered training for lecturers- the police officers from the Department of Criminal Police of Regional Directorates of the Police Force in the area of combating extremism.

One training was delivered on 29 April 2014, for 16 trainees that should internally train others.

The main topic concerned human rights and extremism (i.e. freedom of speech, freedom of assembly, freedom of association, human dignity, personal liberty etc.).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Centre has developed a regular cooperation with the Police Force on the issues of extremism and spectator violence. As part of this cooperation, the Centre provides further trainings (e.g. in February 2015, the Centre provided a human rights training in Bratislava for the newly hired members of police working in the area of extremism) and legally advised in certain cases. The Centre is being approached by members of the Police Force working on cases of extremism seeking advice relating to applicable human rights standards.

*Monitoring and Reporting on Territorial Segregation of Roma*

- **Nature, level, date, explanation of the “good practice”:**

The Slovak National Centre for Human Rights has for several years been monitoring and addressing issues of territorial segregation and constructions of the so called Anti-Roma walls in Slovakia and with this regards it has, inter alia, officially addressed the Ministry of Transport, Construction and Regional Development of the Slovak Republic in March 2013 with a request to include a clause aiming to prevent from spacial segregation in the amendment of the Building Act underlying international standards introduced in the International Convention on the Elimination of All forms of Racial Discrimination.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The clause has not been integrated in the Building Act. The Centre keeps addressing the issue of territorial segregation of Roma in Slovakia and regularly covers it in annual reports on the observance of human rights including the principle of equal treatment in the Slovak Republic in chapter on Roma rights and right to housing. Annual reports always address recommendations in the area and are distributed to a wide range of stakeholders. It is hard to identify the impact and as the Roma rights issues are a main human rights challenge in the country, there are many stakeholders working in the area, so it is problematic to establish which reports/advocacy activities were behind concrete actions.

Generally speaking, there has been some development in the area. In May 2017, the Parliament passed an amendment to the Act No. 330/1991 Coll. on Land Adjustments, Organisation of Land Ownership, Land Offices, Land Fund and Land Owners Cooperatives in order to help settle lands under the dwellings in Roma communities. The Ministry of Agriculture and Rural Development of the Slovak Republic has prepared the amendment by addressing the need to organize the ownership and usage conditions for the land located under the settlements of the marginalised Roma communities and lands in grange yards.



**SPAIN / ESPAGNE – BY ENNHRI**  
Defensor del Pueblo (A-Status NHRI)

*Measures for the protection of vulnerable consumers of electrical energy - report based on work session with government departments and agencies, consumer organisations, electricity companies and independent experts*

- **Nature, level, date, explanation of the “good practice”:**

The Defensor del Pueblo has published reports based on work sessions with specific groups particularly vulnerable, for example [persons suffering from energy poverty](#). Power supply, like water, has become a fundamental aspect to ensure the right to life. This power is a source of life, richness, wellbeing and progress. Therefore, modern and developed societies are worried about their production and distribution, and its supply is a constant concern.

The Defensor del Pueblo wants to pay special attention to circumstances affecting families and individuals, who do not always have access to power supply mainly due to economic reasons. Consequently, it has published multiple reports on the situation of vulnerable energy consumers,, and the different measures that can be implemented in order to protect their right to a decent life.

In 2014, the Defensor made an important recommendation on the “social bond” (discount rate) that vulnerable groups could have in order to have access to an adequate power supply. One of the interventions of the Institution was the recognition of their right to a 25% discount on the power bill. Previously, only three groups of persons could benefit from this discount: Social Security pensioners over 60 years old, large families and families where all of their members were unemployed.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

After the intervention of the Defensor, Royal Decree 897/2017, of October 6, on regulation the figure of the vulnerable consumer, the social bond and other protection measures for domestic consumers of electricity has been published. The new regulation of the discount rate approved this year by the Government includes several of the recommendations made by the Institution that, in the study Protection of vulnerable consumers in the field of electric power, advocated to protect especially homes where minors reside, elderly people and people with disabilities.

The legislation establishes income as criteria for accessing the discount rate and introduces measures that protect consumers in the free market, as requested by the Ombudsman. It also contemplates that the

supply for non-payment will not be cut without first verifying with the social services the possible situation of vulnerability of the affected consumers. Other recommendations included in the new electric discount rate are the modulation of the income threshold to protect certain groups (minors, seniors and people with disabilities).

*Situation of people with celiac disease in Spain - report based on 12 059 answers to a questionnaire*

**- Nature, level, date, explanation of the “good practice”**

The Defensor del Pueblo has published reports based on a questionnaire (12 059 answers received) and work sessions with specific groups particularly persons affected by celiac disease. [Celiac disease](#) has one specific characteristic compared to other chronic diseases, which is that the only possible treatment consists of following a gluten-free diet. In the Mediterranean culture, the consumption of wheat and all kinds of grains is embedded in the base of our food pyramid, and the daily consumption of these products is recommended. Other Mediterranean countries like France and Italy have benefits and assistance for citizens who suffer from this disease, but Spain has not implemented any measures to provide financial help to the citizens who suffer from celiac disease.

The Defensor del Pueblo has received multiple complaints from groups of people suffering from celiac disease, and therefore it is now classified as one of the targeted groups to in order to protect and defend their rights.

In April 2017, the Defensor devised a report addressing the issues that affect this particular group of people and proposing measures and solutions in order to defend their rights.

The main goal of this report was to contribute to the improvement of the quality of life of celiac citizens, to encourage the research on this disease, to disseminate the importance of its diagnosis and to devote more attention the need for medical speciality and the difficulties they face on a regular basis.

**- Intended outcomes and/or envisaged impact, proof of its impact**

This report had a very positive impact in society, given the fact that it is one of the first reports that address the issue of celiac disease in Spain. The interventions that the Defensor del Pueblo has carried out following on the issue have been:

1. having access to reliable food lists
2. conducting official controls on food products and good practices on their production
3. acknowledging the taxation of specific products, particularly regarding the VIT
4. spreading information about this disease among the population.

*Seminars on protection of the children of women who are victims of gender violence and on reception and inclusion of refugees*

**- Nature, level, date, explanation of the “good practice”:**

The Defensor del Pueblo organised a seminar “Moving towards the effective protection of the children of women who are victims of gender violence” that took place on the November 20th, 2017 on International Children's Day that took place on the same date. The aim of this seminar was to highlight the situation of these boys and girls who are also victims of gender based violence. This meeting took place with the collaboration of the Defensor del Pueblo, the organisation Women's Links and counted with the support of the General Council of the Judiciary and the participation of experts on the issue, from Universities, from civil society and from the United Nations. This is a clear good practice that shows cooperation with other actors.

Additionally, a seminar on Reception and inclusion of refugees in Spain took place on October 5th, 2016 and was organised by the Institution of the Defensor del Pueblo and UNHCR and was aimed at developing a framework for the reception and integration of refugees in Spain, coordinating all public administrations and taking under consideration the scope of each one. Not only was this a practice which showed cooperation between the UN and the Defensor del Pueblo but also representative from the autonomous regions and most populated cities participated.

The Defensor del Pueblo and UNHCR sent several questionnaires before the seminar to the organisations that were going to participate and that were later discussed in working groups during the meeting. Gathering all this information several conclusions and proposals have been published by the Defensor del Pueblo, which serve to see that this seminar do have a positive impact. Among the proposals by the Institution we can highlight some of them:

- Ameliorate communications between central, regional and local administrations in order to achieve a better coordination for the reception and inclusion of refugees and make it a more decentralised model.
- Strengthen the work some by city councils and NGOs
- Establish communications with civil society groups
- Making sure that refugees, both men and women, can manifest their opinion
- More specifically, each working group presented conclusions and recommendations related to three sectors: housing, education and employment.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

This kind of seminars have a significant impact, not only on the public opinion because it raised awareness about a topic that might not always be very known, but also because the institution has made this one of its main concerns and has been carrying out actions regarding this matter for several years now, for instance:

The Defensor del Pueblo initiated actions before the Government Delegation for Gender Violence to finally establish the measures adopted aimed at strengthening the minors, sons and daughters of victims of gender violence, in the fame of the Organic law 8/2015 of July 22nd and the Law 26/2015 of July 28 concerning the modification of the protection system of children and adolescence.

Publication of the Protocol of derivation between reception centres for women victims of gender violence and their sons and daughters (Protocolo de derivación entre centros de acogida para las mujeres víctimas de violencia de género y sus hijos e hijas). Among its objectives, the protocol aims at coordinating networks of resources of women shelters and the establishment of a common list of documentation that might be demandable to benefit from those resources.<sup>6</sup>

## International Standards (2.)

### Existing Council of Europe tools (2.1)

#### Case Law of the European Court of Human Rights (2.1.1)



#### *NHRI support to implement ECtHR judgements*

- **Nature, level, date, explanation of the “good practice”:**

ENNHRI has established a “legal working group” which brings together NHRIs from across Europe to share experiences and strengthen their capacity to support the implementation of judgments of the European Court of Human Rights at national level. In addition to supporting work of NHRIs at national level on implementation of Court judgments, the ENNHRI legal working group has also prepared amicus curiae interventions before the Court and supports members when considering amicus curiae interventions or when making submissions to the Committee of Ministers on the executions of judgments.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In 2016, ENNHRI published a “Guidance for NHRIs to support the implementation of judgments from the ECtHR” which functions as resource for NHRIs across the Council of Europe region. The guide recommends NHRIs how to contribute to the work of the ECtHR and how to engage with various state authorities in this respect, including the executive, legislature and civil society. ENNHRI has also made a number of collective amicus curiae interventions, which provide independent and expert information from NHRIs to the ECtHR when rendering judgments that touch on human rights problems with region-wide relevance, such as rights of persons with disabilities (*D.D. v. Lithuania*; *Gauer v France*) or the right to privacy (*Big Brother v. the United Kingdom*).

<sup>6</sup> <https://www.defensordelpueblo.es/cursos-y-jornadas/jornada-hijos-victimas-violencia-genero/>



**GEORGIA /GEORGIE – BY ENNHRI**  
Public Defender of Georgia (A-status NHRI)

*Communication to the Committee of Ministers on the execution of judgments*

- **Nature, level, date, explanation of the “good practice”:**

On 18 August 2017 the Public Defender of Georgia submitted the communication to the Committee of Ministers on the execution of judgments in the cases of Begheluri and others v. Georgia and Members of the Gldani Congregation of Jehovah's Witnesses and others v. Georgia which essentially concern multiple violation of the European Convention on Human Rights on account of the large-scale religiously motivated violence to which the members of religious minorities had been subjected in Georgia and the relevant authorities' total failure to prevent, stop or redress the violations.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The communication concentrates on structural/systemic problems existing in Georgian legislation and practice visa-vis the investigation of religiously motivated violence in Georgia. The Public Defender of Georgia is actively following up the steps taken by the Georgian government regarding the execution of these judgments.

*Third-party intervention of the Public Defender of Georgia*

- **Nature, level, date, explanation of the “good practice”:**

On November 13, 2017, the Public Defender of Georgia addressed the European Court with regard to a third-party intervention in the case of Tkhelidze v. Georgia. The complaint concerns the murder of Ilia State University lecturer by her former spouse, who committed suicide at the scene of murder in 2014. The European Court is considering the application on the basis of Article 2 (right to life) and Article 14 (prohibition of discrimination) of the European Convention. It is indicated in the application that the police had been notified of the threats of physical and verbal violence and murder of the woman, but the notifications were not effectively responded. In addition, despite the repeated appeal after the murder, no investigation has been launched into the negligence of police officers. The applicant argues that the police did not fulfill its positive obligation to protect the life of the woman, which was motivated by discrimination on the ground of sex. Taking into consideration the scope and significance of the issue in the existing context of Georgia, the Public Defender made a decision to intervene in the case and submitted information about the systematic problems in terms of violence against women in the country to the European Court of Human Rights.

At this stage the Public Defender of Georgia is waiting for the case to be adjudicated by the Court.

On February 19, 2018 the Public Defender of Georgia requested leave to submit written observations in the case Rustavi 2 Broadcasting Company LTD and Others v. Georgia since this case raises critical questions regarding the freedom of expression and fair trial within the ambit of Articles 6, 10, 18 and Article 1 of Protocol 1 of the ECHR. As a NHRI, and given the significance of the case, the Office of the Public Defender was involved in the case since the initial stages and regularly attended the court hearings, examined the case materials and observed not only the events in direct connection with the case, but also closely followed the overall environment in which it was handled. For all of the above reasons, the Public Defender's Office seeks the permission of the Court to intervene in the case.



**GREECE / GRECE**

*Cooperation of the Greek National Commission for Human Rights with the Council of Europe*

- **Nature of the good practice/level/date:**

Actions under the relevant legislative framework

- **Substantive explanation of the “good practice”:**

The Greek National Commission for Human Rights (GNCHR) actively engages with both national as well as international, regional and European actors involved in the promotion and the protection of human rights.

- **Implementation:**

In particular, the GNCHR closely cooperates with the Council of Europe monitoring mechanisms, including in the context of their visits to Greece, with a marked increase in its interaction with the European Court of Human Rights (ECtHR) in recent years. Indeed, the GNCHR, in the framework of its promotional mandate, has been translating into Greek the ECtHR factsheets on the Court's case-law and pending cases, which are then made available on the official website of the Court. Moreover, the GNCHR carries out a dissemination effort, providing specific information on issues regarding the ECtHR (constantly updated list of ECtHR judgments v. Greece, information on how to access the ECtHR, press releases on ECtHR judgments etc.), while in all of its Reports and Opinions the GNCHR consistently refers to the case-law of the ECtHR making recommendations to the State for the fulfillment of its obligations under the European Convention on Human Rights (ECHR). Furthermore, the GNCHR, taking into account the importance of the Turin process, cooperates with the European Committee for Social Rights, which often refers to the Commission's work. Furthermore, the GNCHR actively engages with the UN human rights system, by interacting among others with the UN Human Rights Council and the UN Treaty Bodies.

The GNCHR is also particularly active in both the European (ENNHRI) and the international (GANHRI) networks of national human rights institutions, having been elected in the European Coordinating Committee (ECC), ENNHRI's governing body for a three-year term of office (2016-2019) and was co-chairing the Working Group on Asylum and Migration for the period 2015-2017. The GNCHR has been consistently involved in drafting all major communications produced by both GANHRI and ENNHRI and communicates them to the Parliament and the ministries, with significant policy impact.

- **Outcome/Impact:**

GNCHR reports have been referenced in 30 judgments of the European Court of Human Rights concerning Greece. The activities and recommendations of the GNCHR are very often referred to in the reports of universal and regional human rights mechanisms and the decisions and judgments of quasi-judicial and judicial bodies.



**LITHUANIA / LITUANIE – BY ENNHRI**  
The Seimas Ombudsmen's Office (A-status NHRI)

*National follow-up of implementation ECtHR judgements*

- **Nature, level, date, explanation of the “good practice”:**

The Seimas Ombudsmen have conducted the high-level meeting with the representative of the government to the ECHR to get familiar with the state of play of the implementation of ECHR decisions as well as the relevant ministers to encourage them to speed up with the implementation of the decisions of the ECHR in 2018.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Seimas Ombudsmen received an in-depth overview of the situation and exchanged the opinions as how to speed up with the implementation of decisions. The Seimas Ombudsmen will use the information collected in conducting high-level meetings with the government.



**POLAND / POLOGNE**

*Involvement of NHRI and civil society in the execution of judgments of the ECtHR*

[http://www.mfa.gov.pl/en/foreign\\_policy/human\\_rights/european\\_court\\_of\\_human\\_rights/execution\\_judgments/](http://www.mfa.gov.pl/en/foreign_policy/human_rights/european_court_of_human_rights/execution_judgments/)

- **Nature / level / date of the “good practice”:**

In order to ensure the best possible implementation of judgments of the European Court of Human Rights, the inter-ministerial Committee for Matters of the European Court of Human Rights, chaired by the Government Agent, was established by the Prime Minister as its consultative and advisory body in the means of the Prime Minister's Order No. 73 of 19 July 2007 establishing the Committee for Matters of the European Court of Human Rights (as amended).

The composition of the Committee is inter-governmental. However, it is possible to invite to the Committee's meeting, in an advisory capacity, non-members of the Committee, representing various stake holders, including national human rights bodies and civil society.

- **Substantive explanation of the "good practice":**

The composition of the Committee is inter-governmental. However, it is possible to invite to the Committee's meeting, in an advisory capacity, non-members of the Committee, in particular representatives of the Sejm and Senate of the Republic of Poland, the Chancellery of the President of the Republic of Poland, the Supreme Audit Office, the Ombudsman, the Ombudsman for Children, the Patient's Rights Ombudsman, the Constitutional Court, the Supreme Court, the Supreme Administrative Court, the National Council of Judiciary, representatives of common and administrative courts, representatives of the Prosecutor General, the Police Commander-in-Chief, the General Director of Prison Service, the Legislative Council, the Government Legislation Center, representatives of other competent authorities, government and self-government administration as well as representatives of other state institutions and offices, representatives of legal professions, as well as representatives of non-governmental organizations dealing with human rights.

The above composition allows for taking into account voices of key stakeholders, such as national human rights bodies and civil society.

- **Implementation:**

Implementation by establishing necessary organizational and legal framework.

- **Intended/ measured outcomes and/or envisaged impact:**

The Committee is tasked with developing the Government's positions on communicated applications and ECtHR judgments, analysing the compliance of major bills with the European Convention and presenting relevant proposals. It monitors the execution of judgments and decisions of the Court against Poland on the basis of action plans and reports submitted by competent ministers.

The composition of the Committee allows for taking into account voices of key stakeholders, such as national human rights bodies and civil society.

- **Cooperation with civil society in developing the "good practice"**

Traditionally, the last meeting of the Committee (December 2017) meeting was held with several NGOs and legal professions, and, as usually, a delegation of the Ombudsman's office in attendance. They were all asked to present their views and proposals and there was an exchange on the issues raised with the government representatives.

**POLAND / POLOGNE – BY ENNHRI**  
Polish Commissioner for Human Rights (A-status NHRI)

*Involvement of the Polish Commissioner of Human Rights (CHR)*

The CHR has developed several shadow reports, including the shadow report on the realization of International Covenant on Civil and Political Rights by Poland in October 2016.

The CHR actively initiates and participates in judicial proceedings concerning HR violations. Dr Adam Bodnar, the CHR, established a special Coordinator for Strategic Litigation (Mrs Zuzanna Rudzińska-Bluszcz). Each case is analyzed and discussed individually and decided upon whether it addresses a systemic problem, helps to solve discrepancies in court judgments and doctrine or has the so-called ripple effect i.e. whether the outcome of the case is likely to have a positive impact beyond an individual case. Annually, the CHR joins several dozens of strategic proceedings before the civil and administrative courts.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
Equality and Human Rights Commission of Great Britain (A-Status NHRI)

*Legal advice on European Court of Human Rights cases*

- **Nature, level, date, explanation of the “good practice”:**

EHRC submitted a letter to the Committee of Ministers of the Department of Execution of Judgements of the ECHR of the Council of Europe concerning the implementation of the Court's judgement in the case of *Al-Skeini v United Kingdom* [2011], under the Rule 9 procedure. The case concerns six applicants whose relatives were killed in operations by UK armed forces in Iraq in 2003. This was regarding Article 2 of the European Convention on Human Rights, the Right to Life.

**Other Council of Europe treaties (2.1.2)**



**ARMENIA / ARMENIE – BY ENNHRI**  
Human Rights Defender Institution of the Republic of Armenia (A-Status NHRI)

*Contribution to the adoption of necessary international and national documents on the prevention of domestic violence*

- **Nature, level, date, explanation of the “good practice”:**

A priority area is the prevention of domestic violence in Armenia. Particularly, within the Council of Europe's Violence against Women Project Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has been developed. Gap analysis of Armenian criminal law in light of the standards established by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence review the criminal legislation addressing relevant recommendations to competent authorities.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

One of the main outcomes of the analysis<sup>7</sup> was the subsequent signature of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence and adoption of the RA Law on “Prevention of Domestic Violence, Protection of the Persons Subjected to Violence in the Family and the Restoration of Solidarity in the Family”.



**LUXEMBOURG – BY ENNHRI**  
Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg (A-Status NHRI)

*Fight against Trafficking in human beings*

- **Nature, level, date, explanation of the “good practice”:**

In 2014, the *Commission Consultative des Droits de l'Homme* has been appointed National Rapporteur on trafficking in human beings as a result of the implementation of the EU directive 2011/36/EU on preventing and combatting trafficking in human beings. In this function, the CCDH published its first report on the situation of trafficking in human beings in Luxembourg in March 2017. As part of the second evaluation cycle of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Luxembourg, representatives from the Group of Experts on Action against Trafficking in Human Beings (GRETA) visited Luxembourg in autumn 2017. During this visit, they also met with the National Rapporteur in order to talk about the report and the recommendations it includes.

<sup>7</sup> The Report can be found here: <https://rm.coe.int/gap-analysis-armenian-law-eng/168075bac2>

- **Intended outcomes and/or envisaged impact, proof of its impact:**

One of the recommendations is to give more resources to the NGOs assisting victims of trafficking and to associate them in the identification process of the victims. However, it is still too early to know the concrete impact, as the GRETA report has not yet been published.

**Statements and reports by the Commissioner for Human Rights (2.1.9)**



*ENNHRI Cooperation with CoE Commissioner for Human Rights*

- **Nature, level, date, explanation of the “good practice”:**

ENNHRI cooperation with the Commissioner is of a continuous nature and occurs in the context of the Commissioner’s country-level as well as thematic work, including democratic space and rule of law, human rights aspects of counter-terrorism, the rights of older persons, and effective human rights communication. ENNHRI and its members provide the Commissioner with information from the ground, while the Commissioner provides ENNHRI and NHRIs important high-level political support.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Through close cooperation with the Council of Europe Commissioner, ENNHRI aims to multiply its resonance and impact on the promotion and protection of human rights across Europe. By making reference in his statements and reports to the work of ENNHRI and its members, the Council of Europe Commissioner provides important political support for, and enhances awareness raising of NHRIs and their work across the region. The Commissioner for example speaks out in support of NHRIs operating in challenging contexts (ref to 2017 Georgia statement), or acknowledges the relevance of ENNHRI thematic work such as the 2017 ENNHRI report on the rights of elderly persons in long term care;<sup>8</sup> the 2016 joint work on protecting human rights while countering terrorism,<sup>9</sup> and the 2013 cooperation on human rights in times of austerity.<sup>10</sup>



*Engagement with Council of Europe monitoring bodies*

The Netherlands Institute for Human Rights actively engages with all Council of Europe monitoring bodies working on human rights mandates, including ECRI, CPT and GRETA. We have met with all of these monitoring bodies when they visited the Netherlands. In follow-up to ECRI’s report, the NIHR and ECRI organised a seminar together on the implementation of their recommendations.

<sup>8</sup> <https://www.coe.int/en/web/commissioner/-/the-right-of-older-persons-to-dignity-and-autonomy-in-care?inheritRedirect=true>

<sup>9</sup> <https://www.coe.int/en/web/commissioner/-/national-human-rights-structures-protecting-human-rights-while-countering-terrorism?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fcommissioner%2Fthematic-work%2Fcounter-terrorism>

<sup>10</sup> <https://www.coe.int/en/web/commissioner/-/national-human-rights-structures-can-help-mitigate-the-effects-of-austerity-measur-1?desktop=true>

## Other relevant international and regional standards and tools (2.2):

### The core international human rights treaties (2.2.1)

### Resolutions, declarations and reports of the United Nations (2.2.2):



#### *Independent contributions to UN human rights procedures*

- **Nature, level, date, explanation of the “good practice”:**

UN Treaty Bodies: Collaboration with all of them before and while France is examined; written and oral contribution to the UPR (HRC); collaboration with Special rapporteurs.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In January 2018, during the UPR of France, there was a record number of recommendations made to one country (287 recommendations). 80% of them were inspired by the CNCDDH's recommendations.



#### *Consultation and Involvement of Rights-holders on Independent NHRI Report to UN CEDAW*

- **Nature, level, date, explanation of the “good practice”:**

In preparing the Irish NHRI report to the UN Review of Ireland under the CEDAW Convention, the Irish Human Rights and Equality Commission (IHREC) undertook an extensive national consultation through 2016, which enabled and informed our final submission to the UN Committee. We used a variety of ways to get people's views on what life is like for women in Ireland to ensure that we gave everybody an opportunity to engage with us in a way that was easiest and most useful for them. In particular we also sought to reach out to those women who would not normally have the opportunity to participate, for example women in prison, or women seeking refugee status in Ireland who are currently housed in direct provision centres. All in all, over a thousand people engaged with the consultations in the following ways:

- Responded to our open call for submissions;
- Attended our regional consultation events;
- Attended our focus group meetings;
- Met with us when we went to direct provision centres and women's prisons;
- Met with us to share insights from their own work;
- Stopped at our stand at the National Ploughing Championships to share their views

- **Intended outcomes and/or envisaged impact, proof of its impact:**

- Following the formal consultation process through 2016, in 2017 IHREC continued to engage with the people who had contributed, to encourage them to continue to follow the process. To do this we:

- Brought together the submissions and inputs into the final report delivered to the UN, and shared the report immediately on publication by direct email with all those who contributed to the consultation.

- Published online and shared via social media our [video review of the consultation](#) to highlight the voices of the women themselves.

- Provided a webcast on our IHREC website of the UN proceedings which took place on February 13<sup>th</sup>.

- Hosted an informal day-long event at our IHREC Dublin offices for those who wanted to follow the examination live.

- Provided through our website and social media, live-tweets of the UN examination of Ireland, and a [series of thematic factsheets](#).



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
Equality and Human Rights Commission of Great Britain (A-Status NHRI)

*Collaboration with other UK NHRIs on UN CRPD treaty monitoring and reporting.*

- **Nature, level, date, explanation of the “good practice”:**  
EHRC and SHRC both protect and promote human rights in Scotland. Since the UK ratified the UNCRPD in 2009 we have worked jointly to fulfil our independent mechanism role under Article 33. Combining our resources and expertise has resulted in a greater awareness of CRPD rights among disabled people and their organisations, the government and public bodies.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
This has led to the Scottish Government being the first government in the UK to publish its CRPD delivery plan.

**Reports of OSCE/ODIHR (2.2.3)**

**Guidelines and reports of the European Union (EU) (2.2.4)**



**GERMANY / ALLEMAGNE – BY ENNHRI**  
German Institute for Human Rights (A-status NHRI)

*Serving as FRA National Focal Point*

Since 2007, GIHR serves as the national focal point for reporting to FRA, based on framework agreement with FRA the GIHR produces comprehensive legal studies re the situation of fundamental rights in Germany.



**FINLAND / FINLANDE**

*Guidelines of the Ministry for Foreign Affairs on the implementation of the EU Guidelines on Human Rights Defenders*

- **Nature, level, date of the “good practice”:**  
The Guidelines Protecting and Supporting Human Rights Defenders - Public Guidelines of the Ministry for Foreign Affairs of Finland for the implementation of the European Union Guidelines on Human Rights Defenders have been prepared to further strengthen the work of the Foreign Ministry in supporting human rights defenders. The Guidelines are based on the European Union Guidelines on Human Rights Defenders and the priorities outlined in the Human Rights Strategy of the Foreign Service of Finland. The Guidelines: <http://formin.finland.fi/public/default.aspx?contentid=323946>
- **Substantive explanation:**  
The Ministry actively promotes the use of the Guidelines. The Ministry commissioned an independent evaluation of the implementation of the Guidelines in 2017. A study on human rights defenders' work, *Human rights defenders are facing increasing intimidation - How should Finland's support for human rights defenders be developed?*, published in November 2017, provides conclusions and recommendations to further enhance the protection of human rights defenders.
- **Implementation:**

The implementation of these guidelines is through financial support to local CSOs and international NGOs (INGOs) working on human rights protection, providing support and protection for human rights defenders at risk as well as monitoring and reporting. For support and protection measures, the starting point is to aim at influencing the host country's authorities through political dialogue, bilaterally or, in many cases, through the EU. The goal is to urge the government to provide safety and freedom for human rights defenders who are active in their territory. In cases in which human rights defenders are subject to threats and persecution by the government, the focus is on highlighting the issue with the authorities in an effort to influence the situation. In some cases, contacting a diplomatic mission and receiving international attention can provide added security. The guidelines stress that it is essential that the views of human rights defenders themselves are heard and respected. Funding is provided through local cooperation funds of the diplomatic missions as well as from the Ministry for Foreign Affairs in Helsinki. Funding takes into account wide range of questions pertaining the protection and support of human rights defenders, including for example the capacity building on digital security for the human rights work online. Reporting on the situation of human rights defenders must be included in the diplomatic mission's annual target-setting and monitoring as well as routine human rights reporting.

- **Intended outcomes and/or envisaged impact, proof of its impact;**

The most important objective of these guidelines is to encourage all staff members of the Ministry for Foreign Affairs of Finland around the world to support human rights defenders and engage in active dialogue with them. These guidelines are intended to be used as a practical tool that supports these efforts. The study commissioned in 2017 includes concrete examples of the work conducted to protect human rights defenders as well as recommendations on how to further strengthen this work.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs:**

The Guidelines were drafted in close consultation with civil society organisations. The subsequent study was made in consultation with Finnish and international human rights defenders and other human rights actors.

### Civil Society Organisations (CSOs) (3.)



#### *Law on the National Council against Racism and Intolerance*

- **Nature, level, date:**

Legislation and practice / Law 4356/2015 (art. 15 - 19) / State / published in the Government Gazette on the 24<sup>th</sup> December 2015

- **Substantive explanation:**

By virtue of the abovementioned Law, the "National Council against Racism and Intolerance" was established, a consultative - advisory body which is chaired by the Secretary General for Human Rights of the Ministry of Justice, Transparency and Human Rights. The Council consists of representatives of the competent Ministries, as well as the Migrants Integration Council, the National Council for Radio and Television, the National Commission for Human Rights, the Racist Violence Recording Network (where 43 NGOs participate), the UNHCR, the National Confederation of Disabled People, the Union of Athens Daily Press Editors, the Research Center for Gender Equality (K.E.TH.I.), the General Confederation of Greek Workers and the Civil Servants Union Federation (A.D.E.D.Y.). The Greek Ombudsman, a constitutionally protected independent authority, participates, at its own request, without the right to vote. However, according to art. 16 par. 4 of Law 4356/2016, the Ombudsman has the right to notify at any time the President of the Council of its wish to become a full member of the Council with a right to vote.

- **Implementation:**

For the accomplishment of its tasks, the Council may (a) elaborate studies, issue guidelines and recommendations and propose relevant measures, (b) develop and propose policies which could have a horizontal application and take initiatives for the promotion of corporate social responsibility, (c) develop actions for the promotion of human rights through education, (d) take initiatives for the training of judges and public prosecutors, law enforcement officials and civil servants, (e) collect statistical data on racism

and intolerance; (f) promote the prevention of and the fight against racist violence, as well as the reinforcement of recording mechanisms, (g) take initiatives to raise public awareness through the media and to record and combat hate speech in public life, (h) elaborate a National Action Plan against Racism, monitor its application in a systematic way and provide for its regular update.

The Council meets on a regular basis not only in plenary, but also in working groups, which focus on the following issues: (a) hate crimes, (b) inter-religious dialogue and (c) human rights and anti-racism education. The Council has started planning its work towards the identification of gaps and actions required to better combat racism and intolerance, as well as hate crimes and hate speech. For instance, the Council has identified the need for awareness raising activities, public information and pro-active measures against racism and intolerance. To this end, it is preparing, for example, an information leaflet for civil servants to raise awareness on hate crimes and victims' support and has produced an awareness-raising tv-, radio- and web-spot concerning refugee children's integration in national education.

Moreover, in the context of developing anti-racist policies which could have a horizontal effect to government policy and public administration, a National Protocol on preventing and combatting hate crimes will be elaborated under the auspices of the Council in the context of an EU project, conducted in cooperation with OSCE's Office of Democratic Institutions and Human Rights (ODIHR). The project aims also at strengthening criminal justice response to hate crimes, as well as at improving the hate crime recording database of the Ministry of Justice and the Hellenic Police.

- **Intended outcomes:**

The Council is tasked with the development of policies on preventing and combating racism and intolerance in order to protect persons and groups of persons targeted on the grounds of race, colour, national or ethnic origin, descent, social origin, religious or other beliefs, disability, sexual orientation, gender identity or gender characteristics, the supervision of the enforcement of relevant legislation and of its conformity with international and European law, the promotion and coordination of the action of stakeholders, and the strengthening of cooperation with civil society.

- **Cooperation:**

The role of civil society in the Council is enhanced: the Racist Violence Recording Network (where 43 NGOs participate) has two representatives. NGOs participating in the Racist Violence Recording Network elect their own representatives to the Council, offering civil society open access and participation. Moreover, the National Commission for Human Rights, the UNHCR and the Greek Ombudsman are very active members of the Council. Furthermore, the Council may cooperate with experts, NGOs and other bodies and civil society stakeholders in all matters of concern.

*Anti-discrimination Law*

- **Nature, level, date:**

Legislation / Law 4443/2016 (art. 8 par. 3 and 4) / State / published in the Government Gazette on the 9<sup>th</sup> December 2016

- **Substantive explanation:** T

The abovementioned anti-discrimination Law, which amended the former legislative framework, provides, inter alia, for the promotion of social dialogue and institutional cooperation with civil society on issues related to equal treatment. It creates a single, clear and legally robust application of the principle of equal treatment. Most importantly, the Law assigns overall powers to the Greek Ombudsman (an independent authority according to the Greek Constitution) to receive and examine complaints about discrimination in the public and the private sector.

- **Implementation:**

The Law provides for the consultation of public authorities and especially of the Greek Ombudsman as the competent authority for the promotion of the principle of equal treatment, with civil society organisations that are active in this field. Furthermore, legal entities, associations, or other organisations may engage, either on behalf or in support of the complainant, with his or her approval, in any judicial and/or administrative procedure.

- **Intended outcomes:**

The purpose of the Law is to safeguard the implementation of the principle of equal treatment.

- **Cooperation:**

Legal entities, associations or organizations, including social partners and trade unions, can also help the Greek Ombudsman to ensure the implementation of equal treatment between persons, irrespectively of racial or ethnic origin, religion or belief, disability, age or sexual orientation.

### *Penitentiary policy*

- **Nature of “good practice”, level, date:**

Legislation / Law 2776/1999 (Penitentiary Code) regarding the penitentiary policy (art. 38 par. 3 and 52 par. 2) / the process begins at the local level – where the Prison Council proposes the implementation of a specific action – and concludes at the state level with the adoption of the decision by the competent service of the Ministry of Justice, Transparency and Human Rights / published in the Government Gazette on the 24th December 1999.

- **Substantive explanation:**

The provisions of art. 38 par. 3 and 52 par. 2 of the abovementioned Law regarding the penitentiary policy outline the process that regulates actions implemented into prison facilities by civil society stakeholders, such as non-profit private legal entities, foundations, volunteer unions, local associations, movements and informal groups of citizens.

- **Implementation:**

After the approval of a proposal, the above referenced entities of the civil society may provide contribution to the detention establishments, in the form of various ad hoc actions, usually cultural or recreational, information and awareness-raising activities, but also donations and sponsorships as well as medical interventions.

Indicatively, we could mention the provision of mental care services (tele-psychiatrics) to the Women Detention Establishment of Eleonas in Thiva based on the Memorandum of Cooperation signed between the Ministry of Justice, Transparency and Human Rights and the Civil Non-profit Association “KLIMAKA”, the implementation of a documentary-making workshop in the Special Detention Establishment of Juveniles in Avlonas, developed by the NGO “Exile Room” in 2017 and the program of counseling for HIV positive detainees of the NGO “Thetiki Foni”, that takes place in Korydallos’ Prison Hospital.

- **Intended outcomes:**

Through cooperation with civil society organizations, the Ministry of Justice, Transparency and Human Rights aims at the provision of services of added value to the prisoners, which otherwise would be very difficult to be produced and delivered by its departments.

- **Cooperation:**

The abovementioned activities always take place following consultation and cooperation with the Director and the Social Service of the Detention Establishment concerned, so that the latter’s good operation is not disturbed.



**LITHUANIA / LITUANIE – BY ENNHRI**  
The Seimas Ombudsmen’s Office (A-status NHRI)

### *Involving CSO in Complaints Investigation Processes*

The Seimas Ombudsmen’s Office has developed the practice to embrace civil society organisations by having them involved in complaint investigation processes. The Seimas Ombudsmen request an expert opinion in written or organises special meetings with different organisations working in the field to consult on the matter. Furthermore, the Seimas Ombudsmen includes representatives of civil society organisation in an NPM team while they are conducting monitoring of places of detention.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
The Scottish Human Rights Commission (A-status NHRI)

*Cooperation with CSO on Scotland's national Action Plan for Human Rights*

Scotland's National Action Plan for Human Rights enables collaboration of more than 50 civil society organisations in Scotland with the Scottish Human Rights Commission (SHRC) and other public authorities and duty bearers to promote action on human rights in Scotland.

SHRC regularly works with civil society organisations to build their capacity to engage with treaty body processes, including UPR, hosting two such events in 2016.

**Supportive legal regulatory framework at domestic level (3.1)**



**CROATIA / CROATIE**

*Directive on the Government Office for Human Rights and Rights of National Minorities (OHRRNM)*

- **Nature, level and date of the “good practice”:**

When adopted by the Croatian Government in 2012, the Directive on the OHRRNM from the very beginning recognised the importance of CSOs involvement in the area of human rights.

- **Implementation:**

To foster cooperation with CSOs, the Directive has established the Unit for Monitoring the National Program of Protection and Promotion of Human Rights and Ombudspersons recommendations.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Directive predicts financial support to CSOs through regular open calls for CSOs projects related to specific human rights priorities.

*National Programme of Protection and Promotion of Human Rights for the Period 2013/16*

- **Nature, level and date of the “good practice”:**

The National Programme of Protection and Promotion of Human Rights for the Period 2013/16, as a national strategic document which aims to protect and promote human rights in the Republic of Croatia, was adopted by the Government in 2013.

- **Implementation:**

It had a section "Fostering civil society development and exercising the freedom of association".

- **Substantive explanation:**

OHRRNM was tasked with coordinating the implementation of the National Program by the public authority bodies as agencies responsible for specific measures. For this purpose the agencies had to draft reports on the implementation of the specific measures and submit them to the OHRRNM which had to draft annual reports on the implementation of the National Programme and submit it to the Government for approval.

- **Intended outcomes and/or envisaged impact, proof of its impact / Cooperation:**

The overall implementation of the National Programme and its impacts on the state of human rights shall be evaluated by the OHRRNM on the base of an expert analytical report, which shall be drafted by an expert workgroup for the evaluation of the implementation of the National Programme, consisting of experts, academics and members of CSOs. It will serve as a ground for the creation of a new National Program.

*National Plan to Combat Discrimination for the Period 2017/22 and Action Plan 2017/19*

- **Nature, level and date of the “good practice”:**

The National Plan to Combat Discrimination for the Period 2017/22 and its supporting Action Plan 2017/19, as national strategic documents which aim to combat discrimination were adopted by the Government in 2017.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In the final quarter of the implementation of the Action Plan an external evaluation of its implementation shall be performed. This shall include: (1) evaluation of achievements of objectives of National Plan, (2) assessment of efficiency of implementation of certain measures and (3) recommendations for the next Action Plan. After the expiration of the second Action Plan, an external evaluation of the implementation of the National Plan shall be performed. In order to monitor the implementation of the National Plan, a working group shall be established to track the implementation of the National Plan and report to the Government once a year.

- **Cooperation:**

Importance of participation of CSOs is particularly recognized in the process of development of the National Plan and its supporting Action Plan. Not only that the representatives of social partners, syndicates and associations participated in the working group for drafting both documents, but CSOs are involved in the implementation as co-leaders in number of measures from the Action plan.

*National Strategy for the Development of Support Systems for Victims and Witnesses*

- **Nature, level, date and explanation:**

In the National Strategy for the Development of Support Systems for Victims and Witnesses (2016/20) the role of CSOs in developing victims' and witness support systems is elaborated in chapters: V "Further involvement of civil society organizations in the victim and witness support system", and VII "Training of experts who have contact with victims and witnesses".

The National Strategy was made by the Commission for the Development and Promotion of Victims and Witness Support Systems, whose members are also representatives of CSOs.

- **Implementation:**

a) inclusion of CSO in the victim and witness support system and ensuring continuous and systematic cooperation with CSO, b) cooperation on the development of educational and prevention programs, c) developing a volunteer inclusion program

- **Outcome:**

The inclusion of CSOs and volunteers contributes to the implementation of the state administration reform strategy in the area of raising the quality of administrative services; active inclusion is achieved through participation in the development of innovative service models and through volunteering

*National Call Centre for Victims of Criminal Offenses and Misdemeanours*

- **Nature, level, date:**

The Ministry of Justice, in co-operation with UNDP and the Victims and Witness Support Association, established a National Call Centre for Victims of Criminal Offenses and Misdemeanours on the basis of the Agreement on Co-operation to Ensure Work of the National Call Centre for Victims of Criminal Offenses and Misdemeanours, signed in 2013.

- **Explanation and outcome:**

National Call Centre for Victims of Criminal Offenses and Misdemeanours provides information on the process of criminal proceedings, information about the rights and other practical information needed, and provides emotional support to callers.

*Representatives of CSOs in support of victims*

- **Nature, level, date and explanation:**

Representatives of CSOs are elected as members of the working bodies and groups through the Government Office for CSOs and are members of the following bodies:

- Committee for the Compensation of Victims of Criminal Offenses, based on the Compensation Act (OG No. 80/08, 27/11);
- Commission for Monitoring and Improving Victims and Witness Support System (1 representative from 2 organizations);

- Working Group for Drafting the Proposal of the Ordinance on the Method of Implementation of Individual Victim Assessment in accordance with the Act on Amendments to the Criminal Procedure Act (membership for representatives of two NGOs was envisaged);
  - The National Team for the Prevention and Suppression of Domestic Violence and Violence Against Women - provides for membership of NGOs and provides for membership of local NGOs and county teams for the prevention and suppression of domestic violence and violence against women;
  - Commission for Monitoring and Improving the Work of the Bodies of Criminal and Misdemeanour Proceedings and the Enforcement of Sanctions Related to Protection against Domestic Violence.
- By the Law on Protection against Domestic Violence, which came into force on 1 January 2018, CSOs or persons employed in these organizations are considered to be competent bodies which in their work contact with victims of domestic violence and accordingly have a duty to report to the police or state attorney the suspicion of domestic violence (breach of this obligation is a misdemeanour) and to inform the police that the perpetrator does not act in accordance with the imposed protective measure.



CYPRUS / CHYPRE

#### *The Institutions and other related issues Law*

- **Nature, level, date, explanation of the “good practice”:**  
Adopted in July 2017, the Law creates a rational basis for NGOs’ operation.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
The goal is to fill in the gaps and weaknesses of the previous legislation governing non-governmental organizations and to enhance their good governance and financial transparency.
- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**  
Yes.

#### *The Private Utilities (Certification) Bill*

- **Nature, level, date, explanation of the “good practice”:**  
The Bill, which is on discussion at the house of representatives, determines the charitable status of an organization.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
The aim is to modernize the law with regard to philanthropic organizations with the main philosophy focusing on controlling the way they work by introducing criteria, assessing and certifying all charitable bodies and implementing policies that create a modern favorable environment, to give more credibility to voluntary and non-governmental organizations and to protect them as well.
- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**  
Yes.



SERBIA / SERBIE

#### *Law on Associations*

- **Nature, level, date, explanation of the “good practice”:**

While freedom of association is guaranteed by the Constitution, legal status of Civil Society Organizations in the Republic of Serbia is established primarily by the Law on Associations. Article 2 of the said Law prescribes that activities of political parties, trade unions, sports organizations and associations and religious communities shall be regulated by a special law. However, provisions of this Law shall apply with respect to any issues related thereto that are not governed by a specific law.

### Standards and regulation at domestic level (3.1.1)



SPAIN / ESPAGNE

*The Act 45/2015, for Voluntary works and organizations of Voluntary works.*

- **Nature, level, date:**

Legislation (Act 45<sup>a</sup>/2015)/State/2015

- **Substantive explanation of the good practice:**

The voluntary work constitutes a fundamental element of participation of the civil society in public policies and has been ruled in Spain the first time in Act 6/1996. Nowadays, the new Act 45/2015 rules the voluntary work according to the actual status quo (with different motivations and kinds) and according to the actual regulation in E.U. (specially, Regulation [EU] 375/2014 of the European Parliament and of the Council of 3 April 2014, establishing the European Voluntary Humanitarian Aid Corps, "EU Aid Volunteers initiative").

In this context, the present Law implements an opened, participative and intergenerational voluntary work that combines, with the necessary balance, the dimensions of help and participation, and the aspiration to change and to make better the society, focused more on the quality than on the quantity.

This Law regulates a voluntary action without excluding any area of action (the called Third Sector, but in other more new areas, like companies, universities, Public Administrations) and including all civil society organizations, whatever their status, size, area, scope, etcetera. In fact, some of the objectives of the Law (art. 1) are:

- a) To promote the participation of the citizenship in voluntary work, specially through entities of voluntary work, civil society organizations, etc., according to the international and national principles of the voluntary work.
- b) To establish the requirements and rights of volunteers in their relations with the organizations and entities.
- c) To regulate the cooperation that the Public Administrations can carry out in the frame of their scope in this field.

- **Implementation:**

The Act 45/2015, for voluntary works and organizations of voluntary works, recognizes new forms of voluntary work that in the last years have emerged strongly (concrete actions, without joining global or long-term programs or those which are carried out by volunteers using new technologies of social media without physical presence of their).

The Law rules the legal regime for both: volunteers and organizations of voluntary works, protecting the rights of both of them (volunteers, including minors and persons with disabilities, and organizations) and establishing the legal frame of their activities (as well as the regime of incompatibility, promotion, support, etc.).

In order to the implementation of the Law, two special bodies are created:

- the *Comisión Interministerial del Voluntariado*, which is concerned with coordination of Public Actions;
- the *Observatorio Estatal del Voluntariado*, which is concerned with data collection, information, publications.

In addition, the Law invites the companies and Public Administrations to promote the voluntary works, adjusting if necessary the time of work in order to allow the workers taking part in actions of voluntary work.

- **Intended outcomes and/or envisaged impact, proof of its impact**

The importance of voluntary works and volunteers in Spain have been increased in the last years, including corporative voluntary works; this increase can be explained as a need of the society, but also as a result of a good rule: the Act 45/2015 makes it possible for persons, organizations, companies, universities and Public Administrations to promote the voluntary work in all the respective scope.

Source:

[https://www.msssi.gob.es/ssi/familiasInfancia/ongVoluntariado/docs/La\\_accion\\_voluntaria\\_en\\_2016\\_Solidaridad\\_y\\_Juventud.pdf](https://www.msssi.gob.es/ssi/familiasInfancia/ongVoluntariado/docs/La_accion_voluntaria_en_2016_Solidaridad_y_Juventud.pdf)

<http://www.plataformavoluntariado.org/ARCHIVO/documentos/recursos/el-voluntariado-en-espana-una-decada-de-investigacion-2005-2015.pdf>

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

The civil society organizations have been consulted and many of them (circa 50) have participated in the elaboration of the Law (Act 45/2015) through the Platform of Third Sector and Plataforma of Voluntary work of Spain (NGO integrated by several civil society organizations and NGOs (79), joined to the Platform of Third Sector and which is engaged in coordinating the promotion of the voluntary work). This NGO (Plataforma del Voluntariado de España) participates also in the State Council of NGO (inside the Ministry of Health).

Source, i.e.: <http://www.plataformatercersector.es/es/noticias/la-plataforma-del-voluntariado-de-espa%C3%B1a-valora-la-aprobaci%C3%B3n-de-su-nueva-ley>

<http://www.plataformavoluntariado.org/quienes-somos.php>

(The State Council for NGO's of Social Action is a collegiate organ with interinstitutional and consultative characters, which depends of the Ministry of Health, Social Services and Equality, and which is constitutes a space of meeting, dialog and participation of the associative movement and civil organizations to prepare and implement social policies).

Other links:

Ministry of Health, Social Service and Equality; voluntary works:

<https://www.msssi.gob.es/ssi/familiasInfancia/ongVoluntariado/home.htm>

Consejo Estatal de ONG de Acción Social:

<https://www.msssi.gob.es/ssi/familiasInfancia/ongVoluntariado/consejos.htm>

Act 45/2015:

<https://www.boe.es/buscar/act.php?id=BOE-A-2015-11072>



### *Strengthening Capacity of CSO to Implement Law of Ukraine “On Public Associations”*

- **Nature, level, date, explanation of the “good practice”:**

The Commissioner’s Office together with the OSCE Project Co-ordinator office and State Registration Service of Ukraine participated in the realization of the project “Strengthening of capacity of public authorities and civil society organizations in Ukraine within the implementation of the Law of Ukraine “On Public Associations”.

Within the Project qualified experts gave explanation as to the new approaches to the realization of the right to freedom of association, and implemented within the Project measures contribute to ensuring the public access to the legal framework that defines the order of creation and activity of public associations.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The project aimed to strengthen the capacity of regional state institutions responsible for the application of the adopted Law of Ukraine “On Public Associations”, and civil society organizations to adapt their administrative practices to new legislation regulating mentioned sphere. The project gave the possibility to the public authorities and civil society organizations to adapt existing practices to the new legislation concerning the registration of public associations, in particular, by means of conducting of information seminars and production of information methodical materials.

### Mechanisms at domestic level offering protection and redress (3.1.2)



#### CROATIA / CROATIE – BY ENNHRI

The Office of the Ombudswoman of the Republic of Croatia (A-Status NHRI)

#### *Intervention in Court Case on Roma Rights*

- **Nature, level, date, explanation of the “good practice”:**

In 2011 the Ombudswoman Office, as an equality body, intervened in a court case initiated by two Roma pupils. They had to complete their practical education (apprenticeship) as a part of the high school education and applied for the apprenticeship in a private local shop. They were refused “because they are Gypsies.” The claim has been accepted by the first instance court who ruled that this is racial or ethnic discrimination. The second level court confirmed the ruling, but unfortunately, decreased the compensation. The case was initiated in 2011 at the municipal court in Varžadin – it related to two Roma girls Lidija Ignac and Željka Balog. The intervenors in the case were a Roma NGO Romi za Rome and Centre for Peace Studies and our Office. We worked together on supporting the claims of Roma girls. The final verdict dates from 2013.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

In relation to this case, a new National Plan for Fight against Discrimination adopted at the end of 2017 recognizes that Roma pupils and persons with disabilities still encounter similar challenges in their education. For this reason, the Action Plan foresees a measure aimed at education of employers on their obligation to implement the Anti-discrimination Act and create a working environment free of discrimination.



#### FINLAND / FINLANDE

#### *National Crime Prevention Programme*

- **Nature, level, date of the “good practice” :**

Action plan; Working Together for Safer and More Secure Communities – National Crime Prevention Programme 2016–2020.

- **Substantive explanation :**

The Programme aims to promote the consultation of local residents and non-governmental organisations in the planning of crime prevention measures and to improve the opportunities of citizens to influence and participate in preventing crime and increasing the sense of safety and security in their communities. The Programme also sets out recommendations aimed at increasing general awareness about the rights and opportunities of citizens to influence act and participate.

- **Implementation:**

The Programme has several concrete measures on consultation of local residents and non-governmental organisations in the planning of crime prevention measures. Municipalities are encouraged to use their existing inclusion structures (such as regional panels, regional forums, neighborhood and village associations, older people’s and youth councils) and organise, where necessary, regional consultation events concerning crime prevention and security for residents and organisations operating in the area and disability.

Concrete measures to consult local residents are safety surveys and safety walks. The web site of Council for crime prevention is offering information and practical guidance for using these two methods. A road show was organised with the Regional State Administrative Agencies for disseminating the Programme.

- **Intended outcomes and/or envisaged impact, proof of its impact;**

The National Council for Crime Prevention monitors the implementation of the Programme annually. The Council conducted a survey on the present state of the crime prevention at the municipalities in 2017. The

results indicated that the consultation of local residents in crime prevention is not very common yet and need to be encouraged. The final evaluation of the Programme will be conducted in 2020.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs :**

The measures in the Programme were prepared in workshops that were implemented in various parts of Finland in collaboration with local actors. Two of the workshops were for young people and the rest were for individuals working in crime prevention. Civil society organisations also participated in the workshops. Three workshops were implemented in collaboration with the Finnish Federation of Settlement Houses about good neighbourliness and increasing cooperation with asylum seekers and residents.



*Participation of a social representative in criminal trial*

- **Nature, level, date of the “good practice”:**

Participation of social representative in criminal proceedings, including the pre-trial stage, is regulated by the Polish Code of Criminal Proceedings of 6 June 1997.

- **Substantive explanation of the “good practice”:**

The Code of Criminal Proceedings provides for specific procedural rights in criminal trial to social organizations that defend human rights – in cases related to statutory tasks of those organizations. It imposes on the authorities conducting criminal proceedings an obligation to notify the social organization about the initiation and termination of criminal proceedings initiated by a notification of crime submitted by such organization.

- **Implementation:**

The Code of Criminal Proceedings (Article 90 of the Code) provides for a possibility to a representative of a social organization to declare his/ her participation in the proceedings, if there exists a need of protecting a social interest or of an important individual interest related to statutory tasks of organization concerned, in particular protection of freedom and human rights. The representative of the social organization admitted by the court is entitled to participate in the court proceedings by taking part in oral hearings and by making statements orally and in writing (Article 91 of the Code).

A social institution that has filed the notification of crime should be notified about opening or refusal to open an investigation as well as about discontinuation of the proceedings. The above is linked with a possibility to appeal against the prosecutor’s decision to refuse to open an investigation or to discontinue the investigation. The social organization has the right to appeal against the decision on refusal to institute proceedings. In addition, if a person or institution that has filed the notification of crime is not notified within six weeks about opening or refusal to open an investigation, he / she may lodge a complaint with the superior prosecutor or with the prosecutor appointed to supervise the body to which the notification was submitted (Articles 305 § 4 and 306 § 1 and 3 of the Code).

- **Intended/ measured outcomes and/or envisaged impact:**

The above regulation aims at providing social representatives with the right to initiate criminal proceedings in matters important for those organizations as well as the right to participate in the criminal trial. It also aims at providing those organizations with possibility to question unfavourable prosecutor’s decisions on refusal to open an investigation and / or on discontinuation of the investigation.

## Conducive political and public environment (3.2)



### *Activities of the Human Rights Defender in (post) conflict situations*

#### - **Nature, level, date of the “good practice”:**

The Human Rights Defender of Armenia actively promotes and protects human rights in (post) conflict situations in different directions:

(a) The Human Rights Defender published ad hoc reports illustrating Defender's fact-finding activities in borderline civilian settlements (villages) of Tavush Province of Armenia. Periodic shootings from Azerbaijani troops towards the villages were conducted targeting schools, kindergartens and other civilian buildings. Gross human rights violations (e.g. rights to life, health, property) were reported. The Defender conducted its activities with the villages' Administrations, NGOs, civilians and media.

(b) In cooperation with ICRC, capacity building activities for HRDO's staff are conducted on International Humanitarian Law.

#### - **Intended/ measured outcomes and/or envisaged impact:**

(a) The reports were discussed with ICRC mission. It agreed to consider providing assistance to these villages. In general, mission provides assistance through building protective walls in front of secondary schools, kindergartens and other civilian objects that are targets of shootings.

(b) The capacity of relevant representative of HRDO has been built to properly address rights violations in this field.

### *Exchange of experiences with other NHRIs*

#### - **Nature, level, date of the “good practice”:**

During 2017 a number of representatives of different national human rights institutions from the Republic of Bosnia and Herzegovina, Tunisia, and Morocco visited Armenia to examine the Defender's experience in the field of promotion and protection of human rights with a particular focus on the activities of the Defender as NPM.

Besides several meetings with the Defender and his respective staff members in the framework of which the delegations get familiarised with the role, mandate and general activities of the Defender's Office, they also conducted monitoring visits to closed institutions, namely penitentiary and psychiatric institutions etc. During the visits the working manners of the NPM of Armenia, reporting, monitoring and individuals interviewing techniques at close institutions, manner of working with the heads of the closed institutions for solving the problems, etc. were examined. The delegation from Morocco attended the international workshop on Unique features of monitoring in psychiatric institutions. In their turn, the representatives from Tunis attended the workshop on Methods and techniques of interviewing children. They also attended the meetings of the respective staff members of the Defender with the representatives of local human-rights NGOs.

#### - **Intended/ measured outcomes and/or envisaged impact:**

The Human Rights Defender's Office of Armenia shared its outstanding experience and good practices with foreign NHRIs. As a result, working methods and principles were highly estimated by the delegations and agreements on examining and implementing them in their countries were reached.

### *Introducing Pupils to the work of the Human Rights Defender*

#### - **Nature, level, date of the “good practice”:**

The Child Rights Protection Unit of the Human Rights Defender's Office periodically hosts pupils from schools of Yerevan and other regions of the country.

#### - **Intended/ measured outcomes and/or envisaged impact:**

Pupils get familiarised with their basic rights and freedoms, the role and mandate of the Human Rights as well as complain mechanisms to Defender. Particularly, the opportunities, such as the possibility to address a complaint or receive legal aid anonymously to the Defender's Office through the website <http://children.ombuds.am/> are also presented during such meetings.



*Legal Assistance and Civil Society Development Sector within the Ministry of Justice*

Establishment of the Legal Assistance and Civil Society Development Sector within the Ministry of Justice of Bosnia and Herzegovina (BIH) has ensured preconditions for the adoption of legislation, strategies and other public policies, creation of a favourable environment for the civil society development and constant up-grading of the cooperation between the state and civil society. The Ministry of Justice of BIH is particularly committed to the creation of an enabling environment for civil society development in BIH and the cooperation between the civil society and the institutions of BIH.

Within its competence, the Legal Assistance and Civil Society Development Sector has been cooperating for a number of years with its peer organizational units in the region dealing with civil society development. Cooperation has been established with the Office for Associations of the Government of the Republic of Croatia, the Office for Cooperation with Civil Society of the Government of the Republic of Serbia, the Office for Cooperation with Civil Society of the Government of Montenegro. This cooperation has facilitated exchange of good practices and experience for improved collaboration with civil society. The continued regional collaboration has also led to the establishment of partnership between civil society organizations from these countries and joint applications to some public calls for projects by the EU and other international donors.

Since 2012 the BIH Ministry of Justice is a member of the Advisory Board of the LOD project implemented by the UNDP and funded by the EU, and since 2017 of the ReLOAD project whose aim is to contribute to democratic stabilization, reconciliation and further development of BIH through support to selected municipalities in establishing better local governance/civil society relations and facilitating financing mechanisms for improved service provision.

The BIH Ministry of Justice is also a beneficiary of the EU funded project "Capacity Building of Government Institutions to Engage in Policy Dialogue with the Civil Society" (CBGI), where it actively participates in the realization of various activities aimed at establishing partnership relations and cooperation between the government institutions and civil society.

For more information see:

<http://www.cbgi.ba/>

[http://euinfo.ba/project\\_25/projekat-jacanje-lokalne-demokratijedemokracije-lod/](http://euinfo.ba/project_25/projekat-jacanje-lokalne-demokratijedemokracije-lod/)

[http://www.ba.undp.org/content/bosnia\\_and\\_herzegovina/bs/home/presscenter/vijesti/2018/02/reloadprojekatjavnipoziv.html](http://www.ba.undp.org/content/bosnia_and_herzegovina/bs/home/presscenter/vijesti/2018/02/reloadprojekatjavnipoziv.html)

*Cooperation Agreement between the Council of Ministers of Bosnia and Herzegovina and NGOs in Bosnia and Herzegovina*

One of the most significant good practice examples in BIH is the adoption of a Cooperation Agreement between the Council of Ministers of BIH and non-governmental organisations in BIH, which was signed on 30 November 2017 in the Parliamentary Assembly of BIH. By this Agreement, the Council of Ministers (CoM) reaffirmed its dedication to the cooperation with NGOs in BIH. Under the Agreement, the Legal Assistance and Civil Society Development Sector was given the role of a coordinator of the cooperation between the CoM of BIH and NGOs in BIH.

The primary objective of the Agreement is the institutionalization of the cooperation and a more precise identification of priorities. With additional precision, the Agreement placed the cooperation between the CoM and NGOs in BIH in the field of public policies falling under the responsibility of the CoM BIH, and defined the principles of cooperation between the CoM BIH and NGOs in the European integration process as the key foreign policy priority of BIH.

In addition, the Agreement sets out the responsibilities of both the CoM BIH and the NGOs. The CoM BIH undertook to continue with the activities on the creation of an enabling environment for the participation of citizens and NGOs at all stages of the development and implementation of public policies falling under its competence, as well as on up-grading the institutional cooperation mechanisms and instruments for the development of a favourable setting for the activities of and the cooperation with NGOs.

The Agreement was made in partnership with NGOs and during its drafting four public discussions were organized in Sarajevo, Banja Luka, Mostar and Bijeljina, with the participation of 148 NGOs representatives. In the course of the discussions, significant proposals and comments were made for the improvement of the wording of the Agreement. Furthermore, public on-line consultations were organised during the drafting process via web platform [ekonsultacije.gov.ba](http://ekonsultacije.gov.ba) in the period between 5 and 20 May 2017. In March 2018, the BiH Ministry of Justice, in cooperation with the Civil Society Promotion Centre, will realize the activities on the promotion of the *eKonzultacije* web platform. This web platform will be presented to civil society organizations in 10 cities of Bosnia and Herzegovina.

The Agreement and other information are available at:

[http://www.mpr.gov.ba/nvo/archive.aspx?langTag=bs-BA&template\\_id=116&pageIndex=1](http://www.mpr.gov.ba/nvo/archive.aspx?langTag=bs-BA&template_id=116&pageIndex=1);

<https://ekonsultacije.gov.ba/legislativeactivities/documents/2116>,

[http://www.vijeceministara.gov.ba/saopstenja/saopstenja\\_predsiedavajuceg/default.aspx?id=26904&langTag=bs-BA](http://www.vijeceministara.gov.ba/saopstenja/saopstenja_predsiedavajuceg/default.aspx?id=26904&langTag=bs-BA)



CROATIA / CROATIE

The Government Office for Collaboration with NGOs of the Republic of Croatia is the key interlocutor between the Government and CSOs, responsible for spearheading initiatives geared at creating an enabling environment for CSOs. The Office also plays an important role in ensuring the implementation of the legal framework which governs citizen consultations in public policy development. The National Foundation for Civil Society Development is a key mechanism for providing public grants as well as EU grants to CSOs, through a decentralized mechanism of grants distribution.

There is also a Council for Civil Society Development which is an advisory body to the Government on civil society matter. Among others, the Council also oversees the implementation of the Government Strategy for the Development of an Enabling Environment for Civil Society 2017-2021. Croatia is also a member of the Open Government Partnership.



CYPRUS / CHYPRE

#### *Charter of Citizens' Rights and Obligations*

##### **- Nature, level, date, explanation of the “good practice”:**

It is a Council of Ministers Decision which draws its inspiration from the Charter of Fundamental Rights of the EU, in particular from Article 11 on freedom of expression and information, Article 12 on freedom of assembly and association, Article 21 on the prohibition of discrimination and Article 41 on the right to good administration as well as the real experience of citizens and organizations directly or indirectly involved in European and national public policies. It contains 16 articles and is divided into the following sections: General principles, Active citizenship, Liabilities of the active citizen.

##### **- Intended outcomes and/or envisaged impact, proof of its impact:**

It is a tool in shaping and upgrading policies related to active citizenship and planning that define the roles, rights and obligations of active citizenship. It is expected that the publication of the Charter and its recognition by the Republic of Cyprus will contribute to its construction and development through the collective exercise of the already recognized as guaranteed fundamental rights of the citizens.

*Policy paper in cooperation with the Council of Europe entitled “Organized Civil Society in Cyprus: Building the Future”*

##### **- Nature, level, date, explanation of the “good practice”:**

It is a Council of Ministers Decision. The role and importance of non-governmental organizations is recognized by the European Union, where through dialogue they contribute to the promotion of

participatory democracy and the implementation of European policies. This policy paper is an effort to strengthen and enhance the cooperation and dialogue with the NGOs of the country, as well as to strengthen the Civil Society in Cyprus.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The purpose of the Civil Society Policy Paper is to enhance the ways in which the potential of CSOs in Cyprus can be highlighted and exploited.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Yes.

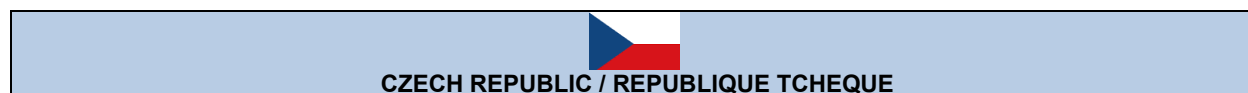
*“The Volunteer’s House”*

- **Nature, level, date, explanation of the “good practice”:**

It is a Council of Ministers Decision. An important tool for operating an organization is, among other things, the proper infrastructure and the provision of basic equipment. Having this as a principal, the Government approved the creation of the Volunteer’s House in each province in order to cover the basic housing and office needs of voluntary and non-governmental organizations. In addition to the free allocation of housing and basic office equipment (offices, computers, telephones, etc.) to a number of voluntary and non-governmental organizations. Volunteer’s Houses are also provided for use by all organizations and will be configured accordingly to be offered for organization meetings and events.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The aim is to facilitate the role and initiatives of NGOs.



*Adoption of the “State Policy with Respect to Non-Governmental Organizations for the Years 2015 - 2020” by the Government of the Czech Republic*

- **Nature, level, date of the “good practice”:**

In 2015, in order to create a stable framework for the relations of the national government with non-profit, non-governmental organizations (NGOs or CSOs), the government of the Czech Republic adopted the document “State Policy with Respect to Non-Governmental Organizations for the Years 2015 - 2020.”<sup>11</sup> The strategical, future oriented part of the document<sup>12</sup> is divided in four segments, which elaborate on the four basic principles of the State policy. These principles include: (1) governmental support for the sustainability, diversity and independence of NGOs; (2) effective and transparent policy-making and financing; (3) support for volunteering and private donations as manifestation of participation of citizens in public affairs; and (4) the partnership principle.

- **Substantive explanation:**

According to the “State Policy”, the government supports sustainability of strong, varied and independent NGOs. It sees the operation of NGOs in many areas of social life as irreplaceable. The government perceives the activities of NGOs as an important part of the system of providing services for citizens and communities as well as a way how citizens can participate in public life. The Government appreciates not only the work of NGOs, which provide services to citizens, and philanthropic NGOs, which financially support other NGOs, but also of advocacy NGOs, which strive for system changes in different areas, including human rights and the protection of minorities and vulnerable groups.

The document addresses a wide range of issues, such as availability of information, which NGOs need for their work, the professionalization of NGOs providing services, efforts to achieve higher transparency, co-operation of public sector with NGOs on legislative and other issues, indirect support for NGOs through a system of suitable tax reductions, volunteering and private donations.

<sup>11</sup> Available in [English](#)

<sup>12</sup> See Part 3, page 75 and the following.

- **How it is concretely implemented:**

The “State Policy” involves an action plan which assigns tasks to ministries and other public institutions. The implementation of the action plan by ministries and other bodies is overseen by the *Government Council for the Non-Governmental Non-Profit Organizations* (established in 1992). At present, the Council has the maximum of 35 members. These members represent, in principle, two groups, namely NGO experts (at least one-half of the members according to the Statute of the Council) and high ranking public administration representatives.<sup>13</sup> The experts focus on specific areas of work of the Council, and, at the same time, represent the non-profit sector and its opinions and attitudes. At present, the Minister of Justice heads the Council.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The “State Policy” has been adopted with the intention to achieve impact on two levels.

*First*, on the systemic level, it defines the relations of the central government with non-governmental, non-profit sector and thus makes government policies more transparent, stable, coherent and foreseeable. This is an important precondition for the effective co-operation of the government and central government bodies with NGOs and other civil society actors and the further development of the partnership principle.

*Second*, the measures envisaged in the action plan bring outcomes, which create regulatory and financial frameworks favourable for the sustainability (or development) of NGOs and their roles in the society. Examples of such measures include continuous provision of grants from the national budget by ministries to support specific activities of non-governmental organisations in various pre-defined areas,<sup>14</sup> launching a new small grant scheme to support “universal” umbrella non-governmental organisations (administered by the Department for Human Rights and the Protection of Minorities of the Office of the Government) or conducting in-depth studies on private donations and on possible actions of the government on how to remove barriers for private donors. The overview of measures (action plan) is annexed to the “State Policy”.<sup>15</sup>

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

The “State Policy” and its action plan have been developed in close cooperation with civil society organisations and the academic sector. The measures of the action plan are implemented, where appropriate, with the involvement of the relevant civil society organisations. The structural basis for such co-operation between the government and the civil society actors is provided, in particular, by the *Government Council for the Non-Governmental Non-Profit Organizations*, its committees and working groups (see also above) or other, specific advisory bodies of the government (e.g. Government Council for Equality between Men and Women, Government Board for Persons with Disabilities, etc.).

*Small grant scheme “Support for the Capacity Building of Nation-wide, Cross Sectoral Networks of NGOs”*

- **Nature, level, date of the “good practice”:**

According to the document “State Policy with Respect to Non-Governmental Organizations for the Years 2015 – 2020”, adopted by the Government of the Czech Republic in 2015,<sup>16</sup> the Government will cooperate with NGOs especially through their field-specific and universal networks and umbrellas at the level of the Government as well as at the level of individual bodies of the State administration, provided that these networks and umbrellas show their representativeness with sufficient membership bases.

In order to support such co-operation, and the quality thereof, the action plan, which is an integral part of the “State Policy”, involves a couple of measures, including the setting up of a small grant scheme to support nation-wide universal networks and umbrellas of NGOs:

<sup>13</sup> Specifically, they are Deputy Ministers of Finance, Culture, Defence, Labour and Social Affairs, Regional Development, Industry and Trade, Education, Youth and Sports, the Interior, Justice, Foreign Affairs, Health, Agriculture and Environment, representatives of the Association of Regions of the Czech Republic and representatives of the Union of Towns and Municipalities of the Czech Republic.

<sup>14</sup> The areas of support of the NGOs from the state budget are established annually in a document *Main Areas of the State Grant Policy with Respect to NGOs*. The document is prepared by the Secretariat of the Government Council for Non-profit, Non-Governmental Organisations and approved by the Government of the Czech Republic.

<sup>15</sup> Available at [http://www.vlada.cz/assets/ppov/rnno/dokumenty/statni\\_politika\\_EN.pdf](http://www.vlada.cz/assets/ppov/rnno/dokumenty/statni_politika_EN.pdf). See pp. 105 – 113.

<sup>16</sup> Available in [English](#)

*“Support NGO networks and umbrellas being established on a universal (all-field) principle. At the level of the Chairman of the Government Council of the Non-Profit, Non-Governmental Organisations, ensure a grant title to support nation-wide universal networks and umbrellas of NGOs as a manifestation of the support of the state for the establishment and activities of self-governing NGO entities.”<sup>17</sup>*

- **Substantive explanation:**

The small grant scheme *Support for the Capacity Building of Nation-wide, Cross Sectoral Networks of NGOs (Podpora kapacit celostátních mezioborových sítí nestátních neziskových organizací)* was established in 2016 as the manifestation of the support by the State for the establishment and activities of self-governing NGO entities. While most nation-wide field-specific umbrella organisations are eligible for grants provided from the State budget by ministries or other central bodies,<sup>18</sup> the universal networks and umbrellas lacked such financial support from national resources as there was no “corresponding” ministry. The new small grant scheme intends to close this gap.

- **How it is concretely implemented:**

Based on the action plan as an integral part of the “State Policy with Respect to Non-Governmental Organizations for the Years 2015 – 2020”, the Ministry of Finance allocates annually 3 million CZK (approximately € 120 000) for the new grant scheme.

Since 2016, the new grant scheme has been administered by the Office of the Government, the Secretariat of the Council for Non-profit, Non-governmental organisations (the Secretariat is a part of the Department for Human Rights and the Protection of Minorities.)

In 2017, three general umbrella networks received grants, namely The Association of Public Benefit Organizations of the Czech Republic (ANNO ČR), The Donors' Forum (Fórum dárců, z. s.) and the For Easy Donations Association (Za snadné dárcovství, z. s.).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The intended outcome is the strengthened capacity of universal umbrella networks of NGOs. The envisaged impact is the increased quality and stability of the cooperation between the state authorities and NGOs on systemic issues related to the non-profit sector, based on mutual understanding, knowledge and responsibility. Since the grant scheme is new, the long-term impact can be evaluated after 3 – 5 years of its existence.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles)**

The “State Policy” and its action plan have been developed in a close cooperation with the civil society organisations and the academic sector. The NGOs are the beneficiaries of the grant scheme.



**DENMARK / DANEMARK – BY ENNHRI**

Danish Institute for Human Rights (A-Status NHRI)

*Training and support of civil society on legal briefs*

- **Nature, level, date, explanation of the “good practice”:**

Most of the Danish Institute for Human Rights' efforts on human rights education targets duty bearers. However, we provide free of charge training for civil society organisations with different human right themes such as introduction to human rights, the rights of the child in asylum cases, equal treatment, homeless people's rights, etc.

The Institute has an on line demand e-courses and materials that are available to all. Further more we facilitate targeted training for teachers and social work educations on human rights and human rights education.

The Institute, as national human rights institution, prepares legal briefs to proposed legislation. To strengthen the process, and ensure civil society participation, we have recently embarked on having

<sup>17</sup> See page 99 and the following.

<sup>18</sup> The areas of support of the NGOs from the state budget are established annually in a document *Main Areas of the State Grant Policy with Respect to NGOs*. The document is prepared by the Secretariat of the Government Council for Non-profit, Non-Governmental Organisations and approved by the Government of the Czech Republic.

roundtables with civil society organisations on proposed or up-coming legislative proposals. The aim of these roundtables is to raise awareness of the human rights aspects and to encourage organisation's to, for instance produce legal briefs or apply their influence in relation to the decision making process and relevant stakeholders.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Results can be identified when we register how many organisations have sent legal briefs and whether the proposed legislation is amended before adoption, in accordance with recommendations made by either ourselves or the civil society organisations.



*Government Democracy Policy Report & Action Plan*

- **Nature, level, date of the “good practice”:**

In the first Government Report on Democracy Policy submitted to the Parliament in 2014, the Government pledged to prepare a national action plan on promoting democracy in Finland at the beginning of the following government term. The Action Plan covers the years 2017–2019. The Action Plan for Democracy Policy was adopted as a government resolution on 16 February 2017.

- **Substantive explanation :**

The objective of the Action Plan is to respond to challenges related to democracy and to promote and find concrete expressions for the citizens' possibilities of participating and exerting influence in compliance with section 14(4) of the Constitution.

The priority areas of the Action Plan are equal possibilities for and new modes of participation, municipal and regional democracy, open governance and consultation, operating conditions of NGO and voluntary activities, democracy education as well as the societal operating environment and discussion climate.

- **Implementation:**

The Plan monitors the implementation of the actions set out in the Report on Democracy Policy, outlines the priorities of Finland's democracy policy during this government term, and specifies concrete goals and actions aiming to promote the implementation of democracy in different administrative branches. The Action Plan also examines the roles of different authorities in safeguarding the citizens' possibilities for participating and exerting influence. The Ministry of Justice together with cross-governmental democracy network coordinates the implementation.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Greatest issues that need to be addressed via democracy policy regard inequalities in participation as well as lowering voting percentages in elections. Background and socio-economic status reflect to the participation a great deal. In addition to specific measures (37 concrete projects in the Action Plan) there is a need to coordinate policies. This is a post signed to cross-governmental democracy network, which is coordinated by the Ministry of Justice. Thus research is conducted on elections and participation and specific democracy indicators are also followed. An overall evaluation of the Action Plan will take place in 2019.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs :**

The Report and the Action Plan were prepared in cooperation with the civil society. There have been a large number of consultations during the pro-cess. The Action Plan is currently implemented in close cooperation with the civil society.

*Advisory Board for Civil Society Policy*

- **Nature, level, date of the “good practice”:**

In 2007, the Finnish Government appointed an Advisory Board for the Civil Society Policy to enhance cooperation between civil society and public administration (Government Decree 269/2007). Now the new

Advisory Board was appointed on its third four-year term in February 2017, and its current mandate lasts until 2021. Coordination of the Advisory Board is based at the Ministry of Justice.

- **Substantive explanation of any "good practice" adopted at national level with regard to the protection and promotion of the civil-society space:**

The Advisory Board consists of representatives from different ministries, business lobbying organisations, the Association of Local and Regional Authorities in Finland, CSOs and voluntary sector as well as the academia. Experts have highlighted the importance and the uniqueness of the Advisory Board, in that it brings together so many different stakeholders from public and third sector to work closely together to tackle problems that hinder the work of the third and fourth sector.

- **Implementation:**

The two previous Advisory Boards have been exploring the different ways in which the work of CSOs and voluntary sector could be made easier, and looking at how to overcome the barriers in their activities. This has included, for example, a clarification of the administrative challenges that have arisen from the EU regulation, exploring the ways of solving problems related to taxation, and looking at the impact of public procurement procedures as regards to the working preconditions of the CSOs. The Advisory Board has also taken part in recent ministerial working groups, which were set to map out the challenges of volunteering.

- **Intended outcomes and/or envisaged impact, and/or where already measured, proof of its impact:**

On its term 2017-2021 the Advisory Board is continuing the work done by the two previous Advisory Boards. The Advisory Board aims especially at responding to the social and structural changes, which affect the independent and autonomous role of the civil society at the local and global level. The Advisory Board also follows closely the implementation of the National Democracy Policy Programme (2017-2019), which contains measures as regards to bettering the regulatory and operative framework of CSOs and volunteering. A half-term evaluation of the Advisory Board will be conducted in 2019 a final evaluation at the end of the term in 2021.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs :**

The work of the Advisory Board is based on cooperation with the civil society. Outcomes such as reports, statements and initiatives reflect wide consultations and discussions between civil society organisations and officials. The Advisory Board also has an important role in disseminating information.



*Appointment of the Government Plenipotentiary for Civil Society*

<https://www.spoleczenstwoobywatelskie.gov.pl/pelnomocnik-rzadu-do-spraw-spoleczenstwa-obywatelskiego-pelnomocnik-rzadu-do-spraw-rownego>

- **Nature, level, date of the "good practice":**

Since 2016 in Poland there exists a position of the Government Plenipotentiary for Civil Society. The competences of the above authority are regulated in the Regulation of the Council of Ministers of 8 January 2016 on the establishment of the Government Plenipotentiary for Civil Society based on Article 10 § 1 and 4 of the Act of 8 August 1996 on the Council of Ministers.

- **Substantive explanation:**

The practice involves placing the Government Plenipotentiary in the rank of Secretary of State in the Chancellery of the Prime Minister with competence to deal exclusively with the civil society matters. The Plenipotentiary's tasks include preparation of the National Program for the Development of Civil Society, monitoring of implementation of the above Program, coordination and monitoring of cooperation of government administration bodies with NGOs and other civic institutions. The Plenipotentiary performs his/her tasks in cooperation with the competent government administration bodies, which are obliged to cooperate with the Plenipotentiary, in particular by providing him/her with information and documents necessary to carry out his/her tasks.

- **How it is concretely implemented:**

Implementation by establishing legal framework for the Plenipotentiary's activities and allocation of adequate resources for the functioning of the above body as well as not leaving a vacancy in this position.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Placing the Government Plenipotentiary in the rank of Secretary of State in the Chancellery of the Prime Minister aims at improving the coordination of ministries' activities, as well as inter-ministerial "institutional memory" in the area of civil dialogue, and serves as a basis for more intensive engagement of the Government in the field of civil society development.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Expert teams were appointed by the Government Plenipotentiary for Civil Society for the preliminary consultations of the National Program for Supporting the Development of Civil Society. Currently there are 7 teams of experts from non-governmental organizations working on the ideas of support and development programs for the civil society. The above teams are auxiliary and advisory bodies and they are formed as an expression of the Government's will to establish permanent cooperation with non-governmental sector and scientific institutions, as well as to implement the principles of civil dialogue and civic participation in work on the creation of government programs to support the development of civil society. These teams are devoted to the following thematic areas:

- 1) Development of civil dialogue institutions,
- 2) Legal bases of civil society,
- 3) Reform of the horizontal financing system for the development of civil society,
- 4) Program for the development of long-term volunteering - Solidarity Corps,
- 5) Civic education – support and development of folk universities,
- 6) Promotion of family participation in public life and counteracting their discrimination,
- 7) Scouting programs support.

*Development of Civil Society and creation of the Committee for Public Benefit at the Chancellery of the Prime Minister*

- **Nature / level / date of the "good practice":**

In 2017 the National Institute of Freedom - Centre for the Development of Civil Society was established under the Act of 15 September 2017 on the National Institute of Freedom - Centre for the Development of Civil Society. According to the above Act also the Committee for Public Benefit at the Chancellery of the Prime Minister was created.

- **Substantive explanation of the "good practice":**

The National Institute of Freedom is an institution competent in matters of supporting the development of civil society, as well as public benefit and voluntary work, to the extent specified in the Act of 24 April 2003 on Public Benefit and Voluntary Work. As it is stressed in the preamble of the Act, the executive agency is to support the development of civil society in Poland by strengthening organized and voluntary activity of citizens in favour of various socially important goals, which refer to the Polish heritage of free citizens community and at the same time to fulfil the ideals of freedom. Its task is to run programs supporting the development of civil society and to collect and analyse data from all areas of cooperation between the state administration and the civic sector. The programs to be run by the National Institute of Freedom are going to be developed by the Department of the Civil Society at the Chancellery of the Prime Minister and adopted by resolution of the Council of Ministers, after consultation process with non-governmental organizations.

The Committee for Public Benefit is a government administrative body competent in matters of public benefit and volunteering, including programming, coordination and organization of cooperation between public administration bodies and entities operating in the public benefit sphere. The Committee's tasks include: coordinating and monitoring of cooperation of government administration bodies with the non-governmental organizations sector and other organized forms of civil society; consulting with the civil society programs developed by the Department of the Civil Society at the Chancellery of the Prime Minister to support civil society, monitoring programs implementation; preparing and issuing opinions on draft legal acts in the field of civil society development; cooperating in matters related to the development

of civil society with other countries, international and foreign organizations and institutions; cooperating in the preparation of reports on the implementation of international agreements binding Poland in the matters of civil society; presenting opinions on the possibility of Poland joining international agreements regarding the development of civil society.

- **Implementation:**

By the Act on the National Institute of Freedom - Centre for Civil Society Development, the previous competences of the Ministry of Family, Work and Social Policy in the field of public benefit are taken over by the Committee for Public Benefit. The Committee consists of the Chairman of the Committee, vice-chairman - secretary of state in the Chancellery of the Prime Minister appointed by the Prime Minister at the request of the Committee's Chairman, members in the rank of constitutional ministers participating in the work of the Committee personally or represented by relevant secretaries of state, and the Director of the National Institute of Freedom - executive agency competent in matters of supporting the development of civil society. The implementation of the Act should primarily effect in increasing government administration cooperation with non-governmental organizations, launching additional funds, mechanisms and programs to support the development of civil society.

Apart from the Civic Initiatives Fund the National Institute of Freedom is planning to run other programs that aim to strengthen civil society and civil society actors in Poland such as: Institutional Grants Fund, Civic Education Grants, programs supporting advocacy and watchdog activities of Polish organizations, programs supporting civic participation of Polish citizens as well as Polish Solidarity Corps – program of supporting long-term volunteering. The special attention will be given to provide support to organizations that so far have little chances of receiving government support – to balance chances and facilitate diversification and sustainable development of the civil society sector in Poland. The theme of the programmes are the response to problems of Polish non-profit sector voiced for many years by civil society actors and presented in various researches and discussions.

- **Intended/ measured outcomes and/or envisaged impact:**

The Act on the National Institute of Freedom - Center for Civil Society Development transfers the management of public funds of the Civic Initiatives Fund from the Department of Social Economy and Public Benefit at the Ministry of Family, Work and Social Policy to the National Institute of Freedom. At the same time the Chairman of the Committee for Public Benefit becomes the administrator of the Civil Society Support and Development Fund. The National Institute of Freedom will become the managing body of the Fund.

The measure intends to make the Civic Initiatives Fund a tool that more effectively supports civic organizations involvement in the fulfilment of their public benefit tasks. At the same time the Civil Society Support and Development Fund will be used to implement support and development programs run by the National Institute of Freedom. I

- **Cooperation with civil society in developing the “good practice”**

The Act on the National Institute of Freedom - Centre for Civil Society Development is a result of the broad dialogue with the civil society actors in Poland. The consultation process lasted 6 weeks, it was entirely opened and anyone could participate in 23 information/consultation conferences held during the consultation process across the whole country. The National Institute of Freedom is to function in a transparent manner and it will be open to social control through the Council of the Institute that will assist the Committee in supervising the Institute. The Council will also approve the principles of grant competitions. The Council will have 11 members, out of which 5 will be representatives of non-profit organizations.

Programs to be run by the National Institute are developed at the Chancellery of the Prime Minister in cooperation with groups of experts representing civil society and scientific institutions and then they are also subjected to public consultation and opinions of Council for Public Benefit Activities – consulting body consisting of the representatives of central and local governments and non-profit organizations. In November 2017, at the Chancellery of the Prime Minister, a series of debates regarding the contemporary condition of the civic sector and the search for the right directions of state policy development in its support was inaugurated.

*The Polish Aid – participation of social partners*

- **Nature, level, date of the “good practice”:**

The Development Cooperation Policy Council functioning alongside the Minister of Foreign Affairs was established pursuant to the Development Cooperation Act of 16 September 2011. The Council is an advisory and consultative body. In particular, its tasks include: tabling geographical and thematic priorities for development cooperation, assessing draft annual and multiannual development cooperation programs, evaluating Government administration bodies' annual reports on fulfilling development cooperation tasks and issuing opinions on development cooperation documents drafted by the Government. More information about the Council available at:

<http://www.polskapomoc.gov.pl/Polish,Aid,160.html>

- **Substantive explanation:**

The Development Cooperation Policy Council consists of 23 members, including: National Development Co-ordinator as the Chairman of the Council under the rank of Undersecretary of State in the Ministry of Foreign Affairs, 3 parliamentary deputies, a senator, representatives of ministers responsible for: public finances, economy, internal affairs, environment, higher education, health, education and upbringing, regional development, social security, agriculture, energy, mineral resources management and 4 representatives of non-governmental organizations, representative of representative employers' organizations and a representative of the scientific community. Composition of the Council allows for the voice of the respective social partners, such as NGOs, to be heard.

- **How it is concretely implemented:**

Implementation by establishing necessary organizational and legal framework.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Council's tasks include in particular: presenting proposals on geographical and thematic priorities for development cooperation, issuing opinions on draft multi-annual programs and annual development cooperation plans, issuing opinions on annual reports on implementation of development cooperation tasks by government administration bodies, issuing opinions on draft government documents related to development cooperation.

In the [\*Multiannual Development Cooperation Programme 2016-2020\*](#), a document of a strategic nature adopted by way of a resolution by the Council of Ministers, there are provisions referring to social partners of bilateral development cooperation. They are, among others non-governmental organizations, experts, representatives of academic institutions and other institutions involved or interested in development or humanitarian aid or global education. It should be also emphasised that according to the *Multiannual Development Cooperation Programme 2016-2020*, democracy and human rights represent one of the thematic areas of Poland's development cooperation. Support for democracy also implies strengthening civil society and its independent institutions, as well as monitoring and assessing the social and economic situation to make sure human rights and fundamental civic freedoms are observed.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

In carrying out commissioned public tasks in the field of development cooperation, non-governmental organizations, experts, representatives of academic institutions and other institutions involved or interested in development or humanitarian aid or global education constitute a key group of bilateral assistance partners maintained by Poland. Social partners influence the shape of Polish development policy and co-create its assumptions, including through participation in the work of the Programming Council for Development Cooperation. Cooperation with social partners, including non-governmental organizations, is conducted in accordance with the principles of competitiveness and transparency.

*The Warsaw Dialogue for Democracy*

[http://www.msz.gov.pl/en/p/wdd\\_en/warsaw\\_dialogue\\_for\\_democracy](http://www.msz.gov.pl/en/p/wdd_en/warsaw_dialogue_for_democracy)

- **Nature / level / date of the "good practice":**

The Warsaw Dialogue for Democracy is the annual international conference that has been organized since 2012 by the Ministry of Foreign Affairs. The working language is English. Interpretation is also provided to Spanish, Russian, Arabic and Polish.

- **Substantive explanation of the "good practice":**

The Warsaw Dialogue for Democracy has been organized since 2012. Its concept is built on the premise that democracy cannot be established once and for all, by decree or law, and needs to be constantly reviewed, improved and strengthened. Providing a platform for dialogue and reflection is one tangible way

of supporting these processes. Thus, each year WDD gives voice to human rights defenders and civil society representatives from more than 30 countries and facilitates an exchange of local experiences and know-how.

- **Implementation:**

The annual conference consists of a high-level opening session and several panel debates that focus on analysis and outcomes at relevant fields related to democracy. Each panel hosts a Q&A interaction with the audience. An interactive workshop for civil society participants complements the panel debates.

- **Intended/ measured outcomes and/or envisaged impact:**

The conference aims at providing a platform for dialogue and reflection for supporting the processes of review, improvement and strengthening the democracy.

For example, the 2017 conference aimed at cataloguing experiences from different regions in relation to youth, independent media, transitional justice and interfaith dialogue. It helped to identify actions that could be taken forward by governments, civil society and international organizations. Based on these discussions, a set of concrete recommendations was to be elaborated and transmitted to international fora devoted to the promotion of democracy and human rights.



SPAIN / ESPAGNE

*Subsidies to CSOs and NGOs by the Ministry of Education*

- **Nature, level, date of the good practice:**

Policies, action plan, administrative practices, support, legislation/State, regional/2014-now and future, the frequency is annual.

- **Substantive explanation:**

The Royal Decree 127/2014 regulates Basic Professional Training in specific aspects and creates formative programs for students with special needs (additional disposition fourth of the Royal Decree), which can be implemented in collaboration with non-profit organizations (especially in the case of Ceuta y Melilla).

In order to develop these programs in the Autonomous Cities of Ceuta and Melilla, the Ministry of Education subsidies civil society and non-profit-making organizations (in a standard annual competitive concurrence) to put in place specific educational and training programs adapted for students with special needs or for students at risk of social exclusion. The subsidized civil organizations must develop formative specific programs in order to promote educational insertion and employability; these formative programs include practical training in firms.

- **Implementation:**

The Ministry of Education grants annual subsidies to these CSOs and NGOs, which must develop and put in place educational and training programs for students with special needs or at risk of exclusion; the standard competitive concurrence assures that the organizations which offer best programs are selected. The last of these annual subsidies was put up for competitive bidding by Resolution of 25 July 2017 and 1.300.000 (one million three thousand) euros were destined and distributed among the following organizations: Spanish Red Cross, «Docentes por la Igualdad de Ceuta» (Teachers for equality), Milver Association, Melilla Integra, Fundación para el estudio y promoción de la acción social (Social Action Foundation) and several trade unions.

- **Intended outcomes, impact:**

In 2017-2018, the estimated impact in population in Ceuta and Melilla is about 280 students (students at risk of social exclusion), generally minors non EU-citizens. The academic results will be obtained when the formative period has been completed and also when the practical training has been finished.

One of the task of this program is the sociocultural insertion in Europe/Spain, because the targeted students are generally minors non EU citizens.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

The CSOs and NGOs must elaborate and develop the programs, they get the subsidies direct from the State and also the CSOs and NGOs put in place the selected programs from start to finish.

## Links:

Ministerio de Educación, Cultura y Deporte (Ministry):

<http://www.mecd.gob.es/portada-mecd/>

Educación:

<http://www.mecd.gob.es/educacion-mecd/>

Instituto Nacional de Evaluación Educativa (National Educative Evaluation Service):

<https://www.mecd.gob.es/inee/portada.html>

Ceuta and Melilla specially:

<http://www.mecd.gob.es/educacion-mecd/ba/ceuta-melilla/portada.html?sessionId=B08B707FD06320C89D66C1E011530BA8>

*Subsidies to education for “circus children”*

- **Nature, level, date of the good practice:**

Policies, action plan, support, legislation/State/1986-actual and future.

- **Substantive explanation:**

The Ministry of Education cares about the education and formative training of the “circus children” (minors whose parents work in itinerant circus). Access to education for children from circus families is complicated because of their nomadic lifestyle, so the Ministry of Education since 1986 implements a «Itinerant/mobile classrooms program»: the Ministry collaborates with civil Circus organizations and Circus companies to assure circus children’s education and training mobile classrooms, which travel with the Circus.

- **Implementation:**

Through this program («Itinerant/mobile classrooms program»), the Ministry collaborates with civil Circus organizations and Circus companies to assure circus children’s education and training mobile classrooms, which travel with the Circus, recruiting public teachers (basis of merit) to work in the mobile classrooms and providing subsidies for the Circus companies to prepare and implement the mobile school (caravan, wagon, etc.); the Ministry also provides technology and connectivity for the mobile classrooms.

The subsidies are annual granted; the basis of merit to recruit public teachers are annual provided.

- **Intended outcomes/impact:**

The objective is to assure the education of the children who travel in a circus, in a way that allows that they are not separated from their families and that every family circus can continue with the business (circus).

The control is operated by the CIDEAD: Centro para la Innovación y Desarrollo de la Educación a Distancia (Center for Innovation and Development of the Distance Education)

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

The educational needs are provided to the Ministry of Education by Circus organizations or Circus companies; they must get and prepare the caravan and the Ministry collaborates with them providing subsidies, recruiting public teachers and providing technology and connectivity for caravans and wagon; the education provided is as official as in a current public school.

## Links:

Basis of merits for teachers in Circus:

<https://www.mecd.gob.es/mecd/servicios-al-ciudadano-mecd/catalogo/general/educacion/998346/ficha.html>

CIDEAD:

<https://www.mecd.gob.es/educacion/mc/cidead/el-cidead.html>

Centro Nacional de Innovación e Investigación Educativa:

<http://educalab.es/cniie/proyectos/apoyo-educativo/atencion-alumnado/aulas-itinerantes-circos>

*Employment and Social Security*

- **Nature, level, date of the good practice:**

Legislation, action plan, administrative practices/State/2015-now and future.

- **Substantive explanation:**

In Spain, the Act 23/2015 rules the Labour and Social Security Inspection Service («*Inspección de Trabajo y Seguridad Social*»), which is inserted in the Department (Ministry) of Employment and Social Security and which is responsible for the protection of workers in the workplace and, in general, for the health, safety and environmental labour conditions. This Act 23/2015 provides several “good practices” in this field:

The principle of institutional participation: the Labour and Social Security Inspection Service must promote the collaboration with employers and workers’ organizations and trade unions (article 17.2 of the Act).

A special body (*Consejo General*) is created by this Act to promote the institutional participation, in which the Public Service (State and Autonomous Communities or regions), and employers and workers’ organizations and trade unions are represented (article 30), according to the International Conventions and Agreements (International Labour Organization, Convention, art. 5). Similarly, several Commissions («*Comisiones Territoriales*») are created with the participation of the State and the Autonomous Communities.

A «Civil Mailbox» (web) against the employment and occupational fraud is created by the State Action Plan against the irregular employment in 2013. Every citizen may file a complaint or suggestion, and victims can report their situations.

- **Implementation:**

Based on the principle of institutional participation above mentioned, and in order to put in place a effective collaboration among Public Administration, employers and workers’ organizations and trade unions, the Department and the Labour Inspection Service often inform the workers and employers’ representatives about the social policies and activities before they become effective.

The special body created by this Act 23/2015 (*Consejo General*) assures the active participation of organizations that represent citizens, employers and workers, in the scope of information, consultation, monitoring but also in the scope of legislation (proposition of new rules or regulations).

The «Civil Mailbox» against the employment and occupational fraud allows every citizen to file a complaint or suggestion, and victims can report their situations; every message sent to the Mailbox is read, classified and individually attended.

- **Intended outcomes, impact:**

This collaboration between Public Administration and civil society (in the field of work) is expected that provides better quality law enforcement and that the Law can answer better social needs through the participation of the civil society in public policies.

This «Civil Mailbox» (above mentioned) has received 195.912 messages or reports from August 2013 until December 2016.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

The employers and workers’ organizations and trade unions can participate in the discussion about public policies and legislative proposition in the *Consejo General* above mentioned, in which they and the Public Administration are represented.

Every citizen can send a message or suggestion to the «Civil Mailbox».

Links:

*Labour and Social Security Inspection Service:*

<http://www.empleo.gob.es/itss/web/index.html>

*Labour Inspectorate Annual Report:*

[http://www.empleo.gob.es/itss/web/Que\\_hacemos/Estadisticas/index.html](http://www.empleo.gob.es/itss/web/Que_hacemos/Estadisticas/index.html)

*Civil Mailbox against employment fraud:*

<http://www.empleo.gob.es/buzonfraude/>

*How to report to the Labour Inspection Service:*

[http://www.empleo.gob.es/itss/web/Atencion\\_al\\_Ciudadano/Como\\_denunciar\\_ITSS.html](http://www.empleo.gob.es/itss/web/Atencion_al_Ciudadano/Como_denunciar_ITSS.html)

*Ministry of Employment and Social Security:*

<http://www.empleo.gob.es/index.htm>

*The Act 43/2015 for Third Sector of Social Action*- **Nature, level, date of the good practice:**

Legislation, policies, action plan, administrative practices/State/2005-now and future.

- **Substantive explanation:**

The State Council for NGO's of Social Action is regulated by Royal Decree 235/2005; it is a collegiate organ with interinstitutional and consultative characters, which depends of the Ministry of Health, Social Services and Equality, and which constitutes a space of meeting, dialog and participation of the associative movement and civil organizations to prepare and implement social policies and drafts regulations.

The Platform of the Third Sector, constituted in January 2012, defends the rights and social interests of the citizens, principally the interests of the persons in situation of poverty or at risk of exclusion.

The Commission for the Civil Dialog with the Platform of the Third Sector is integrated by representatives of the Ministry and of the Platform of the Third Sector.

- **Implementation:**

This State Council for NGO's informs drafts regulations and legislative acts, participates in process to provide subsidies, makes several proposals and formulates ideas about civil participation and civil organizations.

This Platform of the Third Sector joined the seven most representative social organizations: the Platform of the Voluntary work of Spain (PVE), the European Network of Fight against the Poverty and the social Exclusion in Spain (EAPN - ES), the NGO's Platform of Social Action (POAS), the Representatives' Spanish Committee of Persons with Disability (CERMI), Spanish Red Cross, Cáritas and the Blind persons' National Organization of Spain (ONCE).

On the other hand, subsidies for the Third Sector are provided by the State in several fields (charity, humanitarian action, cooperation to the development, institutional participation, etc.).

- **Intended outcomes, impact:**

Through the State Council for NGOs is provided an effective way to assure the participation of civil society in discussions about social policies and draft regulations.

Today the Platform of the Third Sector joins twenty social and civil organizations; the Platform of the Voluntary Work of Spain (PVE), which is joined in Platform of the Third Sector, is a NGO integrated by several civil society organizations and NGOs (actually 79; source: <http://www.plataformavoluntariado.org/quienes-somos.php>)

The Platform of the Third Sector has published books and has signed conventions with several institutions in order to defend the rights and social interests of the citizens, principally the interests of the persons in situation of poverty or at risk of exclusion. You can see the annual reports of activities here: <http://www.plataformatercersector.es/es/quienes-somos/memorias-de-actividad>

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

NGOs are the real protagonist in the State Council for NGO's of Social Action, where they can propose, discuss and monitor social policies and drafts regulations. This Council comprises the Minister of Health but and another authorities, but also representatives of many NGOs (7 representatives of NGOs with a wide area of action and 19 representatives of NGOs or organizations for vulnerable groups: persons with disabilities, immigrants, gypsy population, drugs addicts, children, families, person at risk of exclusion...)

Also the Platform of the Third Sector provide an effective voice for the citizens (especially who are in situation of poverty) in order to defends their social interests.

Links:

Plataforma del Tercer Sector:

<http://www.plataformatercersector.es/es>

State Council of NGOs:

<https://www.msssi.gob.es/ssi/familiasInfancia/ongVoluntariado/consejos.htm>

### The right to associate (de facto), advocacy ability (3.2.1)



#### Charte associative

- **Nature, niveau, date:**

Charte / entités fédérées francophones / adoptée le 12 février 2009

- **Explication:**

La Charte associative vise à redéfinir les rapports entre services publics et secteurs associatifs, notamment en reconnaissant leur rôle de relais entre le citoyen et les pouvoirs publics. La Charte reconnaît tout particulièrement la liberté d'association (« les associations définissent en toute autonomie leur objet social, leurs actions ainsi que leur mode d'organisation et de représentation) et encourage la liberté d'expression des associations, notamment « l'exercice de leur capacité critique ». Elle redéfinit les rapports dans un souci de complémentarité et non de concurrence.

- **Mise en œuvre :**

Dans le Ch. III, plusieurs engagements sont décrits. Ainsi, les pouvoirs publics signataires s'engagent à :

- « à liquider les subventions aux associations dans les délais et à privilégier le subventionnement dans la durée » ; et
- « à soutenir le volontariat, aux côtés de l'emploi salarié, comme acte de solidarité ou de militance dans l'action et la gestion des associations ».

Voici quelques exemples d'actions prises afin de concrétiser la mise en œuvre :

- les pouvoirs publics signataires rédigent pour chaque législature un plan de mise en œuvre des engagements ;
- ils organisent un droit de recours effectif ; et
- ils créent, financent et administrent un portail Internet ([www.associations.be](http://www.associations.be)).



#### De facto associations

- **Nature, level, date, explanation of the “good practice”:** The Law on Associations provides that registration in the Association Register shall be conducted on a voluntary basis. It also provides that an association acquires status of a legal entity at the date of its entry in the Register. It follows that an association can exist as *de facto* association (if it chooses not to be registered) or as an association which has the status of a legal entity. The association's activities are non-profit as a rule, but as an exception, association may directly perform an activity that generates profit if activity is of a smaller volume and is performed to the extent necessary for achieving the goals of the association.

- **Intended outcomes and/or envisaged impact, proof of its impact:** The aforementioned legislation was confirmed and further elaborated by the Constitutional Court. Namely, on 2 June 2011 the Constitutional Court issued a decision by which it established that the association “Nacionalni stroj” was a secret association whose activities were forbidden by the Constitution, especially having in mind that the said deficiency was a result of a conscious intent of this association. It follows from this decision that *de facto* association cannot be considered a secret association if it fulfils its obligation to make data relating to the association accessible to public. Contrary to that, in the case at hand, the Constitutional Court established that *de facto* association in question was also a secret organization given that one of its rules was that the members of organization, head office and its activities were secret.

### Public awareness and recognition of civil society's work (3.2.2)



#### *Dialogues, rencontres et partenariat avec la société civile*

- **Nature, niveau:**

Echange d'expertise / tous les niveaux de pouvoir

- **Explication:**

Tous les niveaux de pouvoir belges organisent régulièrement des rencontres avec la société civile et travaillent avec celle-ci. De fréquentes réunions *ad hoc* ont lieu afin de recevoir les expériences de la société civile et mieux orienter les politiques. Dans le cas particulier du rapportage belge auprès des différents comités onusiens ou de l'examen périodique universel, la société civile est consultée tant au moment de la rédaction des rapports, que lors du suivi des recommandations effectuées à l'égard de la Belgique.

- **Mise en œuvre :**

Voici quelques exemples de coopération thématique :

- En matière de traite des êtres humains, il existe une plateforme de coordination nationale en vue de lutter contre le phénomène. Elle implique des ONG, plus particulièrement les centres d'accueil qui hébergent et soutiennent des victimes de traite. En 2016, une brochure a été élaborée pour informer les demandeurs d'asile sur les risques d'exploitation économique. Elle a été rédigée en impliquant les administrations concernées, les syndicats et certaines ONGS travaillant avec les personnes sans documents ou dans le secteur de l'asile.

- En matière de la politique d'asile, des représentants des autorités publiques sont présents aux réunions mensuelles de contact organisées par Myria, le Centre fédéral Migration (autorité publique indépendante) et auxquelles de nombreux représentants de la société civile participent.

- En outre, le Ministre des affaires étrangères a rencontré en 2013 la société civile pour un Forum de dialogue consacré à la place des droits de l'homme dans la politique étrangère de la Belgique. Depuis, le Département des Droits de l'Homme des Affaires étrangères organise régulièrement des consultations avec la société civile et plus particulièrement les ONG actives dans le domaine des droits de l'homme (rédaction des rapports aux comités de l'ONU, examen périodique universel et suivi des recommandations effectuées).

-



#### *EU program – Europe for Citizens*

Since 2012, Bosnia and Herzegovina has been a successful participant in the EU program 'Europe for Citizens' which encourages the cooperation between citizens and their organizations in member countries of the Program, providing support to, among others, groups of citizens, NGOs and local self-government units.

The Parliamentary Assembly of BiH, at the 39<sup>th</sup> session of the House of Representatives held on 14 December 2016, and at the 25<sup>th</sup> session of the House of Peoples, held on 15 December 2016, adopted the Decision to approve ratification of the Agreement between the EU and BiH on the participation of BiH in the 'Europe for Citizens' program (Official Gazette of BiH – International Agreements no. 7/16)

In cooperation with civil society organizations and local authorities the Ministry of Justice of BiH, in the period from December 2012 to December 2017, organized more than 20 info days and workshops with the aim of presenting the opportunities offered in the 'Europe for Citizens' program, with the participation of more than 900 representatives of civil society organizations, local authorities, universities, public institutions, informal groups and other potential applicants.



CYPRUS / CHYPRE

*“Volunteering culture and active citizen in school” handbook*

- **Nature, level, date, explanation of the “good practice”:**

It is a step in an effort to promote volunteering, active citizenship and cultivation of voluntary consciousness from the early stages of youth development and education. It targets primary and secondary school teachers and students alike and includes experiential actions and good practices.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Prompts children to engage in actions that make them active citizens given the fact that volunteering is considered a good practice to tackle offending. It is also a healthy way of involving pupils in social supply, enhancing participation and coexistence

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Yes.

*Volunteerism Week*

- **Nature, level, date, explanation of the “good practice”:**

Since 1994, the Pancyprian Volunteerism Coordinative Council organizes each year a volunteerism week (1-8 December). The purpose is to highlight the volunteerism in society.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

It gives the opportunity to voluntary organizations to make visible their contributions, to present the big picture of ongoing projects and mobilize people to participate in these projects, to initiate new innovative projects, to bring an added value to volunteerism and to make more visible that hundreds of volunteers make a daily contribution in their communities and society. An annual reception to honor volunteers is organized by the President and the First Lady of the Republic of Cyprus at the Presidential Palace.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Yes.



- **Nature, level, date, explanation of the “good practice”:**

In line with the Paris Principles, NHRIs are pluralistic bodies, representing the different sections of civil society in their work. When organizing meetings and trainings, ENNHRI aims to consistently integrate attention for, and participation of, civil society organisations.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Engagement of ENNHRI with civil society organizations active in the human rights sector is of a continuous nature. For example, every year, ENNHRI and OSCE ODIHR co-organize a week long training for NHRI staff which always includes a specific training session on how NHRIs can engage with civil society actors, and promote and support their work. The NHRI Academy evaluations show that NHRI staff operationalize lessons learned during the NHRI Academy in their home institution. Accordingly, the NHRI Academy contributes to the further awareness raising and recognition of civil society work across the region.



**GERMANY / ALLEMAGNE – BY ENNHRI**  
German Institute for Human Rights (A-status NHRI)

*Supporting German CSO on addressing non-discrimination*

- **Nature, level, date, explanation of the “good practice”:**

Between 2009-2011, the German Institute for Human Rights implemented a project on how the NHRI could strengthen German CSOs in combating discrimination. The project was triggered because of the finding by the NHRI that only a small number of organisations in Germany made use of the chance to work for the protection against discrimination in court proceedings and complaint procedures and that only very few organisations followed an explicit anti-discrimination approach. By offering advice, information and training, the project supported organisations in strengthening their capacities within the framework of court proceedings and national and international complaint procedures as well as in developing a self-conception as an anti-discrimination organisation.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The project aimed at strengthening the implementation and enforcement of non-discrimination rights through organisations, and thereby at promoting a general culture of non-discrimination and human rights in Germany. The project's main findings and recommendations were published ([here](#)) and disseminated by GIHR, including when engaging with state authorities.



**RUSSIAN FEDERATION / FEDERATION DE RUSSIE**

*State Awards*

- **Nature of the “good practice”:** Presidential Decree No. 491 "On the State Award of the Russian Federation for Outstanding Achievements in the Human Rights Activities and the State Award of the Russian Federation for Outstanding Achievements in Charity Work" of September 30, 2015.

- **Explanation:** Presidential Decree No. 491 "On the State Award of the Russian Federation for Outstanding Achievements in the Human Rights Activities and the State Award of the Russian Federation for Outstanding Achievements in Charity Work" of September 30, 2015 (hereinafter referred to as "Decree No. 491") establishes two State Awards which are the ultimate recognition of the service of the individuals engaged in human rights and charitable activities to the nation and society.

- **Implementation:** The State Award for Outstanding Achievements in the Human Rights Activities is conferred on the individuals involved in vigorous and fruitful public activities aimed at protecting human and civil rights and freedoms, strengthening and developing civil society institutions and broadly recognized by the general public in the Russian Federation. The State Award for Outstanding Achievements in Charity Work is conferred on the individuals involved in vigorous and fruitful public activities aimed at cultivating the spirit of charity and volunteering, providing gratuitous help to those who need it and broadly recognized by the general public in the Russian Federation. From 2016 on, the State Awards are granted by the President of the Russian Federation and presented annually at a solemn function which is timed, as a rule, to the International Human Rights Day (December 10).

- **Impact:** Decree No. 491 is an example of best practices of positive regulatory impact on civil society organizations, human rights activists and national human rights institutions. Such recognition of the achievements of the active civil society representatives on the highest state level (the award is given by the President of the Russian Federation) gives impetus for further development of the activities and projects in the sphere of human rights protection and charity.



**SPAIN / ESPAGNE – BY ENNHRI**  
Defensor del Pueblo (A-Status NHRI)

*The website of the Defensor del Pueblo shares civil society campaigns for the strengthening of human rights*

- **Nature, level, date, explanation of the “good practice”:**

The Defensor del Pueblo shares in its institutional website campaigns for the strengthening of human rights made by civil society. For example, the support the Institution is providing to the campaign that is carried out by the Spanish Conference of Deaf People. The Defensor del Pueblo is strongly committed to the defence of the rights of deaf people and has handled plenty of complaints normally about the difficulties of this minorities of acquiring the driving licences or the lack of interpreters in the public sphere. <https://www.defensordelpueblo.es/noticias/personasordas/>

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Civil society organisations play a crucial role in promoting fundamental rights, and so the Defensor del Pueblo is committed to raise awareness of their work amongst the public.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
Northern Ireland Human Rights Commission (A-status NHRI)

*Training of Civil Servants to ensure Good Governance from a Human Rights Perspective*

- **Nature, level, date, explanation of the “good practice”:**

The NI Human Rights Commission has worked with the NI civil service to develop a training programme for civil servants involved in policy development on ensuring compliance with human rights. The programme which has both an online and in classroom aspects sets out the relevant human rights frameworks and encourages policy professionals to consider the human rights implications of any proposal.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The key impact of this work has been the Commission’s ability to support good governance and help embed human rights in the work of civil servants.

*Human Rights Awareness-raising through Film*

The NIHRC has created a series of short films to highlight human rights issues in Northern Ireland. These include films on homelessness, carers' rights, domestic violence, migrant workers' rights, and the participation of disabled persons. Importantly the NIHRC has created these through partnerships with civil society and non-governmental organisations, in order to highlight examples of good practice in Northern Ireland. In 2018, the NIHRC will launch a new series of animations on LGBTI rights; the right to freedom of expression, conscience and religion; and the UN treaties. These will be launched at public events, and incorporated into the education programme which the NIHRC will be delivering to post-primary schools across Northern Ireland.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

These resources will ensure the integration of the promotion of human rights within schools across Northern Ireland. The animations being launched in 2018 will encourage the public to rethink certain rights, and raise awareness of human rights protections which they may not have been aware of previously. The NIHRC will measure the impact of this project by receiving feedback from schools and students, enabling the NIHRC to strengthen future work.

### Right to (access) information and freedom of expression (3.3)



#### *Citizen's Day*

- **Nature, level, date, explanation of the “good practice”:**  
Held on 15<sup>th</sup> September each year. The date as well as the whole practice was defined by the Council of Ministers (Dec. No. 78.470). It establishes regular communication with citizens and ensures their rights to transparency, speech and information that broadens their choices, participates in decision-making at all levels and promotes active participation in society at local, national and European level. It results from the need to encourage their participation in society.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
The aim is to optimize the services provided to society and to every citizen with emphasis in youth.
- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**  
Yes.

#### *Campaign entitled “Volunteerism for Green Communities”*

- **Nature, level, date, explanation of the “good practice”:**  
The Pancyprian Volunteerism Coordinative Council in collaboration with the Environmental Commissioner organizes campaigns with the aim of informing the society via regional meetings about environmental protection.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
A briefing meeting was held on 31/10/17 at the village of Xylopymbou on Climate Change. The briefing was organized by the Commissioner for the Environment, the PVCC and the Larnaca District Voluntary Co-ordinating Council, in cooperation with the Xylyotymvos Community Volunteerism Council. The inhabitants of the Xylyotymvou community had the opportunity to be informed by the Commissioner of the Environment on the issue of climate change and various actions that everyone can take to protect our environment.
- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**  
Yes.



#### *Public Councils under the Ministry of Interior (MI) of Russia and its Territorial Bodies*

- **Nature of the “good practice”:**  
Legislation and executive acts on the state level in order to establish public councils in the Ministry of the Interior of Russia and its territorial bodies (Federal Law “On police” of February 7, 2011; Presidential Decree “On public councils under the Ministry of the Interior of the Russian Federation and its territorial bodies” No. 668 of May 23, 2011; Presidential Decree No. 1027 of July 28, 2011).
- **Explanation:**  
Federal Law “On police” of February 7, 2011 provides for the establishment of public councils under the MI and its territorial bodies. Presidential Decree No. 1027 of July 28, 2011 approved the Regulation on

the Public Council under the MI, which has become the first and so far only public council under a federal executive body, the regulation on which was approved by the Head of State. The activities of the Public Council under the MI of Russia are not funded from the federal budget of the Russian Federation.

Pursuant to the Law and the abovementioned decrees, the Public Council under the MI of Russia and public councils under its territorial bodies were established in 2011 at the federal district, interregional, regional and district levels. They are composed of citizens representing traditional religious faiths, mass media, human rights organizations and other public associations. A public council is established on the basis of voluntary participation in its activities of citizens, members of public associations and organizations.

- **Implementation:**

Members of public councils have the right to:

- Enter the premises occupied by the internal affairs agencies, as well as detention facilities, without special permission;
- Review the complaints of citizens regarding the violation of their rights, freedoms and legitimate interests by the internal affairs officers, as well as with the results of consideration of such complaints;
- Request inquiry into how the personnel of the internal affairs agencies observe the rights, freedoms and legitimate interests of citizens, and take part in such an inquiry and acquaint themselves with its results.

Members of public councils also attend the meetings as well as personal reception of citizens held by the internal affairs agencies. Besides, they may take part in the reception of citizens regardless of the level of authority of an official holding a reception, either the head of a regional Directorate, the chief of a district office or community police officer. In addition, members of public councils have seats on the review boards in the internal affairs agencies and the selection boards to fill vacant posts in the internal affairs agencies.

According to the rules on the drafting of regulatory legal acts in the central office of the Ministry of the Interior of the Russian Federation, approved by Order of the MI of Russia No. 484 of June 27, 2003, the drafts of some regulatory legal acts shall be subject to mandatory preliminary discussion at the meetings of the Public Council under the MI of Russia.<sup>19</sup> Since 2014, the Public Council under the MI of Russia has been involved in the discussion and coordination of draft amendments to the federal target program on "Improving road safety in 2013–2020" and the State Program on "Public order and crime prevention" for the Ministry's bodies.

- **Impact:**

The goal of public councils in the MI and its territorial bodies is to harmonize the interests of public importance among citizens, authorities of all levels, public associations, human rights, religious and other organizations, including professional business associations, and address the most important issues of police activities.<sup>20</sup> This also provides for a greater transparency of the MI work and creates additional human rights safeguards.

The rotation of public councils after expiration of the term of the outgoing membership was an important event of 2016.<sup>21</sup> The analysis of the newly formed public councils has shown that they include representatives of public and non-profit organizations (17%), media (17%), science and education (10%), cultural and artistic figures (8%), religious associations figures (8%), lawyers and legal professionals (6%), doctors and medical workers (5%), veterans of the MI bodies (5%), human rights activists (4%), athletes and sports officials (4%), representatives of youth organizations (4%), professional sociologists (2,5%), representatives of the public chambers of the constituent entities of the Russian Federation (2%), representatives of national organizations (2%), psychologists (1,5%), members of volunteer community

<sup>19</sup> Their list was established by Resolution of the Government of the Russian Federation No. 877 of September 1, 2012 "On the approval of the content of regulatory legal acts and other documents, including program documents, elaborated by federal executive bodies which cannot be enacted without preliminary discussion at the meetings of the public councils under these federal executive bodies".

<sup>20</sup> Information on current activities of the Public Council under the MIA of Russia and its individual members can be found on the official website <https://oc.mvd.prf/>, relevant sections on activities of public councils under the territorial bodies of the MIA of Russia are available on the official websites of these bodies departments.

<sup>21</sup> The Public Councils were constituted in accordance with Decree of the President of the Russian Federation No. 668 of May 23, 2011 and Order of the MIA of Russia No. 939 of August 15, 2011 "On measures to implement Decree of the President of the Russian Federation No. 668 of May 23, 2011".

watch (1%), trade unions (1%), family members of officers killed in the line of duty (1%), and people from other fields of activities (1%).

*"Citizen and the Police" campaign*

- **Nature of the "good practice":**

Agreement on cooperation between the Ministry of Interior (MI) of Russia and the Moscow Helsinki Group regarding public monitoring of the police work.

- **Explanation:**

The MI of Russia reached an agreement on cooperation with the Moscow Helsinki Group (a regional public association, providing public scrutiny of the police work, hereinafter – MHG) in order to develop partnership relations with the community and to strengthen citizens' confidence.

- **Implementation:**

Since 2014 the MHG has been conducting the public campaign "Citizen and the Police", which includes the visits to territorial bodies of the MI of Russia, bodies of the MI of Russia for Transport, Traffic Police units (including Inter-district Registration and Testing Agency), police stations, front offices, vetting of the "02" service and helplines. In 2017 migration police units were also visited. These activities are aimed at improving the situation of human rights and the image of the police.

- **Impact:**

As outcomes of the 2014 and 2015 campaigns, the MHG in consultation with the MI of Russia issued the guides "Practices of Public Scrutiny of the Police Activities" and "Citizen and the Police: a Path to Dialogue". Civil activists and participants have a positive view of the MHG activities. Information materials on the events with participation of civil activists and representatives of civil society are posted in the newsfeed of the official website of the Public Council under the MI of Russia (<https://oc.mvd.pf/>). The "Citizen and the Police" campaigns create a more open environment in the work of the police, allow to resolve existing problems through dialogue between the civil society and police structures, as well as raise the level of trust of the society towards the police system.

*Detention facilities monitoring by the civil society and national human rights institutions*

- **Nature of the "good practice":**

Federal Law No. 76-FZ "On Public Monitoring of Human Rights in Detention Facilities and Assistance to Persons Kept in Detention Facilities" of June 10, 2008; Order No. 196 "On Procedure for Visits to Detention Facilities of the Internal Affairs Agencies by Members of Public Monitoring Commissions" of March 6, 2009.

- **Explanation:**

The Federal Law No. 76-FZ "On Public Monitoring of Human Rights in Detention Facilities and Assistance to Persons Kept in Detention Facilities" of June 10, 2008 sets up a legal framework for participation of public associations in the public monitoring of human rights in detention facilities and assistance to persons kept in detention facilities, including the creation of conditions for their reintegration.

Under the Order No. 196 "On Procedure for Visits to Detention Facilities of the Internal Affairs Agencies by Members of Public Monitoring Commissions" of March 6, 2009 territorial bodies of the MI of Russia cooperate with regional public monitoring commissions in organizing visits to detention facilities for the purpose of monitoring the observance of human rights.

- **Implementation:**

Once the Federal Law No. 76-FZ was adopted, the Civic Chamber of the Russian Federation and Human Rights Ombudsman of the Russian Federation initiated nation-wide seminars and those at the level of federal districts, to which federal executive officials were invited as well. Such seminars are held annually in various regions under the auspices of the Civic Chamber of the Russian Federation with newly elected members of regional public monitoring commissions, where law enforcement officials enhance their vocational training as well.

At the same time, the MI of Russia undertakes a number of additional activities to strengthen interaction with civil society institutions. For example, joint visits to the regions of the Russian Federation (aimed at monitoring the observance of human rights in special police facilities, detention conditions and medical treatment of the persons suspected in or accused of a crime, as well as individuals under administrative

arrest) form part of the on-site meetings of the Presidential Council for Civil Society and Human Rights (which consists of civil society representatives).

- **Impact:**

While implementing the principles of transparency and openness of the internal affairs bodies, the Ministry continues its active cooperation with regional public monitoring commissions and human rights commissioners in the regions of the Russian Federation. In 2017 only, public and human rights organizations paid 5,457 visits to the detention facilities of the internal affairs bodies, including 928 visits by human rights ombudsmen and their representatives, 1,050 visits by public monitoring commission members and 3,479 visits by public council members.

This practice creates additional human rights safeguards for persons in detention facilities through independent civil society-driven monitoring mechanisms.

**Right to freedom of expression and information (Art. 10) applied to civil society / Human Rights defenders (3.3.1)**

**Free access to official data, reports, initiatives, decisions (3.3.2)**



FINLAND / FINLANDE

*Principle of publicity*

- **Nature, level, date of the “good practice”:**

Act on the Openness of Government Activities (621/1999)/State, regional and local/1999.

- **Substantive explanation :**

This principle of publicity is regulated in the Act on the Openness of Government Activities (621/1999). According to the Act, all official documents are in the public domain, unless their publication has been specifically restricted.

- **Implementation:**

According to the Act, all official documents are in the public domain, unless their publication has been specifically restricted.

- **Intended outcomes and/or envisaged impact, proof of its impact;**

The objectives of the right of access and the duties of the authorities provided in the Act are to promote openness and good practice on information management in government, and to provide private individuals and corporations with an opportunity to monitor the exercise of public authority and the use of public resources, to freely form an opinion, to influence the exercise of public authority, and to protect their rights and interests.



LITHUANIA / LITUANIE – BY ENNHRI

The Seimas Ombudsmen's Office (A-status NHRI)

*Awareness Raising and Training for Journalists on Right to Access of Information*

- **Nature, level, date, explanation of the “good practice”:**

The Seimas Ombudsmen's Office has prepared an article “Violations of the Right to Obtain Information in State and Municipal Institutions Review of Investigations into Complaints Lodged with the Seimas Ombudsmen” in 2016. The article based on investigations carried out by Ombudpersons gives a concise overview of challenges in implementing the right of the journalist to obtain information also reviews legal aspects by analysing case law of ECHR and national courts.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The material was used in conducting the training for professional journalist in cooperation with the Union of Journalist to raise awareness of the right to get information from state and municipal institutions. A workshop cycle for journalists in several regions including Kaunas, Vilnius and Alytus was conducted. In 2016, the summarised material “Violations of the right of access to information at the state and municipal institutions. An overview of complaints for the Seimas Ombudsmen” for the first time in the history of the Seimas Ombudsmen’s Office was published in the journalists’ professional almanac Žurnalistika 2016 (II).



SERBIA / SERBIE

*Law on Free Access to Information of Public Importance*

- **Nature, level, date, explanation of the “good practice”:**

CSOs (as well as all the other persons) have the right to access information held by public authorities. In that respect, we point out to the Law on Free Access to Information of Public Importance, specifically to its Article 39 which enacts responsibility of all State authorities to publicly announce their work reports at least once a year. Article 15 of the same Law also stipulates that every person (which certainly includes CSOs) may submit a request in writing to a public authority to exercise the right to access information of public importance. Also, according to Article 5 of the Law on Associations, the association’s activities shall be public.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Both Articles 15 and 39 of the Law on Free Access to Information of Public Importance are being implemented successfully in practice. Only in rare exceptions a failure to access public information held by authorities occurs, as a consequence of non-execution Commissioner’s decisions. We also point out to the Statute of the Football Club Red Star which is published and available on the website of the subject sport association. It provides in Article 45 that all club’s information is available to the public, except for information that represent business secret. Also, according to Article 46 of the Statute the Club’s bodies make sure that the representatives of the media be timely informed about important events and provide them with the necessary data and information, and with the necessary conditions for their work.



SPAIN / ESPAGNE

*Act no. 19/2013 on transparency, access to public information and good governance*

- **Nature, level, date of the good practice:**

Legislation (Act 19<sup>a</sup>/2013)/State/2013-present.

- **Substantive explanation:**

Transparency, access to public information and the rules of good governance must be the basic pillars of every political action. Only when the action of public authorities is subjected to scrutiny, when citizens can know how decisions affecting them are made, how public funds are managed, and under what criteria our institutions act, will we be able to speak of the outset of a process in which the public authorities begin to respond to a society that is critical, exacting and demands that public authorities enable participation.

The present Act has a three-fold purpose: it increases and strengthens transparency in public activity (which is formulated through obligations involving active publicity for all public administrations and entities); it recognizes and guarantees access to information (which is regulated as a right with a far-reaching subjective and objective scope); and it sets forth the good governance obligations to be met by public authorities, as well as the legal consequences of non-compliance (which becomes a requirement of responsibility for all those carrying out activities of public relevance).

Spain’s legal system already has sector-based regulations containing specific obligations involving active publicity for Public Administrations and all the public sector. The Act 19/2013 moves forward and intensifies the configuration of active publicity obligations which, it is understood, must be binding on a great many parties, including all the Public Administrations, the Legislative and Judiciary bodies as

regards their activities under Administrative Law, as well as other constitutional and statutory bodies, including the Household of His Majesty The King, the Bank of Spain, Parliament or the Defensor del Pueblo (Ombudsman).

This law reinforces the transparency in Public Administrations and guarantees the right of access to the public information relative to that activity and establish the obligations of good government that the public persons in charge must fulfill.

- **Implementation:**

The Act broadens and strengthens active publicity obligations in different spheres. As regards institutional, organizational and planning information, the Act requires all the public sector to publish information about the functions they perform, the regulations applicable to them and their organizational structure, as well as their instruments for planning and assessing compliance. As regards information of legal relevance directly affecting relations between the Administration and citizens, the Act contains an extensive list of documents which, by being made publicly available, will create greater legal certainty. Likewise, as regards information of economic, budgetary and statistical relevance, an extensive catalogue is set forth that should be accessible and comprehensible for citizens, because it is an excellent instrument for monitoring the management and use of public resources. Lastly, the obligation is established to publish all the information which is most often applied for, so that transparency obligations may be harmonized with the citizens' interests.

To channel the publication of such a vast amount of information and facilitate compliance with these active publicity obligations (and bearing in mind that it is not possible to speak of transparency, on the one hand, but not implement the appropriate means to facilitate access to the information published, on the other) *the Act envisages the creation and development of a Transparency Portal (<http://transparencia.gob.es/>)*. Today, new technologies enable us to develop extraordinarily useful instruments to comply with the provisions of the Act, the use of which shall enable citizens to obtain all the information available through a single point of access.

Chapter III of the Act describes comprehensively *the right of access* to public information, to which all persons are entitled, and which may be exercised without need to justify a request. This right shall only be limited in cases in which this is necessary given the nature of the information (resulting from the provisions of the Spanish Constitution) or when it comes into conflict with other protected interests. In any case, the limits set forth shall be applied on the basis of a test of the harm done (to the interest safeguarded by the limit) and a test of the public interest of dissemination (that in the case in question, public interest in disseminating the information does not prevail), and in a proportionate manner, limited by its aim and purpose. Moreover, and given that access to information may directly affect the protection of personal data, the Act clarifies the relation between the two rights by establishing the necessary balance mechanisms.

A very important thing: in order to facilitate the exercise of the right to access public information, the Act establishes a streamlined procedure, with a short response time, and sets forth the creation of information units in the Central State Administration, enabling citizens to know from which body to request the information, as well as which body is responsible for the process. As regards appeals, an optional, pre-trial complaint procedure is created, which shall be the responsibility of the Council on Transparency and Good Governance, a newly-created independent body.

The Council on Transparency and Good Governance is constituted as an independent body, with full legal capacity and capacity to contract, and has a simple structure which guarantees its specialization and operational capacity while at the same time avoiding the creation of large administrative structures. Its independence and autonomy in the exercise of its functions shall also be guaranteed by the parliamentary support which shall be necessary for appointing its Chair.

- **Intended outcomes, impact:**

From 10 December 2014 to 31 March 2018 the Transparency Portal has received 2.630.670 visits, which have watched a total of 9.845.439 pages in this Portal

The number of requests in this period is the 12.896, which have got answer 12.302 y a number of 570 are now still open (current).

In Twitter, @transparencia\_e has in March 2018 9.873 followers and 4.642.062 visits.

Source: [http://transparencia.gob.es/transparencia/dam/jcr:030db7ea-15b1-46e2-8ac1-11cf64101edc/2018\\_03\\_31\\_Boletin\\_Portal\\_en\\_cifras.pdf](http://transparencia.gob.es/transparencia/dam/jcr:030db7ea-15b1-46e2-8ac1-11cf64101edc/2018_03_31_Boletin_Portal_en_cifras.pdf)

The Council of Transparency have received from 2015 a 28 February 2018 2.696 claims, 356 requests (source: [http://www.consejodetransparencia.es/ct\\_Home/en/Actividad/Datos\\_actividades.html](http://www.consejodetransparencia.es/ct_Home/en/Actividad/Datos_actividades.html); [http://www.consejodetransparencia.es/ct\\_Home/en/Actividad/Datos\\_actividades/Estadisticas2018.html](http://www.consejodetransparencia.es/ct_Home/en/Actividad/Datos_actividades/Estadisticas2018.html))

- Information as to whether *it has been developed or implemented with cooperation of civil society organizations, human rights defenders or NHRIs*:

The civil society organizations can access to public information through the Transparency Portal: they can read in the Portal the information and they can also request more information or data through this Portal; as well as they can put a claim to the Council of Transparency or request something.

This civil society organizations can ask for information about (i.e.) how public funds are managed and they can so monitor and check the Public activities.

Links:

Transparency Portal (also partially in English):

[http://transparencia.gob.es/transparencia/en/transparencia\\_Home/index.html](http://transparencia.gob.es/transparencia/en/transparencia_Home/index.html)

Twitter: @transparencia\_e

Consejo de Transparencia y Buen Gobierno (also in English):

[http://www.consejodetransparencia.es/ct\\_Home/en/consejo.html](http://www.consejodetransparencia.es/ct_Home/en/consejo.html)

Twitter: @ConsejoTBG



*Promotion of free access to official and public data by Defensor del Pueblo*

- **Nature, level, date, explanation of the “good practice”:**

The Defensor del Pueblo makes different surveys in order to better analyse the functioning and the implementation of civil rights in the society. Recently the Institution has finalized a series survey about the [transparency of public institutions](#).

The Institution asks about the difficulty to access to the public information, the way in which citizens access to that information and the clarity of the received answers as well as the time its take to receive the requested data.

The Spanish Ombudsman highlights that different Spanish Councils placed the Institution as one of the best ones in providing better, clear and concise information in the shortest possible time. The Defensor del Pueblo is ranked the second one (after the judicial power) in the field of voluntary transparency.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

With more than 400 answers, the Institution was able to make some recommendations about the promotion of transparency actuation in the public sphere.



*Loi sur le principe de la transparence dans l'administration*

- **Nature, niveau, date de la « bonne pratique » :**

Loi fédérale du 17 décembre 2004 sur le principe de la transparence dans l'administration.

- **Explication:**

Cette loi régit l'accès du public aux documents officiels de l'administration fédérale et des services du Parlement.

- **Mise en œuvre :**

En vertu de la LTrans, toute personne, quels que soient sa nationalité, son domicile et son âge, peut accéder à des documents officiels sans devoir motiver sa demande. Ce droit d'accès peut être limité à des fins de protection d'intérêts publics et privés prépondérants, mais l'autorité concernée doit motiver sa décision. Si une autorité limite, diffère ou refuse ce droit d'accès, le demandeur peut s'adresser au

Préposé fédéral à la protection des données et à la transparence (PFPDT). Celui-ci engage alors une procédure de médiation dans le but d'un accord rapide entre les deux parties.

- **Résultats attendus et/ou l'impact envisagé, preuve de cet impact :**

Une évaluation effectuée en 2014 a notamment démontré que le nombre de demandes d'accès à des documents a fortement augmenté depuis l'entrée en vigueur de la loi. Une majorité d'offices a intégré dans leur culture le changement de paradigme introduit par la loi.



The Swedish Freedom of Press Act, which is part of the Constitution, has a full chapter devoted to the public nature of official documents. Chapter 1, section 1 states that every Swedish citizens shall be entitled to have free access to official documents in order to encourage free exchange of opinion and the availability of comprehensive information. Foreign nationals are equated with Swedish citizens in this regard. The right of access to official documents may be restricted only if the restriction is necessary with regard to (1) the security of the Realm; (2) the central fiscal, monetary or currency policy of the Realm; (3) the inspection, control or other supervisory activities of a public authority; (4) the interests of preventing or prosecuting crime; (5) the economic interests of public institutions; (6) the protection of the personal or economic circumstances of individuals; or (7) the preservation of animal or plant species. As a main rule, any restriction of the right to access to official documents shall be scrupulously specified in a provision of a special act of law, or, if deemed more appropriate in a particular case, in another act of law to which the special act refers.

### Effective participation in decision-making (3.4)



#### *New efficient platform for public consultations*

- **Nature, level, date, explanation of the “good practice”:** The law on Legal Acts envisages mandatory public consultations to be held by the Government before the drafts will be adopted by the Cabinet and accordingly will be submitted then to the Parliament.

- **Substantive explanation:** In practice each state agency posted the drafts of laws on their website in a different manner and form, so this does not work as effectively as the CSOs were demanding. On December 2016 the Government adopted a decision according to which “All government bodies, drafting legal acts should put the relevant link or should ensure the automatic connection of their websites to the unified website”.

- **Implementation:** On January 25, 2017 the Ministry of Justice launched [www.e-draft.am](http://www.e-draft.am) website<sup>22</sup>, which now serves as a platform for meaningful and direct consultations and discussions of the drafts initiated by the government.

- **Outcomes:** This tool contributes to enhanced accountability and transparency in decision making. It provides real-time possibility to present the draft legal acts to the CSOs and general public, to organize online discussions in a user-friendly manner, to address the comments received and as a result, to tap the intelligence and expertise of the public to improve law-making processes. This tool is essential due to several other reasons. Online discussions devise innovative policy designs that experts alone would not have developed, and help ensure that legitimate interests of stakeholders are addressed. Also, open discussions of matters of public interest expose CSOs and people to other views, what enables them to share knowledge and evaluate the best arguments. Last but not least, they provide large flow of communication within the Armenian society.

<sup>22</sup> <https://www.e-draft.am/eng>

- **Proof of its impact:** During one year of functioning, the e-draft tool proved its efficiency: starting from the point of 4000 users in February 2017 it has reached the point of 105000 users in December 2017, which clearly indicates a dynamic growth of demand for engagement in the decision-making processes in the country. Besides, the Parliament showed interest to be part of the project, so now the legislature also posts the drafts initiated by parliamentarians on this united website.

#### *Creation of Anti-Corruption Board*

- **Nature, level, date, explanation of the “good practice”:** Another platform for the effective cooperation with civil society organizations is the Anti-Corruption Board, which ensures the fixed positions for the representatives of CSOs.
- **Substantive explanation and implementation:** The main activities of the Board include the elaboration of Anti-Corruption Strategy, Concept and Action Plan for 2015-2018. The relevant initiatives related to the amendments to the agenda on Anti-Corruption policy have been brought by the representatives of CSOs and are extensively discussed within the framework of the Board, which resulted in adopting a number of suggestions of the CSO representatives.
- **Outcomes:** Overall the representatives of CSOs have submitted 40 suggestions: 23 in the sphere of healthcare (14 were fully accepted, 5 partially), 8 in the sphere of state revenues (2 were fully accepted), 7 in the sphere of police (1 was fully accepted, 2 partially) and 2 in the sphere of education.
- **Proof of its impact:** Herewith are the most important three measures that were included in the Action Plan based on the suggestions of civil society:
  - (a) Illicit Enrichment: During the development of the anti-corruption strategy, the civil society strongly recommended criminalizing the illicit enrichment, and as a result the activity was included in the Action Plan. Further in 2017 the Parliament adopted amendment to the Criminal Code initiated by the Government that introducing criminal liability for illicit enrichment.
  - (2) Whistle blowing system: The importance of establishment of a legal ground to encourage reporting corruption was highlighted by NGOs and international organizations while developing the Strategy for 2015-2018 period. As a result a special activity on establishing guarantees of legal protection of persons reporting corruption crimes by law was envisaged by the Action Plan. Further in 2017 the Parliament adopted Law on Whistle blowing initiated by the Government.
  - (3) Institutional system: Yet in 2015, the basis of Institutional anti-corruption system was established by RA Government Decision, having the Anti-corruption Council in the centre of that system. However, both international organizations and civil society raised concerns that the Council does not correspond to the requirements of UNCAC article 6. The civil society was insisting on involving a provision on a new anti-corruption institutional system in the Strategy for 2015-2018. After long discussions a special measure on conducting a study on the institutional system for fight against corruption was involved in the Action Plan and further the Council was established.



#### *Consultation de la société civile par le Parlement*

- **Nature, niveau:**  
Règlement / fédéral / Chambre (2003), Sénat (2013)
- **Explication:**  
La Chambre des représentants et le Sénat (assemblées parlementaires belges) prévoient dans leur Règlement des possibilités de concertations avec la société civile.  
L'article 28 du Règlement de la Chambre des représentants stipule que « pour la préparation du travail législatif, la commission peut prendre l'avis de personnes ou d'organismes extra-parlementaires, prendre des renseignements documentaires auprès d'eux, accepter ou demander leur collaboration ». L'article 20 du Règlement du Sénat prévoit que « les commissions peuvent également organiser des auditions et des journées d'étude ».
- **Participation de la société civile :**  
A de multiples occasions, la société civile a été associée au travail législatif.

*Concertation sociale au sein du « Groupe des 10 »*- **Nature, niveau:**

Fédéral / 2015

- **Explication:**

La Belgique a une longue histoire de concertation sociale. Dans l'accord du Gouvernement de 2014, la Belgique a rappelé la nécessité de garantir la concertation sociale : « il est essentiel de garantir la concertation interprofessionnelle ainsi que le rôle des partenaires sociaux dans l'exécution et la gestion de la sécurité sociale ». Depuis 2015, celle-ci s'effectue au sein du « Groupe des 10 », qui réunit les principaux représentants des organisations syndicales et des organisations d'employeurs. Ce groupe des 10 est un des hauts lieux de la concertation sociale au niveau fédéral, entre les interlocuteurs sociaux et le gouvernement fédéral.

- **Mise en œuvre :**

Tous les deux ans est négocié un accord interprofessionnel portant sur les conditions de travail (nombre de jours de congés, durée du travail, etc.) et l'évolution des salaires de salaire. La négociation se base sur un rapport technique comparatif (perspectives d'évolution des salaires dans les pays limitrophes). Le groupe discute également d'autres dossiers interprofessionnels.

*Hearings in the Flemish parliament*- **Nature, level:**

Policy participation / regional

- **Explanation:**

The rules of procedure of the Flemish parliament<sup>23</sup> provide the possibility to organise hearings, for example when the parliament discusses a proposal for a decree. The commissions of the parliament can invite persons or institutions and hear them or can request them to provide documentation, advice or cooperation.

- **Implementation:**

The Flemish parliament regularly makes use of this possibility. Some selected examples from 2017 are:

- Hearings about the Flemish Action Plan Mental Health 2017-2019 (*Vlaams Actieplan Geestelijke Gezondheid 2017-2019*)<sup>24</sup>
- Hearings about the evaluation of the Arts decree (*Kunstendecreet*)<sup>25</sup>
- Hearings about unacceptable behaviour in sports<sup>26</sup>

*National Commission for the Rights of the Child*- **Nature, level, date:**

Consultation platform / national / since 2006

- **Explanation:**

The National Commission for the Rights of the Child was established in 2005 on the basis of a cooperation agreement between the federal state and the federated entities. The Commission started its activities in 2007. The Commission contributes to Belgium's periodic country report on the implementation of the Convention on the Rights of the Child. The Commission also issues general policy recommendations. Civil society organisations are represented in the plenary assembly and the daily office of the Commission. They are also part of the advisory body which provides independent advice to the authorities.

- **Implementation:**

In 2017, civil society organisations, through the National Commission for the Rights of the Child, have been closely involved in the elaboration of Belgium's 5<sup>th</sup> and 6<sup>th</sup> report to the Committee on the Rights of

<sup>23</sup> <https://www.vlaamsparlament.be/over-het-vlaams-parlement/hoe-werkt-het-vlaams-parlement/reglement-van-het-vlaams-parlement>

<sup>24</sup> <http://docs.vlaamsparlament.be/pfile?id=1359742>

<sup>25</sup> <http://docs.vlaamsparlament.be/pfile?id=1353464>

<sup>26</sup> <https://www.vlaamsparlament.be/parlementaire-documenten/parlementaire-initiatieven/1208404>

the Child. The governments agreed with the priorities identified by the civil society organisations. The draft report was submitted to the advisory body for advice and was adapted in line with its comments.

*Reflection group for youth policy and children's rights*

- **Nature, level :**

Consultation platform / regional

- **Explanation:**

The reflection group for youth policy and children's rights is the platform for dialogue between the children's rights contact points in the government of Flanders, representatives of the academic world and non-governmental youth and children's rights organisations.

- **Implementation:**

The reflection group reflects upon, evaluates and inspires the Flemish youth and children's rights policy. The group meets 3 to 4 times a year. In addition, specific themes are addressed in depth by working groups. The reflection group is not a formal advisory body, but acts as a sounding board for the Flemish administration.



*Rules of consultations in legislative drafting and eKonzultacije*

The Council of Ministers (CoM) BIH, at their 86<sup>th</sup> meeting held on 20 December 2016, adopted Rules of Consultations in Legislative Drafting (Official Gazette of BIH, no. 5/17). The objectives of these Rules include the improvement of cooperation with citizens and civil society, strengthening of the consultation culture and dialogue between various social stakeholders, harmonization of the legal and institutional framework and practices for the inclusion of citizens and civil society organizations in the process of shaping public policies in BIH.

In the previous years, the Ministry of Justice of BIH put significant efforts in up-grading the system of transparency, cooperation and openness towards citizens and civil society organizations. These efforts were crowned by the creation of a web platform *eKonzultacije*, developed with the support of the EU-funded project 'Capacity Building of Government Institutions to Engage in Policy Dialogue with Civil Society in BIH' (CBGI)<sup>27</sup>.

The web platform *eKonzultacije* enables citizens and members of civil society organizations to be fully and timely informed about the process of adoption of legal regulations, and ensures a reliable channel of communication for their participation in the creation of public policies. As of the end of 2017, there were 38 institutions of BIH registered on the web platform *eKonzultacije*, 111 consultations were conducted and 106 consultation reports published.

More information on *eKonzultacije* are available at:

<https://ekonsultacije.gov.ba/>

<http://www.mpr.gov.ba/aktuelnosti/propisi/konsultacije/Default.aspx?id=2444&langTag=bs-BA>

*Cooperation between the Council of Ministers of BIH and NGO sector in specific fields*

- The Council for Children of BIH is a professional, inter-sectorial, advisory and coordinating body operating within the Ministry for Human Rights and Refugees of BIH. The Council has a continuous cooperation with the 'Stronger Voice for Children' network which gathers 20 NGOs from the entire BIH dealing with the promotion and the protection of children's rights. Two members of the 'Stronger Voice for

<sup>27</sup> The BIH Ministry of Justice is a beneficiary of the CBGI project (Capacity Building of Government Institutions to Engage in Policy Dialogue with the Civil Society in Bosnia and Herzegovina) where it actively participates in the realization of various activities aimed at establishing partnership relations and cooperation between the government institutions and civil society.

Children' network participate in the Council for Children of BiH. The Council for Children has prepared its 2015-2018 Action Plan for Children of BiH, which was adopted at the 9<sup>th</sup> session of the CoM BiH held on 2 June 2015. Members of the 'Stronger Voice for Children' network participate in the preparation of action plans for children at local levels. At the beginning of 2016, the Council for Children of BiH sent an initiative to Entity and cantonal governments to ensure better conditions for the work of the civil society by means of funding and introduction of lower tax rates.

- The Council of Persons with Disabilities of BiH is a permanent professional, advisory, inter-sectorial and coordination body of the CoM of BiH dealing with rights of persons with disabilities in BiH. The Ministry for Human Rights and Refugees of BiH provides professional and administrative support to the Council of Persons with Disabilities of BiH, and in close and active cooperation with this body promotes rights of persons with disabilities in Bosnia and Herzegovina. The Council of Persons with Disabilities of BiH has 20 members, including 10 representatives of the competent institutions of BiH, of the Entities, and Brčko District of BiH, as well as 10 representatives of the organisations of persons with disabilities from both Entities and Brčko District of BiH. Members of the Council are elected for a period of 4 years with a possibility of an additional mandate. Representatives of persons with disabilities in the Council represent persons with various types of disabilities, such as physical, sensory and mental impairment. The Council has started its second mandate in the beginning of 2016.

- Action Plan of BiH for addressing Roma issues in the fields of employment, housing and health care for 2017-2020 was developed with active participation of all Roma associations and the Roma Council of BiH. In the implementation of the activities and strategic goals under the Action Plan, Roma associations are the main actors for the activities in Roma communities, notably in the fields of health care and employment. Each year a report is created on the Action Plan realization which is adopted by the CoM after being considered by the Roma Council. With the aim of reducing discrimination in the field of Roma employment and health care, trainings on access to employment and health care are conducted on a regular basis through Roma associations, and a free legal aid association *Vaša prava* actively participates in legal aid provision, particularly with regard to entry into relevant registers.

- National Minorities Council of BiH, as well as such councils at the level of the Entities, monitor on a regular basis all activities concerning Roma inclusion and improvement of the situation of other ethnic minorities.

- For the purpose of realization of activities through civil society, the Ministry for Human Rights and Refugees sets aside BAM 150,000.00 annually, as assistance to national minorities' associations, and BAM 100,000.00 to the Interreligious Council which primarily deals with freedom of religion. In addition, the Ministry also earmarks around 2 million BAM a year for the realization of activities under Roma Action Plan, which is largely implemented through civil society, notably Roma associations.

- In its 2016 and 2017 budgets, the Ministry for Human Rights and Refugees of BiH set aside BAM 40,000.00 respectively as grant to support organizations of persons with disabilities. These funds were allocated to the organizations of persons with disabilities pursuant to the defined criteria, and general purpose of these funds is to promote rights of persons with disabilities and strengthen NGOs in BiH. These grant funds have also been earmarked for 2018 and funds for these purposes will be earmarked in the coming years, as well.



CYPRUS / CHYPRE

#### *Public Consultation Day*

- **Nature, level, date, explanation of the “good practice”:**

The President of the Republic of Cyprus and the Ministers consult with civil society on issues of their concern. Students, organized groups, citizens and other stakeholders, depending on the target group and the theme to be determined in each Public Consultation, will be able to participate. The views to be formulated are taken into consideration when the Government adopts decisions, measures and policies. It is repeated at regular intervals.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

This consultation is essentially the culmination of a process aimed at bringing the Government closer to the citizen. Through consultations, citizens and organized groups are given an opportunity to express their views and concerns and to make their suggestions on specific policy issues.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Yes.

#### *Civil Society Session*

- **Nature, level, date, explanation of the “good practice”:**

Since 2010, representatives of 56 NGOs and voluntary organisations participate for one day at the House of Representatives sessions and discussions as “Members of Parliament”. Their participation takes place in the presence of the President of the House and Members of Parliament. Topics discussed during the session are of interest for the NGO society. At the end of the session a report is drawn with conclusions and recommendations. This report is forwarded to the Government and the House of Representatives.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

This is an innovative project which gives voice to NGOs inside the House of Representatives.

- **Information as to whether any good practice has been developed and/or implemented with the cooperation of civil society organisations, human rights defenders or NHRIs (in compliance with the Paris Principles):**

Yes.

#### *Institutionalised Dialogue with the Ministry of Welfare, Social Insurance and Labour*

Annually, the Pancyprian Volunteerism Coordinative Council in cooperation with the Ministry of Welfare, Social Insurance and Labour carries out a dialogue with the aim of putting forward issues related to the Council. Volunteer organisations and NGOs at local and pancyprian level participate at the dialogue.

#### *Harmonization of the Family Law*

The Minister of Justice and Public Order established two expert groups composed of judges, lawyers, the Commissioner for Children’s Rights and academics in the field of family law. The two groups submitted their proposals, which were consolidated by the Ministry, taking on board all recommendations of the Commissioner for Children’s Rights, thus achieving full harmonization with the UN Convention on Children’s Rights.

As a result, seven bills have been prepared and laid before Parliament on 2 February 2018.



FINLAND / FINLANDE

#### *Citizens’ initiative Finland*

- **Nature, level, date of the “good practice”:**

A new form of participation on the state level, citizens’ initiative, was taken into use in Finland on 1 March 2012 (a one month before the European Citizens’ Initiative ECI was launched). The Act on Citizens’ Initiative includes provisions on the procedure to be followed when organizing a citizens’ initiative.

- **Substantive explanation :**

The objective of the system is to promote civic activity. Citizens’ initiative offers citizens a possibility to have their initiative considered by Parliament. According to the new provision in the Constitution, at least fifty thousand Finnish citizens entitled to vote have the right to submit an initiative for the enactment of an Act to Parliament.

- **Implementation:**

A citizens' initiative may be organized by one or several Finnish citizens who are entitled to vote. The organizer shall designate one representative and one substitute to take care of the practicalities relating to the initiative procedure.

A citizens' initiative may include either a bill or a proposal that a bill drafting process should be started. An initiative may also concern amending or repealing an effective Act. If the initiative is formulated as a bill, it shall include the actual sections of the proposed legislation. The initiative shall comprise only one complex of issues and it must always include reasons for the proposal.

The statements of support must be collected within six months. They shall be collected either in paper form or electronically via an online data system. Online system requires a strong e-identification.

When the collection is completed, the organiser shall submit the statements of support to the Population Register Centre, which checks their validity and verifies the number of valid statements of support. If the number of valid statements goes up to 50,000, the organiser may submit the initiative to the Parliament for consideration.

The Parliament is obliged to take the citizens' initiative up for consideration, but thereafter it is at Parliament's discretion whether the initiative will be approved or if it shall be amended in some way. If Parliament decides to reject the initiative, a new initiative on the same subject matter may be submitted.

The Ministry of Justice has developed several e-democracy tools for consultation as well as collection of initiatives on state and municipal level. Kansalaisaloite.fi / Medborgarinitiative.fi is an online service of the Ministry of Justice for launching state level citizens' initiatives and collecting statements of support for these initiatives.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Currently 20 initiatives have been submitted to Parliament. Two initiatives have been adopted and several other initiatives have affected the operational or legislative processes otherwise. Early experiences on the Finnish citizen initiative (surveys in 2014, 2016 and evaluation 2017) indicate that the system has overall raised important issues in public debate and improved the functioning of democracy.

*Advisory Board for Ethnic Relations ETNO*

- **Nature, level, date of the "good practice":**

The government re-established an Advisory Board for Ethnic Relations ETNO for a new four-year tenure in 2016. The Advisory Board's mandate is to function as a forum for discussion and negotiation through which migrant and ethnic minority civil society organisations can partake in preparatory and decision-making processes.

- **Substantive explanation of any "good practice" adopted at national level with regard to the protection and promotion of the civil-society space:**

ETNO serves as a stable platform that allows continuous dialogue between civil-society, public authorities and other stakeholders at the national and regional levels. This not only safeguards the fundamental right of public participation but also solidifies the benefit seen in civil-society contribution.

- **Implementation:**

ETNO is re-established every four years by the government according the decree 771/2015. ETNO's secretariat is located at the Ministry of Justice.

Aimed at building co-operation between authorities, civil-society and other relevant stakeholders ETNO in comprised of key ministries, political parties in parliament, civil-society organisations and bodies, labour and employer unions, the Association of Finnish Local and Regional Authorities and experts from various sectors.

In addition to the national ETNO, seven regional bodies are co-ordinated by mandated Centres for the Environment, Transport and Economy. These serve the same functions of furthering co-operation between civil-society and different stakeholders in society.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The envisaged impact of the Advisory Board is to have a strong and robust civil society that participates and partakes in decision-making preparation and implementation. ETNO focuses on migrant and ethnic minority civil-society actors and especially in ascertaining that channels of participation are also available to them.



GEORGIA /GEORGIE

*National Strategy for the Protection of Human Rights in Georgia (2014-2020)*

- **Nature, level, date of the “good practice”:**

In April 2014 the Parliament of Georgia adopted the [National Strategy for the Protection of Human Rights in Georgia](#) (2014-2020).

- **Substantive explanation, implementation and intended outcome:**

According to the National Strategy for the protection of human rights in Georgia (2014-2020), in the protection of human rights, the recommendations of the Public Defender, NGOs and international human rights instruments and mechanisms are given due consideration, along with the declarations of the Constitutional Court of Georgia and the judgments of the European Court of Human Rights. It further envisages the Government of Georgia, to be held fully accountable for its human rights duties through regular and comprehensive assessments by specially commissioned government agencies and bodies which closely monitor the measures implemented by the Government, *inter alia*, in terms of inclusiveness of such measures – in allowing those persons most affected to participate, or otherwise express their views, in relevant decision-making processes.

- **Information as to whether the good practice has been developed and/or implemented with the cooperation of civil society organizations:**

International organizations and NGOs alongside with the State agencies, were actively involved in the process of development of the Strategy. Assistance was also sought from the independent organizations, devoted to protecting and promoting particular human rights.

*Open Government Georgia’s Forum*

- **Nature, level, date of the “good practice”:**

With the aim to promote the openness of governance, its transparency, accountability and engagement of citizens in the decision-making process, which the Government of Georgia considers as vital values of democratic society and within the context of Georgia’s active engagement in OGP since 2011 at the end of 2013 the Open Government Georgia’s Secretariat created the Open Government Georgia’s Forum (Forum) – a permanent dialogue mechanism for government and civil society to co-create open government reforms.

- **Substantive explanation, implementation and intended outcome:**

The Forum is a permanent coordination mechanism for Open Government Georgia at the national level, comprised of local NGOs international partners, business sector, public agencies and academia. It is responsible for developing proposals on issues related to OGP, supporting the Action Plan elaboration process, planning and conducting public consultations across Georgia and monitoring and assessing the Action Plan implementation.

The Forum is intended to serves as a platform that is constantly evolving a new culture of government-civil society cooperation and to ensure that such cooperation is comprehensive and not fragmented. It reflects the will of the Government of Georgia to prioritize multi-stakeholder engagement including civil society involvement in policy planning process. Since its creation the forum became a cornerstone of trust between government and civil society as it ensures co-creation of open government policies and constant communication with public across Georgia.

Georgia was one of the first countries to join Open Government Partnership (OGP) in 2011 and has already accomplished several essential reforms. It was elected as a member of the OGP Steering Committee in 2014 and as a Co-Chair of France in 2016. In September 2017, the president of France, Mr. Emmanuel Macron handed over the lead chairmanship of OGP to the Prime Minister of Georgia, Mr. Giorgi Kvirikashvili. As the Chair of OGP, the Government of Georgia has identified four strategic goals, each involving activities that touch citizens’ lives every day. Based on this approach, Georgia’s strategic goals include: (1) Strengthen co-creation and citizen engagement; (2) advance transparency and the fight against corruption; (3) generate innovation in public service delivery; and (4) build a better partnership. The Government will be also promoting Sustainable Development Goals (SDG) Agenda, especially focusing on the goal dedicated to the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels.

*Anti-Corruption Policy*- **Nature, level, date of the “good practice”:**

The Government of Georgia has ensured the active engagement of civil society in fight against corruption as well. The Inter-Agency Coordination Council for Fight against Corruption in Georgia (the “ACC”) consists of 55 members, among which 17 members are representatives of the civil society and business sector. The Council is chaired by the Minister of Justice of Georgia and is accountable before the Government of Georgia.

- **Substantive explanation, implementation and intended outcome:**

All the Anti-Corruption strategic documents (e.g. Anti-Corruption Strategy and its Action Plans) are developed on the basis of intensive discussions held in the framework of the ACC and Inter-Agency Expert Level Working Group. Civil society participation in the Meetings of Working Group as well as ACC Sessions throughout the strategic development process ensures intensive and collaborative participation of all stakeholders.

In addition, in the light of the main tasks of ACC, in particular development of anticorruption policy, coordination and monitoring over implementations of Strategy and Action Plan, as well as ensuring diligent implementation of recommendations of International Organizations at the national level, Civil society representatives being members of the ACC are able to participate in monitoring and evaluation of implementation of the anticorruption policy documents. According to the Monitoring and Evaluation Methodology adopted by the ACC in 2015 the monitoring/evaluation reports and progress and monitoring tools prepared by the ACC Secretariat, documents includes the feedback and inputs from civil society on the implementation of activities.

The Monitoring and Evaluation Methodology consists of the following three components:

a) Progress and Monitoring Tool - prepared by the responsible state agencies biannually and reflects the progress made in the implementation of activities enlisted in the Action Plan. The Tool aims to enhance the reporting process; it includes some specific timeframes and two types of ratings. The Progress and Monitoring Tool will be filled out by all responsible agencies and submitted first to NGOs for their comments and input and then to the Secretariat for its assessment.

b) Monitoring Report - prepared in the first year of the Action Plan. The Report includes the assessment of the implementation of the Action Plan activities and of the achieved results. It is based on the information submitted by responsible agencies.

c) Monitoring and Evaluation Report – aims assessing the achieved results and their effectiveness/efficiency. It includes the analysis of the existing situation and the identification of gaps and challenges in the Action Plan implementation process by the responsible agencies. It is based on Monitoring Reports and some specific result-oriented indicators set out by the Action Plan. The Report is elaborated at the end of the Action Plan by the Secretariat and adopted by the Anti-Corruption Council.

*Judicial reform*- **Nature, level, date, explanation of the “good practice”:**

NGOs have a strong impact on judicial reform. For example, one of them, CEMI (the Centre for Monitoring and Research) is implementing a Judicial Reform Project that includes monitoring of trials with a special focus on criminal cases. Judicial bodies have contributed to the implementation of this project and through the signing of a memorandum of cooperation.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The whole project will last for 3 years and represents some kind of continuation of a similar project that was realized in the period from 2007 to 2014. The strengthening of democracy and the rule of law and the promotion of respect for basic human rights and freedoms is the main goal of this project. At the same time, through this program CEMI continues to provide expert support to system institutions and their work, especially in the field of fulfilling obligations and standards in the process of EU integration.


**POLAND / POLOGNE**

*Adoption of the Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020*

<http://www.msz.gov.pl/resource/9bb70a0b-908c-451f-9690-5c58af0b6639:JCR>

- **Nature / level / date of the “good practice”:**

Adoption of the Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020 (NAP) by the Council of Ministers on 29 May 2017 after intensive consultations with a wide range of stakeholders, primarily with employers’ organisations, trade unions, and NGOs.

- **Substantive explanation of the “good practice”:**

The Ministry of Foreign Affairs has assumed the role of coordinator of the process of developing the Polish National Action Plan with respect to the implementation of the United Nations Guiding Principles on Business and Human Rights. The development and regular updating of the NAP requires the cooperation of many entities: governmental institutions, industry and non-governmental organisations. The issue of ensuring the observance of human rights in business is the shared responsibility of the state, including the executive, legislative, and judicial branches, as well as business circles and civil society. The government plays a key role in this process, as it is responsible for the majority of planned activities under the NAP.

The development of the NAP and its updating involves the participation of various ministries (Ministry of Foreign Affairs; Economic Development; Finance; Family, Labour and Social Policy; Justice), as well as the Government Plenipotentiary for Equal Treatment, the Government Plenipotentiary for Civil Society, the National Labour Inspectorate, and the Commissioner for Human Rights. The work on the National Action Plan required a comprehensive analysis of the current legal status in relation to the subject of the UN Guiding Principles, so as to identify whether and where Polish law and practice require specific changes and adjustments. Such an analysis was carried out by the relevant ministries and was included in this first edition of the NAP. Consultations with a wide range of stakeholders, primarily with employers’ organisations, trade unions, and NGOs, facilitated an evaluation of the issues from different perspectives and the collection of specific recommendations for the NAP.

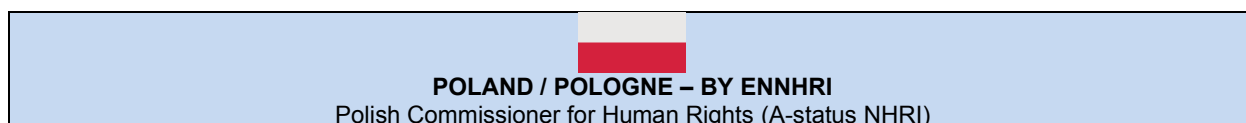
- **Implementation:**

The Polish National Action Plan for the Implementation of the United Nations Guiding Principles on Business and Human Rights 2017-2020 was developed following consultations with a wide range of stakeholders, primarily with employers’ organisations, trade unions, and NGOs, facilitated an evaluation of the issues from different perspectives and the collection of specific recommendations for the NAP. The document was forwarded to the Social Dialogue Council and passed through a public consultation process by making its content available on the website [www.konsultacje.gov.pl](http://www.konsultacje.gov.pl).

The outcome of consultations was integrated in the document adopted by the by the Council of Ministers on 29 May 2017.

- **Intended/ measured outcomes and/or envisaged impact:**

Through the implementation of the UN Guiding Principles, the NAP primarily aims to enhance the protection of human rights of individuals and to enable them to seek justice when their rights are violated by business. By describing the government’s actions to promote corporate social responsibility, as well as referring to strategic documents in this area, the NAP demonstrates a deliberate state policy of supporting businesses while stressing the need for human rights.



### *Consultation meetings*

The Polish Commissioner for Human Rights, having in mind insufficient engagement of civil society in the legislative process, organizes consultation meetings concerning important draft legislation (e.g. the CHR on 6 May 2016 held consultations on draft antiterrorist legislation or on 2 March 2017 held consultations on draft NGO legislation).



### *Public councils in the executive bodies*

#### **- Nature of the “good practice”:**

Legislation and executive acts on the state level in order to establish and enhance public councils in the executive bodies (Federal Law No. 212-FZ "On the Fundamentals of Public Control in the Russian Federation" of July 21, 2014; Government decision No. 481 of August 2, 2005; Decree of the President of the Russian Federation No. 842 of August 4, 2006).

#### **- Explanation:**

Creating conditions for social structures' involvement in addressing the acute issues of socio-political and economic development of the country is on the priority list of the Russian federal authorities. This process is carried out with the participation of the Civic Chamber of the Russian Federation, the Presidential Council for Civil Society and Human Rights, federal and regional ombudspersons. These institutions serve to ensure the interaction of Russian citizens with federal and local authorities in order to accommodate civil interest in the development and implementation of public policy in various spheres.

For over a decade public councils in the executive bodies have been operating in Russia. These bodies were established to consult the interests of citizens, protect their rights and freedoms in shaping and implementing public policy (set up in accordance with Government decision No. 481 of August 2, 2005 and Decree of the President of the Russian Federation No. 842 of August 4, 2006).

#### **- Implementation:**

Since 2014 the Civic Chamber and the Government of the Russian Federation have been working together to redesign public councils. Systematic efforts are being made to enhance public councils and prevent them from "bureaucratization". As of January 2018, eight councils have been relaunched with ten more bodies at their final stage.

With the participation of the Presidential Council for Civil Society and Human Rights and the Civic Chamber of the Russian Federation, Federal Law No. 212-FZ "On the Fundamentals of Public Control in the Russian Federation" of July 21, 2014 has been drafted. This groundbreaking regulation allows non-profit organizations (NPOs) to be involved in the oversight of the executive and participate in the public decision-making process. Pursuant to the above document, the institution of "zero reading" of draft laws has been developing within the Presidential Council for Civil Society since 2014. It provides a social assessment of draft legal acts developed by ministries and agencies to agree the interests of citizens, NPOs and authorities.

In addition, public control procedures include full-time monitoring of the Unified State Examination, availability and quality of high-tech medical care, situation in orphanages, as well as relations in the areas of ecology, education, housing and public utilities and other social spheres.

#### **- Impact:**

Creation of public councils in the executive bodies to provides for active civil society participation in the decision-making.



*Guidelines for inclusion of CSOs into the procedure for adoption of regulations*

- **Nature, level, date, explanation of the “good practice”:**

On 26 August 2014 the Government of Republic of Serbia adopted the Guidelines for inclusion of CSOs into the procedure for adoption of regulations. It should be noted that paragraph 3 of the Guidelines sets forth the following levels of participation of CSOs in the process of preparation, adoption and monitoring of the implementation of regulations: 1) Informing; 2) Counseling; 3) Inclusion; 4) Partnership. Guidelines define Partnership as the highest level of cooperation whose aim is to enable that CSOs participate actively, both in the process of drafting regulations and in the process of their application. Common methods of Partnership are: body meetings made up of representatives of State authorities and representatives of CSOs (councils, commissions, negotiating bodies, thematic conferences and more).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

On 3 January 2017 the Committee composed of representatives of the Office for Cooperation with Civil Society and the Office for the Fight Against Drugs (public bodies) adopted the final Decision on the selection of CSOs for partnership with the Serbian Drugs Office in the field of combating drug abuse in the Republic of Serbia. By the final decision, 11 CSOs were selected to sign a Memorandum of Cooperation.



*National Plan and the State Council for Gypsy population*

- **Nature, level, date of the “good practice”:**

Action plan, strategy, policies/State/2005-present.

- **Substantive explanation:**

The National Plan (Strategy) to integrate Gypsy Population 2012-2020 is created by Decision by the Council of Ministers of 2 march 2012; the State Council for Gypsy Population is created and regulated by Royal Decree 891/2005; it is a collegiate organ with inter-institutional and consultative characters. The essential purpose of this State Council is to promote the participation and collaboration of the associative gypsy movement in the development of the general policies and to impulse the equality of opportunities for gypsy population.

- **Implementation:**

This State Council for Gypsy Population informs drafts regulations and legislative about gypsy population, makes several proposals and formulates ideas about integration and participation for gypsy population, as well as seminars: <http://blog.educalab.es/cniie/tag/consejo-estatal-del-pueblo-gitano/>. Nowadays, the vice-chair of this Council is a gypsy woman, which allows also to promote the integration of the woman in gypsy population.

- **Intended outcomes, impact:**

In the State Council for Gypsy Population are represented now several organizations for Gypsy people, which have proposed several plans to develop and promote integration and education for Gypsy population.

- **Information as to whether any good practice has been developed or implemented with cooperation of civil society organizations, human rights defenders or NHRIs:**

Twenty civil Gypsy Organizations (federations, foundations, associations, platforms, groups and another associative gypsy structures) are part of the State Council for Gypsy Population, as well as the representatives of Public Administration, so the opinion of this Gypsy organizations is relevant in the activities and reports of this Sate Council.

Links:

Consejo Estatal del Pueblo Gitano:

<http://www.msssi.gob.es/ssi/familiasInfancia/PoblacionGitana/ConPuebloGitano.htm>

Seminar:

<http://blog.educalab.es/cniie/tag/consejo-estatal-del-pueblo-gitano/>

### *Observatory of Childhood*

- **Nature, level, date of the good practice:**

Policies, administrative practices, action plan, strategy/State/1999-present.

- **Substantive explanation:**

The Observatory of Childhood is a collegiate organ assigned to the Ministry of Health, Social Services and Equality; it provides a platform of participation for all the social agents and organizations who are working to promote the rights and obligations for children and for teenagers; the observatory allows the participation and collaboration between the State and the civil organizations for children: all of them participate in elaboration of norms and dialogue through this observatory: <http://www.observatoriodelainfancia.msssi.gob.es/>

- **Implementation:**

In the observatory, the State works in collaboration with civil organizations for children in elaboration-process of norms and they discuss about public policies and strategies.

- **Intended outcomes, impact:**

In 2017 a total of 1.937.846'14 euros have been financed in relation by programs of infancy (21 projects developed by 18 entities). A special Action plan is implemented to promote the child and youth responsible use of internet and ITC (source: <https://plataformadeinfancia.org/cibercorresponsales/>)

- **Information as to whether any good practice has been developed or implemented with cooperation of civil society organizations, human rights defenders or NHRIs:**

This General Directorate of Services for the Family and the Childhood cooperates with the NGO's to provides subsidies to put in practice programs of attention for persons with needs of integral sanitary attention, educational needs or at risk of exclusion.

Links:

Observatorio de la infancia:

<http://www.observatoriodelainfancia.msssi.gob.es/home.htm>

### *Public participation in normative projects*

- **Nature, level, date of the “good practice”:**

Legislative/State/1983-now.

- **Substantive explanation:**

In Spain, the citizens can participate in normative process (elaboration of the laws and elaboration of others norms) in several ways:

a. When a certain number of citizens proposes a new Law, they can act the popular legislative initiative process, according to the Spanish Constitution (art. 87.3.) and according to the Law (Organic Act 3/1984).

b. When the legislative initiative is exercised by the Public Authorities and specifically by the Government, another Law (Act 50/1997) establishes two ways to enable the participation of citizens, organizations and associations in the process of elaboration of Law projects, Royal Legislative Decrees, Royal Decrees and others regulatory norms.

- **Implementation:**

Regarding the popular legislative initiative, according to the Spanish Constitution and the Organic Act above mentioned, the requirements for the popular legislative initiative are the following:

a. No less than 500.000 authenticated signatures shall be required.

b. This initiative may not touch on matters concerning organic law (fundamental rights and public liberties, those which establish Statutes of Autonomy and the general electoral system), taxation, international affairs or the prerogative of granting pardons.

Regarding the Governmental initiative, the broad strokes (or big characteristics) for the participation of citizens, organizations and associations in the process of elaboration of Law projects, Royal Legislative Decrees, Royal Decrees and others norms are the following:

a. In the first place, and prior to the elaboration of the normative text, a public consultation is carried out in order to obtain the opinion of the citizens; this public consultation is provided through the Web portal of the competent department (or Ministry).

b. Once the Law project or normative draft has been prepared, and if it affects the rights and interests of the citizens, the text is published on the same web portal, in order to be discussed in the public information stage of the project, directly or through the organizations or associations that represent them, as well as to get (if the case) additional contributions that can be provided by other persons or entities (civil society organizations, associations, etc.)

c. In order to facilitate the participation in all this processes, it is provided in the general electronic access point of the State administration a link to each of the ministerial access points.

- **Intended outcomes, impact.**

Concerning the popular legislative initiative, it has been exercised in circa 160 cases since 1983 to 2017, with several legislative proposals about many different subjects, inter alia: retributions, nuclear energy, art, self-employed persons, support of the educative system, working time, post service, subsidies, marriage, protection of embryos, work, consumers, animals, urbanism, language election, street peddling or street trading...

Concerning the participation in the process of elaboration of Law projects and other norms, the citizens can actually (April 2018) participate in several normative processes in the following ministries: Foreign Office, Home Office, Justice, Education, Health, Finance, Economy, Industry, Energy, Agriculture, Defense, Fomento, Employment, Presidency.

- **Information as to whether any good practice has been developed or implemented with cooperation of civil society organizations, human rights defenders or NHRIs:**

In all this processes, civil society organizations and entities have a very important role.

Regarding the popular legislative initiative, civil society organizations often generate the idea, raise awareness the initiative, promote the process and collect the signatures (500.000).

Regarding the participation in the process of elaboration of Law projects, Royal Legislative Decrees, Royal Decrees and others norms, the civil society organizations and other associations can participate like the citizens; in fact, in the public information stage of the project, the citizens can participate directly or through organizations or associations.

**Links:**

Spanish Constitution (English):

<https://www.boe.es/legislacion/documentos/ConstitucionINGLES.pdf>

Organic Act 3/1984:

<https://www.boe.es/buscar/act.php?id=BOE-A-1984-7249>

Act 50/1997:

<https://www.boe.es/buscar/act.php?id=BOE-A-1997-25336>

Orden Ministerial PRE 1.590/2016:

<http://boe.es/buscar/doc.php?id=BOE-A-2016-9121>

Data about popular legislative initiatives in 2016-2017:

[http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/IniTipo?\\_piref73\\_1335527\\_73\\_1335526\\_1335526.next\\_page=/wc/detalleTipoIniciativa&idIniciativa=120&descripcionIniciativa=Iniciativa legislativa popular.&paginaActualB=1](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/IniTipo?_piref73_1335527_73_1335526_1335526.next_page=/wc/detalleTipoIniciativa&idIniciativa=120&descripcionIniciativa=Iniciativa legislativa popular.&paginaActualB=1)

[http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/IniTipo?\\_piref73\\_1335527\\_73\\_1335526\\_1335526.next\\_page=/wc/buscarTiposIniciativas&paginaActualB=1&idIniciativa=](http://www.congreso.es/portal/page/portal/Congreso/Congreso/Iniciativas/IniTipo?_piref73_1335527_73_1335526_1335526.next_page=/wc/buscarTiposIniciativas&paginaActualB=1&idIniciativa=)

Public participation in normative projects:

<http://transparencia.gob.es/transparencia/transparencia/Home/index/GobiernoParticipacion/Participacion Ciudadana/ParticipacionProyectosNormativos.html?imprimir=1>



### *Procédure de consultation*

- **Nature, niveau, date de la « bonne pratique » :**

Loi fédérale du 18 mars 2005 sur la procédure de consultation (la procédure existait déjà auparavant sur la base d'une ordonnance).

- **Explication:**

La loi prévoit qu'afin d'examiner si un projet de loi est pertinent, exécutable et s'il a des chances d'être accepté, il est soumis à cet effet aux cantons, aux partis politiques représentés à l'Assemblée fédérale, aux associations faîtières des communes, des villes et des régions de montagne, aux associations faîtières de l'économie et aux autres milieux concernés dans les cas d'espèce.

- **Mise en œuvre :**

Toute personne peut se prononcer sur un projet, même si elle n'a pas été invitée à participer à la consultation. Les organisations de la société civile recourent souvent à cette possibilité. Les réponses des participants à la consultation sont évaluées avant que le Conseil fédéral ne fixe les grandes lignes de son projet.

### *Droit d'initiative et de référendum*

- **Nature, niveau, date de la « bonne pratique » :**

Art. 138 ss de la Constitution fédérale de la Confédération suisse du 18 avril 1999 (Cst.).

- **Explication:**

Les citoyens suisses peuvent influencer sur la législation et apporter leurs idées au processus législatif en lançant une initiative populaire ou en initiant un référendum contre une loi ou un arrêté décidé par le Parlement.

- **Mise en œuvre :**

*Initiative* : 100 000 citoyens et citoyennes ayant le droit de vote peuvent proposer une révision totale ou partielle de la Constitution, à certaines conditions. *Référendum* : 50 000 citoyens ou citoyennes ayant le droit de vote peuvent demander, dans les 100 jours à compter de la publication officielle de l'acte, qu'une loi fédérale, un arrêté fédéral ou certains traités internationaux soient soumis au vote du peuple.



### *Thematic Consultation Forum*

A well-functioning and open consultation between the Government and civil society organizations is key for the work of both parties in promoting and protecting human rights. The Swedish Government considers that it is important to be able to make use of civil society's skills and perspectives in a qualitative and efficient way. For the organizations, regular open consultation affords a way to obtain information about and to influence the Government's efforts. For these reasons, the Government Offices of Sweden developed a model aimed at achieving deeper and more structured open consultation with civil society organizations. This model (in Swedish: *sakråd*) is founded on a Government decision, which was taken following about a year of consultations with civil society. It is based on the six principles for civil society policy and the Council of Europe's Code of Good Practice for Civil Participation in the Decision-Making Process. The motivation for inviting an organization to participate in focused discussion must be based on the organization's factual knowledge and perspective. The selection of organizations is to be suited to the purpose of the focused discussion, and relevant actors may therefore vary for different parts of a focused discussion.

The focused discussion model aims to:

- improve the quality of the Government's evidence base by deepening and broadening the Government's knowledge and perspective on particular issues;
- facilitate and enhance the efficiency of acquiring knowledge and other communications on matters between the Government and civil society organizations; and
- better coordinate the Government ministries' contacts with civil society organizations for greater consistency within the Government Offices of Sweden.



**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” /  
« L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »**

### *Single Electronic Register of Regulations ENER*

- **Nature, level, date, explanation of the “good practice”:**

With the changes of the Rules of procedure of the Government and in line with the Government “Guidelines for the manner of acting in the work of the ministries for the involvement of stakeholders in the process of preparation of laws”<sup>28</sup> the policy development process is opened to other state and non-state stakeholders. The public consultation process is facilitated through the Single Electronic Register of Regulations ENER (<https://ener.gov.mk/>), an electronic system where all current (laws and bylaws) as well as draft legislation are presented to the public and their feedback gathered in 10 (ten) days from the publication.

ENER is a functional public consultation process tool which allows interested parties (civil society organizations CSOs, interest groups, businesses, academia and etc.) to submit electronically their comments and suggestions directly to competent institutions. ENER also serves as main source for the media of relevant information about the ongoing legislation projects of the government, without having to visit every single web site of the Ministries or use alternative routes to obtain information. Ministry of Information Society and Administration on behalf of the Government manages the ENER and all ministries regularly update and publish draft laws, bylaws, consolidated texts of laws and documents arising from the Regulatory Impact Assessment process. Enhanced transparency is achieved by making it legally binding to publish all law drafts and law change proposals of the government, in each phase of their preparation, with detailed explanations and justifications about the proposal, including a cost-benefit analysis and an analysis of different options, with an argumentation about the reasons why that specific approach was considered to most adequate, in line with the RIA principles. The Ministry, responsible for a particular legislative document published in ENER, should produce a report on the public consultation process and its results.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

ENER provides simple, free of charge and direct active involvement for any stakeholder or interested party in the complete legislative process from the initial proposal to make law changes, to the final stage in the government procedure. Each portal visitor has full access to all relevant documents which explain why the law is being issued or amended, which impacts are expected on the society and what outcomes can be envisaged from the new legislation. Based on these data, the visitor can send proposals and comments for improvement of each draft-document/ legislation. Each comment is registered, published and answered with specific deadlines so if the government rejects a proposal, they have to explain why in writing, which brings the burden on them. ENER guarantees that based on the obligatory administration procedures, all comments shall be published without delay and replied within a specified deadline. Each reply contains an explanation whether the comment is accepted or declined, stating the reasons for that decision, in public.

<sup>28</sup> <http://www.vicpremier->

[ekonomija.gov.mk/files/pdf/angl/Upatstvo\\_za\\_postapuvanje\\_na\\_ministerstvata\\_eng.pdf](http://www.vicpremier-ekonomija.gov.mk/files/pdf/angl/Upatstvo_za_postapuvanje_na_ministerstvata_eng.pdf)

ENER is directly connected with the “E - Government session” system, meaning that no law changes can reach a session without having been properly processed in the ENER with RIA Report (excluding those that are by law not subject to RIA). Only one government official can by - pass this system and approve a law to come to the session incomplete, but a trace in the system stays, with monitoring data about the number of such events. Ministries don't have this privilege.

A civil society project “Mirror of the government” implemented in Macedonia since 2012 by the Macedonian Center for International Cooperation (MCIC) and funded by the European Union and the United States Agency for International Development (USAID) is regularly monitoring and publishing the quantity and quality of use of ENER by the government. Within the project, the Single National Electronic Registry of Regulations (ENER) is regularly and continuously monitored, evaluating the involvement of the public at an early stage in drafting laws. The results of the monitoring of ENER are published in weekly and monthly reviews and quarterly and annual reports. The purpose of these publications is to increase citizens' awareness and to encourage civil society organizations and other stakeholders to participate in the early stages of law drafting. All results of the “Government Mirror” project are available on the website [www.ogledalonavladata.mk](http://www.ogledalonavladata.mk) and <http://sorabotka.ener.gov.mk/Ogledalonavlada.aspx>.

#### *Cooperation with civil society*

##### **- Nature, level, date, explanation of the “good practice”:**

The Government of the Republic of Macedonia in 2012, adopted the second Strategy for cooperation with civil society and the Action Plan for its implementation from 2012 to 2017, which is in line with the strategy “Europe - 2020”<sup>29</sup>, and whose main objective is to promote, support and promotion of partnership between government and civil society (associations and foundations) through measures to strengthen mutual cooperation. Strategy is an important document in which the Government recognizes the importance of civil society and its role in the development of society, the encouragement of pluralism, tolerance and the strengthening of democratic processes in all municipalities in Macedonia. Specifically tasked Department for cooperation with NGOs in the General Secretariat of the Government is responsible for the continuous, timely and harmonized implementation of the Strategy<sup>30</sup>.

Among the most important measures to strengthen the institutional framework and practices of cooperation between government and civil society organizations, within the framework of the Strategy for Cooperation with the Civil Sector 2012-2017 was the establishment of an advisory body to promote cooperation, dialogue and encourage the development of civil society, composed of representatives of government, state institutions and civil society organizations. Government, at its session held on 17. 05.2016 adopted the Decision on establishing the Council for Cooperation between the Government and civil society (“Official Gazette” no.98 / 16). The Government within the measures for strengthening financial sustainability of the civil sector, also annually adopts Programme for funding of program activities of associations and foundations and allocates funds for support of projects of CSO in accordance with the Government Decision on the criteria and procedure for allocation of funding for the program activities of Civil Society Associations and Foundations from the Budget.

##### **- Intended outcomes and/or envisaged impact, proof of its impact:**

Ministry of Foreign Affairs in particular, in cooperation with other state institutions regularly cooperates with the relevant civil society organizations and other independent bodies in the area of human rights in the process of preparation of reports on ratified international conventions of the UN or the Council of Europe, such as for example within the Universal Periodic Review (UPR) reporting mechanism. Civil society organizations are also actively and regularly involved in policy preparation and implementation by other Ministries and state bodies through direct participation in the working groups working on the creation of specific legislation, regulations, strategies and action plans, participating in public debates, round tables, workshops, coordinating bodies, submitting comments, opinions and suggestions, as well as realization of projects in the field of social protection.

#### *Inter-Sectoral Human Rights Body (ISHRB)*

<sup>29</sup> [http://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/STRATEGY\\_FOR\\_COOPERATION\\_OF\\_THE\\_GOVERNMENT\\_WITH\\_THE\\_CIVIL\\_SOCIETY%282012-2017%29.pdf](http://www.nvosorabotka.gov.mk/sites/default/files/dokumenti/STRATEGY_FOR_COOPERATION_OF_THE_GOVERNMENT_WITH_THE_CIVIL_SOCIETY%282012-2017%29.pdf)

<sup>30</sup> [www.nvosorabotka.gov.mk](http://www.nvosorabotka.gov.mk)

- **Nature, level, date, explanation of the “good practice”:**

Under a Decision of the Government of the Republic of Macedonia adopted on 10 April 2012, amended on 19 November 2012 and in 2015 the Inter-Sectoral Human Rights Body in the current format was established. The Decision establishing the Inter-Sectoral Human Rights Body defines its competences relating to: Advancing the coordination of human rights activities of all in-line Ministries and governmental bodies; Information exchange and implementation of recommendations contained in reports of relevant Committees and other bodies of the UN, Council of Europe, the EU, and other international organizations; -Presenting proposals for the improvement of human rights legislation and presenting proposals to the Government for pursuance of activities of importance for human rights promotion in the Republic of Macedonia etc.

The Body is chaired by the Minister of Foreign Affairs. Members of the Body are the State Secretaries at the MFA, the Ministry of Justice, the Ministry of Labour and Social Policy, the Ministry of the Interior, the Ministry of Education, the Ministry of Health, the Ministry of Finance, the Ministry of Information Society and the Administration, Ministry of Culture and Ministry of Environment and Physical Planning, the Secretariat for European Affairs, and the Secretariat for the Implementation of the Framework Agreement, the President of the Commission for Relations with Religious Communities and Religious Groups, the Directors of the State Statistical Office, the Personal Data Protection Directorate, and of the Agency for Rights of the Communities. External members of the Body are: the Deputy Ombudsman, the President of the Agency for Audio and Audiovisual Media Services, the President of the Commission for Protection against Discrimination, and the President of the Commission for Protection of the Right to Free Access to Public Information. The Body does not have a specific administrative. The Human Rights Division of the Directorate for Multilateral Relations at the MFA acts as the Secretariat of the Inter-Sectoral Body. It is envisaged for the Body to meet four times a year.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Membership of the ISBHR on political level, allows for greater degree of coordination and instructions from top to bottom, but at the same time lacks the necessary expertise and continuity in meetings. Motivated by the need to address this issue the Expert Working Group was established in 2015 under the initiative of the Ministry of Foreign Affairs. The expert working group is comprised of civil servants from the in-line institutions mandated to meet more frequently and support the work of the Inter-Sectoral Body. The expert working group meets on an ad-hoc basis, when a need arises: Review/coordination of reporting obligations of the Republic of Macedonia under international human rights instruments; Consideration of recommendations by treaty bodies/monitoring mechanisms of the United Nations/Council of Europe and ensuring their implementation by the relevant state authorities; Initiating procedures for signature of a number of international human rights instruments etc.

### Resources and long-term support (3.5)



*Civil society organisations working on gender, sexual identity and disability issues: Structural subsidization + policy participation*

- **Nature, level :**

Subsidies + policy participation / regional / since 2000

- **Explanation:**

The Flemish Equal Opportunities policy finances on a yearly basis 9 organisations working on gender (4), sexual identity (4) and disability (1), for a total of € 2,5 mio (on a total working budget of € 4,7 mio). These organisations play a role in the implementation and realisation of the equality policy. They also have an informing, awareness-raising and supporting role towards the policy makers. The numbers show that civil society is an important partner of the policy makers.

- **Implementation:**

Each year the organisations make an action plan with target goals. These documents are negotiated between the organisation and the administration, and *in fine* agreed upon by the Minister of Equal

Opportunities. The financing is formalised in a ministerial decree valid for one year. Each year the exercise and agreement are renewed.

- **Participation of civil society:**

Civil society plays an important role in the process of policy making. They can indicate opportunities and bottlenecks, as well as policy gaps or problems. The dialogue is almost organic.



CROATIA / CROATIE

*Financing CSOs from the revenue from lottery games*

- **Nature and level:**

Funding of NGO projects is provided by public sources – from lottery games based on the Lottery Games Act (OG No. 87/09, 35/13, 158/13, 41/14, 143/14), and in accordance with The Regulation on Criteria for Determining the Beneficiaries and the Method of Distributing Revenues from Lottery Games for 2016 (OG No. 38/16), the Law on Associations (OG, No. 74/14), and in accordance with the provisions of the Regulation on Criteria and Procedures for Funding and Contracting of Programs and Projects of Common Good carried out by associations (OG No. 26/15).

- **Date and explanation:**

The Ministry of Justice, since 2016, grants funds to CSOs on the basis of available funds from part of the revenues from lottery games based on public calls.

- **Implementation:**

In 2016 and 2017 were published:

1. Public Call for CSOs Projects directed to enhancing other CSOs by providing education, transfer of knowledge and skills applicable in work with victims of criminal offenses. One CSO will organize basic and specialized education for people working within the CSOs involved in supporting and assisting victims of criminal offenses;
2. Public Call for CSOs Projects for providing support to victims and witnesses in counties where Victims and Witness Support Units are not established; providing psycho-social assistance to victims and providing information about their rights by telephone, in personal contact and via e-mail during the entire course of the proceedings (from the criminal charges to the verdict);
3. Public Call for funding activities of the partnership network for supporting victims and witnesses in counties where Victims and Witness Support Units are not established; the partner network consists of 10 CSOs, which are also coordinated by one CSO;
4. Public Call for funding CSOs projects and programs targeted to the provision of support for the implementation of an individual prison sentence execution program and educational measure. In this way, the Directorate for the Prison System of the Ministry of Justice has co-operated with thirty different civil society organizations whose programs and activities cover different areas of work, such as dealing with drug and alcohol addicts, participation in rehabilitation of addict prisoners, improving the quality of life of prisoners and their families, increasing employability and social inclusion.

*Examples of IPA grant schemes related to activities of CSOs that have been financed by the EU and the Government Office for Collaboration with NGOs of the Republic of Croatia*

1. IPA 2008 programme “Enhancing the capacities of the civil society sector for monitoring of the implementation of the EU acquis”

Grant scheme “*Enhancing the capacities / roles of the CSOs in monitoring of the implementation of the EU Acquis in field of the comprehensive anti-discrimination strategy*”

The overall objective of the grant scheme was to foster structured dialogue and formalize consultation between Croatian CSOs and Croatian state administration/ EU institutions within the process of shaping, monitoring and evaluation of public policies at the national and EU level.

Achieved result is increased effectiveness of the CSOs and their partner organizations in independent monitoring and advocacy initiatives focused on comprehensive anti-discrimination policy (age, health

status, ethnic origin, sex/sexual orientation, social or economic status, gender, etc.) at the national and regional level, assuring an open and accountable process of decision-making, implementation and evaluation.

Financed: 5 projects implemented by associations from April 2011 till October 2013.

Total value of the projects: 1.150.057,00 EUR

List of contracted projects:

<https://udruge.gov.hr/jacanje-uloga-i-kapaciteta-nevladinih-organizacija-koje-nadgledaju-provedbu-antidiskriminacijskih-strategija-i-njihovo-uskladjivanje-s-pravnom-stecevinom-eu/3242>.

Results of implemented projects:

<https://udruge.gov.hr/UserDocsImages/dokumenti/IPA%202008%20-%20rezultati.xlsx>

and <https://magic.piktochart.com/output/6106009-untitled-infographic>

2. IPA 2009 programme „Enhancing the Sustainability and the Development of CSOs as Proactive Social Actors in the Implementation of the EU Acquis“

Grant scheme: *„Building capacities of CSOs for monitoring and advocacy in the field of democratization, human rights, minority integration and sustainable refugee return in the Areas of special state concern“*

The Overall objective of the grant scheme was to improve the environment conducive to development and sustainability of CSOs as proactive social actors in the implementation of the EU Acquis by strengthening capacities of the CSOs to act both as proactive policy advocates and watch-dogs in important areas of EU accession such as democratization, human rights, refugee return and integration of Serb minority.

Achieved result: Capacities of CSOs for monitoring and advocacy in the field of democratization, human rights and refugee return at the local level strengthened.

Financed: 9 projects implemented by associations from December 2011 till January 2014.

Total value of the projects: 2.062.178,17 EUR

List of contracted projects:

[https://udruge.gov.hr/UserDocsImages/UserFiles/file/Popis%20projekata%20ugovorenih%20u%20sklopu%20darovnice%20IPA%202009\\_.pdf](https://udruge.gov.hr/UserDocsImages/UserFiles/file/Popis%20projekata%20ugovorenih%20u%20sklopu%20darovnice%20IPA%202009_.pdf)

Results of implemented projects:

<https://udruge.gov.hr/UserDocsImages/dokumenti/IPA%202009%20-%20rezultati.xlsx>

and <https://create.piktochart.com/output/7740779-ipa-2009-demokratizacija>

3. IPA 2010 programme “Assisting CSOs in developing, implementing and monitoring public and Acquis related policies”

Grant scheme *“Supporting CSOs in promoting and monitoring of equal opportunities and non-discrimination related policies”*

The overall objective of the grant scheme was to consolidate the cooperation between public sector and CSOs in the process of implementation of non-discrimination and equal opportunities policy.

Achieved result: Capacities of CSOs active in the field of equal opportunities and non-discrimination strengthened to consolidate cooperation with relevant institutions at the local level.

Financed: 4 projects implemented by associations from April 2011 till November 2013.

Total value of the projects: 689.209,90 EUR

List of contracted projects:

<https://udruge.gov.hr/UserDocsImages/UserFiles/file/IPA%202010%20popis%20projekata.pdf>

Results of implemented projects:

<https://udruge.gov.hr/UserDocsImages/dokumenti/IPA%202010%20-%20rezultati.xlsx>

and <https://magic.piktochart.com/output/6159669-ipa-2010-jednake-mogucnosti>

4. IPA 2012 programme “CSOs – Internal Control Mechanism for Safeguarding the EU Standards”

Grant scheme: *“Building Capacities of CSOs for Ensuring Effective Implementation of the EU Standards in the Enforcement of Human Rights”*

The overall objective of the grant scheme was to ensure effective implementation of the EU standards in the enforcement of human rights. The aim of the grant scheme was to affirm CSOs as equal partners in ensuring consistent enforcement of human rights and to build networks between CSOs, as well as inter-institutional cooperation and networks to help access to human rights of vulnerable groups.

Achieved result: CSOs' affirmed as equal partners in ensuring consistent enforcement of human rights; Networks between CSOs built up, and inter-institutional cooperation and networks built to help access to human rights of vulnerable groups.

Financed: 22 projects implemented by associations from October 2015 till November 2017.

Total value of the projects: 3.182.815,26 EUR

List of contracted projects:

[https://udruga.gov.hr/UserDocsImages/dokumenti/IPA%202012\\_popis%20projekata\\_Ljudska%20prava.pdf](https://udruga.gov.hr/UserDocsImages/dokumenti/IPA%202012_popis%20projekata_Ljudska%20prava.pdf)

Results of implemented projects will be prepared once all final project reports are approved and endorsed.

- **Nature / level / date of the "good practice":**

Within this programme, the association Croatian Law Centre implemented project titled Developing capacities of CSOs for Human Rights Mainstreaming. The project was financed by the European Union and co-financed by the Government Office for Cooperation with NGOs of the Republic Croatia. The most important achievements of the project are successful advocacy for making the human rights impact assessment an integral part of the Regulatory Impact Assessment Process in Croatia and integration of recommendations into two key protocols regulating the official procedure and conduct towards the victims of trafficking.

- **Substantive explanation of the "good practice":**

Based on the advocacy of association Croatian Law Centre the Legislation Office of the Republic of Croatia agreed to incorporate human rights impact assessment, as the required content, in the assessments of the social impacts of regulatory proposals in the regulatory impact assessment process. Furthermore, the policy recommendations on trafficking in human beings, developed under the project, was also successfully integrated into two key protocols regulating the official procedure and conduct towards the victims of trafficking. These are: Draft Protocol for Identification, Assistance, and Protection of victims of trafficking; and Draft Protocol on procedures for voluntary and safe repatriation of trafficking victims.

- **Implementation:**

The practice of regulatory impact assessment in Croatia is relatively new, having been introduced in 2013. However, even such short a practice has disclosed the need for intervention into several important aspects of the process in order to make it more streamlined, fit-to-purpose, and practicable in the present Croatian public service context. For this reason, the Government of Croatia Legislation Office has initiated the process of amendment of the Law on regulatory impact assessment, and the corresponding regulatory impact assessment Strategy. Based on the civil society observations and recommendations presented at the public forum organized under the project, proposal was submitted in writing as a part of the public consultation carried out by means of the e-consultations web portal. The comments and recommendations addressed primarily the following: recommendation for the human rights check to be made a constituent part of the social impact assessment of any law submitted through regulatory impact assessment process; recommendation for the definition of an institutional framework responsible for the advisory and monitoring role within state administration, which would support this development, as well as the procedural arrangements to be utilized for the same purpose; and recommendation for capacity development of competent Ministries, and civil society organizations for the implementation of human rights impact assessment in the context of the regulatory impact assessment process. The report on the consultations conducted in the context of this regulatory initiative was compiled by the Croatian Legislation Office, and publicized in early November of 2016. In it, recommendation for the introduction of language into the Law on regulatory impact assessment that would make human rights impact check an integral part of the process was accepted. The Law on RIA, having passed the Parliamentary procedure, came into force in May of 2017.

During the second year of the project, the new National Plan for Combatting Trafficking in Human Beings was in the process of development. Association Croatian Law Centre had intervened into its content successfully, through consultations with the Office for Human Rights and the Rights of National Minorities. In this context, the draft Protocol for Procedures in Cases of Trafficking in Human Beings, and Protocol on Voluntary Repatriation of Trafficking Victims were submitted for public consultations. These two protocols are quite relevant to the substantive content of the present project, as they regulate the conduct of all public policy stakeholders in relations to the victims of trafficking, and thus are crucial for the realization of victims' rights, which are in fact the subject-matter of our human rights impact assessment

of this public policy area. For this reason, Croatian Law Centre organized a public forum on these two Protocols. The conclusions and the recommendations from the organized forum were submitted to Government of Croatia's Office for Human Rights as the contribution to the public consultations on the two said regulatory proposals. The Office accepted the majority of the recommendations and comments submitted by the Croatian Law Centre on behalf of the participating CSOs and other stakeholders involved in the project submitted through *e-consultation portal*. Through this, the association achieved a direct impact on the public policy in the area of trafficking in human beings, especially in the part directly linked to the official procedures directly affecting the victims of trafficking in human beings.

- **Intended/ measured outcomes and/or envisaged impact:**

Requirement to make the human rights impact assessment an integral part of the regulatory impact assessment process is now included expressly into the text of the Law on Regulatory Impact Assessment, and into the Strategy on Regulatory Impact Assessment 2016.-2020. In this way, the project has managed to achieve a direct impact on the relevant public policy, and ensured an official vehicle for human rights mainstreaming.

Also results of the work of the policy recommendations on trafficking in human beings, developed under the project were integrated by the Office for Human Rights and the Right of National Minorities in two key protocols regulating the official procedure and conduct towards the victims of Trafficking in human beings. These are: Draft Protocol for Identification, Assistance, and Protection of Trafficking in human beings Victims; and Draft Protocol on Procedures for Voluntary and Safe Repatriation of Trafficking in human beings Victims.



FINLAND / FINLANDE

*Preferential treatment to CSOs under VAT regimes*

If an association or foundation promotes the public good, it is not treated as liable to pay VAT for that activity or other activities it may pursue that are considered exempt: no VAT is added to the prices of goods and services. CSOs are exempted from paying VAT, unless the services they provide are considered equivalent to business income and constitute income above 10 000 euros per financial year.

*Veikkaus – Finnish gaming company with a special mission for the benefit of society*

- **Nature, level, date of the "good practice":**

The former Finland's Slot Machine Association (established in 1937) raised funds for Finnish social and health organisations. Veikkaus Oy started its operations at the beginning of 2017, as the Finnish gaming system was reformed and the previous three operators Finland's Slot Machine Association (RAY), Fintoto and Veikkaus merged into a single gaming company, Veikkaus Oy, owned by the Finnish State. The Finnish system is based on the exclusive right principle, with the purpose of preventing harm caused by gambling.

The Funding Centre for Social Welfare and Health Organisations (STEA) manages the funding granted for projects which are non-profit by nature and promote health and wellbeing, from the gaming revenue of Veikkaus Oy. The funding granted from Veikkaus Oy's revenue for projects related to arts, culture, and sports are managed by the Ministry of Education and Culture. The Act on Discretionary Government Transfers (Valtionavustuslaki, 688/2001) is applied to the funding granted. Operating methods related to government subsidies are regulated through separate decrees.

- **Substantive explanation :**

Veikkaus Oy's games are estimated to generate nearly one billion euros a year. The revenue is used for the benefit of Finnish society in its entirety. Veikkaus Oy's beneficiaries are active in the fields of culture, sports, science, and youth work, social welfare and health, and the equine industry. The funds are distributed to the beneficiaries by the relevant ministries.

- **Implementation:**

Every year, STEA processes some 2,500 funding applications, and prepares a funding proposal to the Ministry of Social Affairs and Health. Approximately 1,700-1,800 targets, organised by some

850 organisations, are awarded funding every year. STEA-funded operations can be found everywhere in Finland.

For the last 10 years STEA has granted over € 300 000 000 annually. This equals almost € 60 per citizen. The information on grants is transparent and accessible to all citizens on an open database.

STEA has a statutory assignment to monitor the appropriate use of the funding and to evaluate the results and effects of the operations which have been funded. This ensures that the funding is used in a way that is lawful and accordant with the funding decision for productive operations, which are of use to the society and its members.

All beneficiaries are obliged to report annually to STEA on their use of the funding. When necessary, the experts in STEA's monitoring team and evaluation and development team can help and instruct the organisations in matters related to the use of the funding and the related reporting.

STEA's most essential funding monitoring and evaluation operations include inspections related to the payment of funding, analysing the final and annual accounts, as well as the result, effect, intermediate and final reports of investments, and performing inspection visits or special reports.

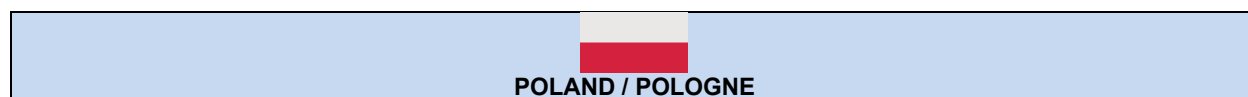
STEA also organises training events for organisations, and is active in spreading information on its operations and operating instructions.

The following matters are ensured through monitoring the use of the funding:

- that the use of the funding follows acts and legislation, as well as the terms and limitations set out in the funding decision and the general terms for the use of the funding,
- that the actual costs correspond to the budget presented in the funding application and the decision on the distribution of funding,
- and that the use of the funding is productive and appropriate.

- **Intended outcomes and/or envisaged impact:**

The ability of Veikkaus Oy to provide organisations with long term funding has been irreplaceable in Finland. Civil society organisations and human rights defenders are not entirely dependent on the private funding sources and public opinion.



*Establishment of Civil Society Support and Development Fund*

- **Nature, level, date of the “good practice”:**

The Civil Society Support and Development Fund was created on 1 April 2017 under the Act of 15 December 2016 amending the Act on Gambling Games and Certain Other Acts (national level).

- **Substantive explanation:**

The Civil Society Support and Development Fund's revenue is 4% of the proceeds from the game subsidies.

- **How it is concretely implemented:**

The National Institute of Freedom will become the managing body of the Civil Society Support and Development Fund. The Chairman of the Committee for Public Benefit determines, by way of a regulation, detailed conditions for obtaining co-financing for the implementation of tasks, the procedure for submitting applications and transferring funds. The Chairman of the Committee cooperating with the Department of the Civil Society and the National Institute prepares ideas, concepts and projects of government programs for civil society support and development which will be subjected to social consultations and submitted for approval by resolution of the Council of Ministers.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Civil Society Support and Development Fund will be used to implement support and development programs run by the National Institute of Freedom. Institutional development support programs are addressed in the first place to civic organizations that could hardly solicit public funds, including: local organizations and watchdog groups, civic media, advocacy organizations, civic think-tanks, federations and confederations of non-governmental organizations, civic media, civic educational units including folk universities and scouting organizations.

### *The 1% mechanism*

- **Nature, level, date of the “good practice”:**

The 1% mechanism is one hundredth part of the personal income tax that a taxpayer can transfer to a public benefit organization of their choice that exists in the Polish legal system since 2003 and is operating since 1 January 2004. The possibility of transferring 1% of personal income tax was introduced in 2003 by the Act of 24 April 2003 on Public Benefit and Volunteer Work, and specific provisions specifying who and how can transfer 1% of tax are included in the Act of 26 July 1996 on Income Tax of an Individual – following necessary amendments of the latter.

- **Substantive explanation:**

1% is not a donation or a relief. It is the disposition of a taxpayer, addressed to the State Treasury, so that 1% of their income tax will be used for social purposes carried out by an entity working for public benefit. The disposition is being made while filing the PIT tax declaration by a taxpayer.

- **How it is concretely implemented:**

Implementation by establishing necessary taxation legal framework as well as organizational developments that facilitate the process of participation in the 1 % mechanism by taxpayers. For example, the list of organizations having the status of public benefit organization is available in the Public Information Bulletin of the Chancellery of the Prime Minister (<https://bip.kprm.gov.pl/kpr/wykaz-organizacji-pozyt/4504,wykaz.html>). There is also a possibility to file the PIT tax declaration via Internet with the usage of the free software provided by the Ministry of Finance (<http://www.finance.mf.gov.pl/systemy-informatyczne/e-deklaracje>).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The figures show that the society's involvement in the 1 % mechanism is successively growing. According to the Ministry of Finance, in the first year of the regulation (2004) there were only 80 000 taxpayers (0.3% of the total) making such contributions, and organizations received 10.4 million PLN. Ten years later, in the year 2014 the 1 % mechanism was used by over 12 million people (45 percent of the total number of taxpayers, 56% of the number of taxpayers reporting tax due). In total, the public benefit organizations received over 506 million PLN. In the year 2016 the public benefit organizations received 617,5 million PLN as the 1% mechanism was used by 13,2 million people (49 percent of the total number of taxpayers, 59% of the number of taxpayers reporting tax due). In the year 2017 the public benefit organizations received 660,2 million PLN as the 1% mechanism was used by 13,6 million people (50 percent of the total number of taxpayers, 60% of the number of taxpayers reporting tax due).



### *Socially oriented non-profit organizations*

- **Nature of the “good practice”:**

Amendments to the Law "On Non-Profit Organizations" to introduce the concept of "socially oriented non-profit organizations" (April 2010), as well as the status of a non-profit organization – "provider of socially useful services" (from 2017).

- **Explanation:**

In April 2010, with the direct participation of the Presidential Council for Civil Society and Human Rights, the amendments were drafted to the Law "On Non-Profit Organizations" to introduce the concept of "socially oriented non-profit organizations" (SO NPOs) in the Russian legal field and clarify the procedure for public financial, information and other support.

- **Implementation:**

A legal framework has been created to ensure that viable NPOs receive additional privileges and preferences for rendering social services to the population. In particular, starting from 1 January 2017, NGOs can claim the status of a non-profit organization – "provider of socially useful services" which paves the way to budget financing and participation in public social programs. A NPO – provider of

socially useful services means a socially oriented NPO rendering socially useful services of proper quality for at least one year.

- **Impact:**

Due to the increased state support the number of Russian SO NPOs is steadily growing every year. By the end of 2005 there were 140,031 organizations, by the end of 2016 – 143,136 organizations. As for now, the register of non-profit organizations – providers of socially useful services includes 85 socially oriented non-profit organizations.



SERBIA / SERBIE

*Financing of associations*

- **Nature, level, date, explanation of the “good practice”:**

Article 36 of the Law on Associations prescribes that an association may acquire assets from membership fees, voluntary contributions, donations and presents, financial subsidies, dead persons' estates, interest rates on deposits, rental fees, dividends and in other ways permitted by law. The same Article also stipulates that individuals and legal entities that make contributions and give presents to the associations may be exempt from particular tax liabilities. In addition, the same Law stipulates that the (financial) means for promoting programs of public interest that the associations are carrying out shall be secured out of the Republic of Serbia's budget on the basis of the completed open competition.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Office for Cooperation with Civil Society publishes a large number of public competitions for which financial means have been provided in the Republic of Serbia budget, which is public and visible to all<sup>31</sup>.



SPAIN / ESPAGNE

*Income Tax Normative: 0'7 % to social purposes*

- **Nature, level, date of the good practice:**

Legislative policies (tax, support)/State/2007-present.

- **Substantive explanation:**

Personal Income Tax payers may, in their tax return, opt to assign a percentage of their whole contribution (actually, 0'7 %; this percentage can change only according to the Law) to help with the financial maintenance of the Catholic Church and/or other purposes of social interest. They may also choose not to exercise any option. Whatever their decision with respect to tax assignment, the final amount of tax they pay or any refund they may be entitled to will not be change.

Regarding assignment of amounts for purposes of social interest, the State assigns to subsidising activities of social interest 0'7 per cent of the full Personal Income Tax contributions corresponding to taxpayers expressly declaring their will in this respect.

- **Implementation:**

Taxpayers can choose several options in their tax return (checkbox system):

- Checking both boxes: Catholic Church and social purposes (in this case 0'7 % will be assigned to each of the options).
- Checking one of the two boxes: social purposes or Catholic Church (in this case 0'7 % will be assigned only to chosen option).
- Not to check any option (in this case, 0'7% of the full Personal Income Tax contribution will be attributed to the General State Budgets intended for general purposes).

<sup>31</sup><http://www.civilnodrustvo.gov.rs/%D0%B8%D0%BD%D1%84%D0%BE%D1%81%D0%B5%D1%80%D0%B2%D0%B8%D1%81/%D0%BA%D0%BE%D0%BD%D0%BA%D1%83%D1%80%D1%81%D0%B8/%D0%BA%D0%BE%D0%BD%D0%BA%D1%83%D1%80%D1%81%D0%B8.79.html>

According to the Law, the following are lines of activity of general interest considered to be of social interest and, as such, they will be taken into account in determining the rules governing financial aid with the fixed percentage of the revenue from Personal Income Tax for other purposes of general interest considered to be of social interest:

- a. Care of people with a need for complete health and social care.
- b. Care of people with educational or employment inclusion needs.
- c. The promotion of public safety and crime prevention.
- d. Environmental protection.
- e. Cooperation for development.

- **Intended outcomes, impact:**

In 2016, the total amount assigned in the budgets for activities of general interest considered to be of social interest are distributed (normally through subsidies or grants) with the following results:

- 230.678.915 euros are assigned to Social Action ONGs (persons with disabilities, families, homeless, immigrants, etc.).
- 57.669.729 euros are assigned to Develop Cooperation ONGs
- 8.459.018 euros are assigned to Environment organizations.

In 2017, the amount assigned to ONGs from the assignment of the percentage of the revenues from Personal Income Tax for other purposes of social interest is around 314 million of euros.

(Source: <http://xsolidaria.org/que-es-x-solidaria.php>;  
[https://www.infolibre.es/noticias/politica/2018/04/03/las\\_ong\\_reciben\\_314\\_millones\\_euros\\_del\\_irpf\\_p\\_cae\\_numero\\_contribuyentes\\_que\\_marcan\\_2017\\_81311\\_1012.html](https://www.infolibre.es/noticias/politica/2018/04/03/las_ong_reciben_314_millones_euros_del_irpf_p_cae_numero_contribuyentes_que_marcan_2017_81311_1012.html))

- **Information as to any good practice has been developed or implemented with cooperation of civil society organizations, human rights defenders or NHRIs:**

This amounts obtained from the assignment of the percentage of the revenues from Personal Income Tax for other purposes of social interest will be assigned for activities of general interest which, among those included in the Act for Voluntary Work, so civil society organizations, NGOs, non-profit organizations, Third Sector Organizations (voluntary and community organizations, charities and social organizations, etc.) are all included in this assignment: they are the recipients of this amounts to promote their social activities.

Links: Agencia Estatal de la Administración Tributaria

English: [http://www.agenciatributaria.es/AEAT.internet/en\\_gb/Inicio.shtml](http://www.agenciatributaria.es/AEAT.internet/en_gb/Inicio.shtml)

Spanish: <http://www.agenciatributaria.es/AEAT.internet/Inicio.shtml>

The Income Tax Normative: 0'7 % to social purposes (Tax assignments in income Tax), Agencia Tributaria (english):

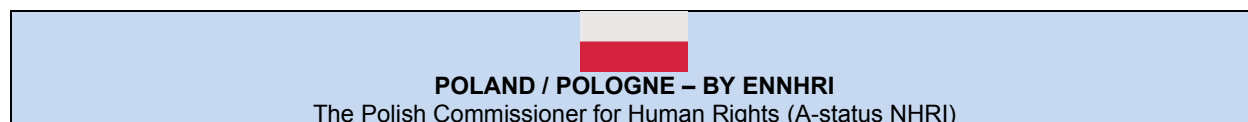
[http://www.agenciatributaria.es/AEAT.internet/en\\_gb/Inicio/La\\_Agencia\\_Tributaria/Campanas/Campanas\\_comp\\_Renta\\_columnas\\_contenedor\\_Columnas\\_col\\_columna1\\_AYUDA/Preguntas\\_frecuentes/Preguntas\\_frecuentes\\_generales\\_sobre\\_el\\_IRPF/La\\_asignacion\\_tributaria\\_en\\_el\\_Impuesto\\_sobre\\_la\\_Renta.shtml](http://www.agenciatributaria.es/AEAT.internet/en_gb/Inicio/La_Agencia_Tributaria/Campanas/Campanas_comp_Renta_columnas_contenedor_Columnas_col_columna1_AYUDA/Preguntas_frecuentes/Preguntas_frecuentes_generales_sobre_el_IRPF/La_asignacion_tributaria_en_el_Impuesto_sobre_la_Renta.shtml)

Xsolidaria: <http://xsolidaria.org/que-es-x-solidaria.php>

Subsidies granted thanks to this amounts obtained from the assignment of the percentage of the revenues from Personal Income Tax for other purposes of social interest:

<http://www.plataformatercersector.es/es/subvenciones-07-irpf>

## Human Rights Defenders (HRDs) (4.)



*Cooperation of the Commissioner for Human Rights with human rights defenders*

The Commissioner for Human Rights (CHR) often receives human rights defenders (from Poland and other countries) in his office to discuss current human rights challenges. The Commissioner established also a network of “Ambassadors of Human Rights”, composed of students which had their internships in CHR office, for the promotion and education of HR.

## Supportive regulatory framework (4.1)



### *Protection of fundamental freedoms*

#### - **Nature and level of “good practice”:**

The Constitution of the Republic of Croatia and the Criminal Code.

#### - **Explanation:**

The Constitution of the Republic of Croatia stipulates that freedoms and rights can only be restricted by law to protect the freedoms and rights of other people and legal order, public morality and health. Furthermore, any restriction of freedom or rights must be proportionate to the nature of the need to limit each case (Art. 16 of the Constitution of the Republic of Croatia). The Criminal Code in Article prescribes as a criminal offense: the act of violation of the freedom of thought and expression of thought (Art. 127) and the criminal offense of violation of the right to association (Art. 129).

The act of violation of the freedom of thought and expression of thought is committing the one who denies or restricts the freedom of speech or public appearance, freedom of the press or other means of communication or the free establishment of a public communications institution. A prison sentence of up to one year is prescribed. The same punishment shall also be imposed on the person who orders or carries out censorship, unlawfully denounces or restricts the freedom of reporting to the journalist, or who unlawfully prevents the printing, sale or distribution of books, magazines, newspapers or other printed matter, or production and broadcasting of radio and television programs, news agency programs, or the release of other media content.

The violation of the right to association commits one who denies or restricts the right to establish political parties, trade unions or other associations, including joining them or withdrawing from them in accordance with a law for which a sentence of up to one year of imprisonment is envisaged.

## Protection from threats, attacks and other abuses (4.1.1)

## Legislation to protect whistle-blowers (4.1.2)



### *La législation française en matière de lanceurs d'alerte*

#### - **Nature, niveau:**

L'article 4 de la loi n° 2016-483 du 20 avril 2016, relative à la déontologie et aux droits et obligations des fonctionnaires, a fixé des dispositions protectrices en faveur de ces derniers lorsqu'ils relatent ou témoignent de faits relatifs à une situation de conflit d'intérêts, à savoir « toute situation d'interférence entre un intérêt public et des intérêts publics ou privés qui est de nature à influencer ou paraître influencer l'exercice indépendant, impartial et objectif de ses fonctions ».

La loi n° 2016-1691 du 9 décembre 2016, relative à la transparence et à la lutte contre la corruption et à la modernisation de la vie économique, a transcendé la situation particulière de la fonction publique pour mettre en œuvre un régime du lanceur d'alerte qui assure une protection des personnes physiques, quel que soit leur secteur d'activité et leur statut juridique et professionnel. Au vu de ces dispositions, la confidentialité de l'identité du lanceur d'alerte doit être garantie. En outre, celui-ci doit, pour être protégé contre les représailles sur le plan professionnel, agir de bonne foi et de manière désintéressée. Sous cette double condition et celle de respecter la procédure de signalement, l'auteur d'une alerte ne peut être sanctionné, licencié ou faire l'objet d'une mesure discriminatoire pour avoir révélé ou signalé les faits en cause.

La loi n° 2017-399 du 27 mars 2017, relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre, oblige par ailleurs les entreprises multinationales à mettre en place un plan de vigilance comportant des mesures propres à identifier les risques et à prévenir les atteintes graves envers les droits de l'homme et les libertés fondamentales, la santé et la sécurité des personnes ainsi que l'environnement. Ce plan prévoit, entre autres, une concertation avec les organisations syndicales représentatives pour mettre en place un dispositif de signalement des alertes.

Ces dispositions législatives ont été complétées par le décret n° 2017-564 du 19 avril 2017, relatif aux procédures de recueil des signalements émis par les lanceurs d'alerte au sein des personnes morales de droit public ou de droit privé ou des administrations de l'Etat, qui institue, depuis le 1<sup>er</sup> janvier 2018, une nouvelle obligation pour les entreprises employant au moins 50 salariés, à savoir la mise en place, par voie d'accord conventionnel ou de décision unilatérale de l'employeur, d'une procédure de recueil des signalements émis par les salariés ou par les collaborateurs extérieurs et occasionnels.

- **Explication:**

En vertu de l'article 6 de la loi n° 2016-1691 du 9 décembre 2016, relative à la transparence et à la lutte contre la corruption et à la modernisation de la vie économique, « un lanceur d'alerte est une personne physique qui révèle ou signale, de manière désintéressée et de bonne foi, un crime ou un délit, une violation grave et manifeste d'un engagement international régulièrement ratifié ou approuvé par la France, d'un acte unilatéral d'une organisation internationale pris sur le fondement d'un tel engagement, de la loi ou du règlement, ou une menace ou un préjudice graves pour l'intérêt général, dont elle a eu personnellement connaissance ». La même loi précise toutefois que les faits, informations ou documents, quels que soient leur forme ou leur support, couverts par le secret de la défense nationale, le secret médical ou le secret des relations entre un avocat et son client sont exclus du régime de l'alerte qu'elle institue.

Le nouveau dispositif d'ensemble se caractérise par l'institution d'une procédure graduée de signalement. Ainsi, pour voir sa protection assurée, le salarié doit procéder en trois temps. D'abord, au sein de l'entreprise, le signalement doit être effectué auprès du supérieur hiérarchique direct ou indirect, de l'employeur ou d'un référent désigné. Ensuite, en l'absence de réaction à la suite du signalement interne dans un délai raisonnable, celui-ci est adressé par le lanceur d'alerte à l'autorité judiciaire, à l'autorité administrative ou aux ordres professionnels. Enfin, là encore à défaut de traitement du signalement par l'autorité précédemment saisie dans un délai de 3 mois, l'alerte peut être portée à la connaissance du public. Il y lieu toutefois de préciser que le signalement peut être porté directement devant les autorités et être rendu public en cas de danger grave et imminent ou en présence de dommages irréversibles. La législation assure la protection du salarié lanceur d'alerte contre toute forme de discrimination, de sanction, de licenciement en raison du signalement effectué et aménage un régime d'inversion de la charge de la preuve en cas de litige : l'auteur de mesures défavorables au lanceur d'alerte doit prouver que celles-ci sont justifiées par des éléments étrangers à l'alerte. Toute personne qui fait obstacle à la transmission d'un signalement, effectuée conformément à la procédure d'alerte décrite plus haut, est punie d'un an d'emprisonnement et de 15 000 euros d'amende. De plus, une plainte pour diffamation contre un lanceur d'alerte jugée abusive ou dilatoire peut donner lieu à une amende civile de 30 000 euros. Enfin, le manquement à l'obligation de confidentialité à la charge de l'ensemble des destinataires du signalement, quant à l'identité des auteurs du signalement, des personnes visées par le signalement et des informations recueillies, est puni de 2 ans d'emprisonnement et 30 000 euros d'amende.

- **Mise en œuvre :**

La législation française en matière de protection des lanceurs d'alerte a donné lieu à l'élaboration par le Défenseur des droits en juillet 2017 d'un guide sur l'orientation et la protection des lanceurs d'alerte.<sup>32</sup>

Par ailleurs, les organisations syndicales relaient le nouveau cadre légal et réglementaire en direction des salariés, en ayant initié par exemple une pétition invitant la Commission européenne à entamer le processus d'adoption d'une directive européenne sur le lanceur d'alerte (Confédération générale du travail, Confédération française démocratique du travail).<sup>33</sup>

- **Évaluation par la société civile :**

L'action des organisations syndicales intervient en parallèle de celle des associations. Ainsi, Transparency International France a également conçu un guide pratique à l'usage du lanceur d'alerte

<sup>32</sup> Ce guide est disponible à l'adresse suivante : <https://www.defenseurdesdroits.fr/fr/guides/guide-orientation-et-protection-des-lanceurs-dalerte>

<sup>33</sup> Cette initiative est présentée sur le site suivant : <https://whistleblowerprotection.eu/>

français,<sup>34</sup> après avoir été directement associée aux travaux du Conseil d'Etat qui a publié en 2016 son étude : « Le droit d'alerte : signaler, traiter, protéger ».<sup>35</sup> Mme Nicole-Marie Meyer, responsable de l'alerte éthique au sein de l'association Transparency International France, juge qu'avec le nouvel encadrement du régime des lanceurs d'alerte la France dispose de l'un des quatre statuts les plus protecteurs au monde, avec l'Angleterre, l'Irlande et la Serbie (large définition du lanceur d'alerte, nullité des représailles, réintégration d'un agent dans la fonction publique, intervention d'une autorité indépendante - le Défenseur des droits, sanctions pénales).



#### *Law on Prevention of Corruption*

- **Nature, level, date, explanation of the “good practice”:**

On 1 January 2016 the new Law on Prevention of Corruption ("Law") entered into force in Montenegro, replacing the Law on Prevention of Conflicts of Interest and certain provisions of the Law on Public Officials and the Labour Law.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The aim of this Law is to comprehensively regulate potential conflicts of interest and impose restrictions on the exercise of public duties, as well as to protect whistleblowers who were previously protected under different regulations. Among the most significant changes introduced by the new Law are the protections provided to whistleblowers. The Law prescribes penalties in the range of between EUR 1,000 and EUR 20,000 for legal entities and between EUR 500 and EUR 20,000 for responsible person within a legal entity for violating the protections afforded to whistleblowers under the Law.



#### *Law on Protection of Whistle-blowers*

- **Nature, level, date, explanation of the “good practice”:**

The Law on Protection of Whistle-blowers sets forth that employees are entitled to disclose information regarding, inter alia, an infringement of legislation or violation of human rights to their employer, competent State authorities or media. Consequently, the employee enjoys certain protection mechanisms as a whistle-blower against reprisal (in relation to promotion at work, disciplinary measures and penalties, working conditions, termination of employment, salary etc.).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Regarding execution of the mentioned legislation, we point out to activities of the website <https://pistaljka.rs/> which is financed through grants from USAID, Open Society, UNDP, EU, Dutch Embassy and the Serbian Ministry of Culture and Information. “Pištaljka” investigates abuses in government, public and private enterprises and other institutions and advocates for whistle-blowers' rights. “Pištaljka” also offers legal advice to whistle-blowers and organizes seminars in order for lawyers to specialize in this field of law. Finally, the said website contains various articles on whistle-blowers who disclosed corruption in public sector and therefore encourages others to follow the same practice.

<sup>34</sup> Ce guide est disponible à l'adresse suivante : <https://transparency-france.org/actu/guide-pratique-a-lusage-lanceur-dalerte-francais/>

<sup>35</sup> Cette étude est disponible à l'adresse suivante : <http://www.conseil-etat.fr/Actualites/Communiqués/Le-droit-d-alerte-signaler-traiter-protéger>



In 1766 Sweden became the first country in the world to permit freedom of the press. Nowadays it is regulated in the Freedom of Press Act and the Constitutional Law on Freedom of Expression. One basic principle in the legislation on freedom of expression in the media is the principle of protection of informants. The protection of informants and sources has several components: the freedom to communicate information, the freedom to procure information and intelligence, the right to anonymity, the prohibition against inquiry and a prohibition against reprisals.

#### Conducive political and public environment (4.2)



*Annual human rights award by and for civil society*

- **Nature, level, date, explanation of the “good practice”:**

The Human Rights annual award to an exceptional person or organisation that has promoted and protected human rights is awarded by DIHR's Human Rights Council. The Council is composed solely of civil society organisations and sets up a jury panel of four members chosen among Council members and two external members, appointed by the Council. The award cannot be given to a person or organisation who is a member of the Council. Candidates are nominated through public consultation and the media. DIHR functions as a secretariat for the jury and does not have a say in who is to be nominated or selected. The award has existed since 2014, and until date, no state authority has been member of the jury.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The purpose of the Human Rights Award is to acknowledge the endeavours of a single person or an organisation who has promoted human rights. For instance, in 2016 the award was given to 20 transgender activists, who had raised awareness on transgender issues in the society and who through their advocacy made transgender issues relevant. <https://menneskeret.dk/nyheder/transkoennede-faar-menneskerettighedspris>. In 2017, the award was given to Poul-Erik Rasmussen, who represented the Landsforeningen Godhavnsdrengene (Association of Godhavns Boys), an association who fought for the rights of children who were neglected while in care. <https://menneskeret.dk/nyheder/godhavnsdreng-faar-menneskerettighedspris>



*Supporting the contribution of NHRIs to a conducive space for human rights defenders across Europe*

- **Nature, level, date, explanation of the “good practice”:**

For the period 2018-2021, ENNHRI has adopted a strategic focus on the promotion and protection of rule of law and democratic space, including attention for how NHRIs can promote and protect a conducive environment for all human rights defenders across Europe.<sup>36</sup> Accordingly, ENNHRI will allocate dedicated attention and resources to data collections, awareness raising, capacity-building and engagement activities related to this priority concern.

<sup>36</sup> See also: ENNHRI Statement on “Promoting and Protecting a Sustainable Human Rights Environment in Europe by Strengthening the Democratic Space and the Rule of Law”, adopted on 30 November 2017 at the ENNHRI General Assembly Meeting, Brussels. Available [here](#).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Through sharing and promoting good practices, organizing capacity building activities for its members and engaging with relevant stakeholders at national and international level, ENNHRI envisages to strengthen the contribution of European NHRIs to a conducive environment for all human rights defenders across Europe, including also CSOs. ENNHRI will evaluate its activities throughout the strategic period 2018-2021 to enable the best possible impact of its activities on the work of European NHRIs.



*Annual human rights prize*

- **Nature, level, date, explanation of the “good practice”:**

For the last 30 years, CNCDH gives the annual human rights prize of the French Republic which rewards Human Rights Defenders and NGOs working in the human right field. HRDs apply to the CNCDH. Then the members of the commission select the laureates of the prize. French embassies might be solicited to provide details about the applicants.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

This Award has a protective value and has a very important international profile. To mark the thirtieth anniversary of the prize, the CNCDH contacted many laureates of the prize to collect information about the impact of the prize. Answers were gathered in one document available on the website<sup>37</sup> of the CNCDH.



*Defensor del Pueblo Awards - recognition of the work done by civil society*

- **Nature, level, date, explanation of the “good practice”:**

The Defensor del Pueblo established on a biennial basis the Institution of the Defensor del Pueblo Award to identify the entity or non-governmental organization that has contributed on a unique way to the development of the role that the Defensor del Pueblo plays as a guarantor of the rights and freedoms that the Constitution recognizes. The objective of the award is to recognise the work done by entities or non-governmental organisations which have contributed to the work done by the Defensor del Pueblo. In 2002, within the framework of collaboration on the promotion and study of human rights, the Defensor del Pueblo and the University of Alcalá, with the support of His Majesty the King, created the King of Spain Human Rights Award, which is awarded on a biennial basis and has an economic prize currently set at € 25,000 and a medal created for this award. The purpose of this award is to serve as recognition and encouragement to entities of public or private nature in Spain, Portugal and other countries of Ibero-America distinguished by their work in the defence and promotion of human rights and democratic values, or that promote research and the implementation of action programs aimed at promoting these values.

<https://www.defensordelpueblo.es/edicion-premio/vi-premio-de-derechos-humanos-rey-de-espana-vii/>

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The delivery of the Premio Institución del Defensor del Pueblo has had a clear positive impact because the award is endowed with an economic compensation of € 6,000 which encourages institutions to work harder for the promotion of human rights. Even though it does not change legislation, it highlights the importance of certain institutions promoting several human rights and draws attention to the important matters that these organisations and the Defensor del Pueblo work on.

<https://www.defensordelpueblo.es/edicion-premio/ii-edicion-premio-institucion-del-defensor-del-pueblo/>

<sup>37</sup> <http://www.cncdh.fr/fr/actualite/remise-du-prix-des-droits-de-lhomme-de-la-republique-francaise-2017-liberte-egalite>

Premio de Derechos Humanos Rey de España has a clear positive **impact** on the work of institutions. This award carries with it a huge economic prize which, in addition to help the work of the winning institution, encourages other institutions to work as hard as the winning ones do so that they can receive the award and the economic compensation to continue with the promotion of human rights. It not only helps those organisations that win; it also brings to the spotlight some issues concerning human rights and makes them more available for the public.

### Stigmatisation, marginalisation and the right to privacy (4.2.1)

### Protection mechanisms (4.2.2)



#### *Annual Human Rights Lecture on HRDs in Perilous Situations*

- **Nature, level, date, explanation of the “good practice”:**  
The German Institute for Human Rights organises in cooperation with civil society organisations the annual “Werner Lottje Lecture”; a panel discussion featuring the work of human rights activists around the globe who operate in perilous situations.
- **Intended outcomes and/or envisaged impact, proof of its impact:**  
Protection through visibility: either in general or in Europe/Germany to make people aware of the lectures’ protagonists.



#### *Shelter City Initiative*

- **Nature, level, date of the “good practice”:**  
The Shelter City initiative is a project at national level, which started in 2012 and is ongoing.
- **Substantive explanation:**  
It is an initiative of the NGO Justice and Peace in collaboration with Dutch cities and the Dutch Ministry of Foreign Affairs. Human Rights Defenders from around the world who are under intense pressure because of their work can apply for a three-month temporary shelter in one of the eleven Dutch Shelter Cities: Amsterdam, The Hague, Middelburg, Maastricht, Nijmegen, Utrecht, Tilburg, Groningen, Haarlem Zwolle and Deventer.
- **Implementation:**  
During their stay in the Netherlands, the Human Rights Defenders may continue their work safely. Furthermore, they are able to extend their network of civil society organisations and political contacts in The Hague, Brussels and further. The Human Rights Defenders also follow trainings to strengthen their skills and improve their safety, while increasing public awareness in the Shelter Cities by speaking about human rights and the work they do at public events and workshops.  
The national coordination of Shelter City lies with Justice and Peace Netherlands. Justice and Peace arranges for the travel and visa of the Human Rights Defenders and is also responsible for the stay of each Human Rights Defender. Justice and Peace collaborates with each participating municipality as well as with local organisations and universities. The participating municipality provides lodging for the human rights defenders. In every city, local partner organisations take care of the daily support of human rights defenders.  
The Human Rights Defenders are selected by an independent selection committee (consisting of representatives from Justice and Peace, two other NGO’s, the Dutch MFA and the University of Amsterdam). Candidates for the programme are sought through the international network of Justice and

Peace Netherlands and other human rights organisations, as well as the network of the Dutch MFA. About 20 Human Rights Defenders can be hosted per year. Participating Human Rights Defenders enter the Netherlands on a 3-month multiple entry Schengen visa.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

One of the main objectives of the project is to temporarily shelter Human Rights Defenders and to provide them with resources to continue their work safely and efficiently after return. Additionally, the project aims to increase citizens' awareness of human rights within the Dutch Shelter Cities. Since 2017, Justice and Peace and the Ministry of Foreign affairs have also added supporting and kick-starting the creation of regional shelters for Human Rights Defenders at risk to its objectives.

Since the start of the project, a growing number of Human Rights Defenders has been hosted in the Shelter Cities. In 2017 twenty-two Human Rights Defenders were hosted. During their stay, participating Human Rights Defenders have i.e. followed courses at Dutch universities and have taken part in trainings given by Justice and Peace. Additionally, they met with different NGO's, politicians at local level, and with policy makers from several governmental organisations. Next to that, participating Human Rights Defenders have engaged with Dutch citizens by for example giving presentations at schools, universities and other events. Recently, regional Shelter Cities in Tbilisi, Costa Rica and Dar es Salaam have opened their doors, partly due to the support and expertise offered by Justice and Peace and the Ministry of Foreign Affairs of the Netherlands.

Links:

<https://en.justiceandpeace.nl/human-rights-defenders-and-security/shelter-city-initiative>

<http://www.sheltercity.nl/>



*Use of Libraries and Social Media for Communication between NHRI and the Public*

In collaboration with local non-governmental organizations and public libraries in fifteen towns and municipalities in Serbia, Ombudsman established an effective and sustainable online communication channel with citizens. Citizens can come to their respective local libraries and via Skype address the Ombudsman's staff for any potential problem they might have.



*Online Filing and Consultation of Individual Complaints with Privacy Guarantees*

- **Nature, level, date, explanation of the “good practice”:**

Any citizen, Spanish or foreigner, regardless of his age or legal status in Spain, and legal entities can file a complaint to the Defensor del Pueblo at no cost whatsoever, because the Defensor's services are free of charge.

The Defensor del Pueblo can act to defend your constitutional and fundamental rights if and only if the violation comes from a public administration. Complaints may be submitted individually or collectively, when any individual or group of people feels that the actions of any central, regional or local administration or public company or service have violated their rights. If the violation does not come from a public institution/company, the complainant will be sent a letter explaining the reasons why we cannot investigate and whenever possible, advising the complainant as to the legal channels to which he or she has recourse.

No matter how, each citizen that contacts the Defensor del Pueblo receives an answer, that can be either, positive if the Institution can try to solve the situation, or if the matter falls out of its jurisdiction, the complainant will be advised other legal channels to mediate the situation.

The Defensor del Pueblo has created an exclusive section (consult your complaint) in its web page where the individual citizen is allowed to be informed of the steps that are being followed and the dates of the actions of the Defensor, to know the administration or organism that should submit an answer as well as its meaning. The person or persons that address the Defensor del pueblo will find in this web page instructions on how to access their documents using their own password from wherever and at any time of the day. It's important to note that this area is completely private and only the interested person can access to the information there provided.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

More than 6 000 citizens and entities of the civil society have been registered in the private area.

### Lack of proper investigations (4.2.3)



**CROATIA / CROATIE – BY ENNHRI**

Office of the Ombudswoman of the Republic of Croatia (A-Status NHRI)

#### *Mapping of human rights situation at the regional and local level*

- **Nature, level, date, explanation of the “good practice”:**

In 2016 we have started mapping of human rights situation at regional and local level through meetings with regional and local authorities, representatives of centers of social services, NGOs, representatives of national minorities and citizens. Focus is on access to public services in rural areas, including poverty and social exclusion

By mapping human rights challenges at regional and local level, we are trying to increase visibility of our Institution and make it more accessible to citizens. At the same, we are trying to raise awareness among local and regional authorities on their obligations to provide key services.

While we were visiting one of the counties, we were informed by the city authorities that they provide social service of care for elderly on all islands within their mandate. However, as we visited the islands and talked to the citizens living there, we discovered that citizens (mostly the elderly) did not even know of the existence of the service and were not using it at all. Following, we have opened the investigation, further communicated this issue with the city as well as other stakeholders, such as the NGO Otočni sabor (Island Parliament). As a result, new budget, adopted by the city council, included financial resources to ensure provision of this service at all islands.

During the mapping of human rights at regional and local level, the first meeting we organize is with representatives of local NGOs, minority representatives and LAGs (associations dealing with rural development), with whom we discuss major challenges in relation to human rights in their local communities (accessibility of services, position of the elderly, minority rights, Roma rights...). After that, we convey their concerns and issues they raise at meetings with the local and regional authorities. Additionally, we always discuss financing of civil society organizations and support of authorities to them.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Based on these visits, we open cases and as a result we introduced a new chapter within our Annual Report to the Parliament, on unequal regional development, with specific focus on rural areas and a special chapter on civil society organizations and environment they work in.



**GEORGIA /GEORGIE – BY ENNHRI**  
Public Defender of Georgia (A-status NHRI)

*Public council set up by the Public Defender of Georgia to study the Lapankuri case*

In 2012, the representatives of the Georgian law enforcement agencies conducted an operation near the village of Lapankuri located in Lopota Gorge, which, according to official information, resulted in the loss of lives of seven members of an armed group and three staff members of Georgian law enforcement agencies. Because of a high profile of the case as well as to ensure protection of the victims' rights, resting upon the competences and authorities granted by the Law of Georgia on Public Defender, on 22 October 2013 the Public Defender set up a public council to study and document evidence of alleged violations of human rights and freedoms.



**POLAND / POLOGNE**

*Internal instructions for prosecutors to ensure effective investigations in cases concerning deprivation of life, torture, inhuman and degrading treatment by the Police officer or other law enforcement agent*

- **Nature / level / date of the “good practice”:**

The “good practice” is a practice of the National Prosecutor's Office in a form of issuing internal instructions by the Prosecutor General that are binding for all the prosecutors conducting investigations all over the country in this category of cases. The practice is to ensure unification and coordination of conduct of the prosecutors all over the country in this category of cases. The instructions are universal tool and apply, *inter alia*, in cases of alleged mistreatment by the Police of human rights defenders.

- **Substantive explanation of the “good practice”:**

Issuing of the instructions of the Prosecutor General of 27 June 2014 on conducting investigations in cases regarding crimes of deprivation of life or inhuman and degrading treatment or punishment by the Police officer or other public officer.

- **Implementation:**

The National Prosecutor's Office provides for monitoring of the investigations regarding forced testimonies, bullying of persons deprived of their liberty and deprivation of life of individuals by the law enforcement authorities. In each Regional Prosecutor's Office there is a prosecutor responsible for coordination of investigations against the Police officers. This category of cases is being investigated as an exemption to the general rule of competence *ratione loci* – by a prosecutor other than the local one – to strengthen the level of impartiality and objectivity of the prosecutor involved.

- **Intended/ measured outcomes and/or envisaged impact:**

The above instructions are applicable also in cases of arbitrary deprivation of liberty (*inter alia* of human rights defenders) and of unlawful behaviour of the law enforcement agents towards detainees and arrestees. They aim at effective and prompt investigation of reported cases of torture and inhuman treatment of persons deprived of their liberty.

*Internal instructions for prosecutors to ensure effective investigations in cases of hate crimes and racist offenses*

- **Nature / level / date of the “good practice”:**

The “good practice” is a practice of the National Prosecutor's Office in a form of issuing internal instructions by the Prosecutor General that are binding for all the prosecutors conducting investigations in this category of cases all over the country. The practice is to ensure unification and coordination of conduct of prosecutors in this category of cases. The instructions are universal tool and apply, *inter alia*, in cases of alleged hate crimes towards human rights defenders.

- **Substantive explanation of the "good practice":**

Issuing of the instructions of the Prosecutor General of 26 February 2014, amended on 21 September 2015, on conducting investigations in cases regarding hate crimes.

- **Implementation:**

The National Prosecutor's Office constantly monitors cases regarding hate crimes, that is offences committed for racist and xenophobic reasons. The above results in preparing periodic reports in this category of cases, and in sending the feedback and conclusions to all the Regional Prosecutor's Offices, including the observations on irregularities observed. There are also selected prosecutors, specializing in this category of cases. In each jurisdiction of the rank of the Territorial Prosecutor's Office (*Prokuratura Okręgowa*) there is one District Prosecutor's Office (*Prokuratura Rejonowa*) selected that investigates all such cases of hate crimes in all the District Prosecutor's Office jurisdictions supervised by the respective Territorial Prosecutor's Office.

Furthermore, in each of the Territorial Prosecutor's Offices there is a prosecutor selected to monitor the investigations in this category of cases, whereas in each of the Regional Prosecutor's Offices there is a respective prosecutor-consultant. At the level of the National Prosecutor's Office there exists also a prosecutor competent to introduce criminal and non-criminal activities regarding violation of freedom and incitement to hatred on the basis of national, ethnic, racial and religious differences.

- **Intended/ measured outcomes and/or envisaged impact:**

The above instructions aim at increasing effectiveness of investigations in cases regarding hate crimes, that is offences committed for racist and xenophobic reasons. It also aims at increasing detectability of perpetrators of such crimes and their immediate bringing to court.

The above actions regard all the cases of discrimination, not only with regard to race, but also nationality, ethnicity, religious affiliation and non-denomination.

*Powers of the Ombudsman and of the Ombudsman for Children in criminal proceedings*

- **Nature / level / date of the "good practice":**

Powers of the Ombudsman and of the Ombudsman for Children in criminal proceedings are regulated by the Ombudsman Act of 15 July 1987, the Ombudsman for Children Act of 6 January 2000 and by the Code of Criminal Proceedings of 6 June 1997.

- **Substantive explanation of the "good practice":**

The Polish legal system provides for the right of the Ombudsman and of the Ombudsman for Children to participate in and to interfere with the concrete proceedings conducted by any Prosecutor's Office in the country and to challenge final rulings – judgments and decisions – of domestic courts.

- **Implementation:**

Both the Ombudsman and the Ombudsman for Children are entitled to refer to the Prosecutor's Office to investigate any case. They may also request information about the progress of any case pending before or supervised by the Prosecutor's Office. They are also entitled to have access to case-files of any case after completion of the proceedings and issuing the final ruling ending the proceedings. After examination of the case the Ombudsman has the right to participate in the proceedings – enjoying the same powers as the public prosecutor. The Ombudsman has also the right to request initiation of investigation by competent investigating authority – with respect to offences prosecuted ex officio. Furthermore, the Ombudsman has the right to file a cassation to the Supreme Court against any final court's ruling ending the proceedings. The basis for such cassation can be an alleged gross violation of law by the courts.

- **Intended/ measured outcomes and/or envisaged impact:**

The above regulations are aiming at ensuring the Ombudsman and the Ombudsman for Children the right to participate in criminal proceedings.

According to the statistical data of the Ombudsman in 2016 the Ombudsman filed 66 cassations to the Supreme Court.

<https://www.rpo.gov.pl/sites/default/files/Synteza%20informacji%20o%20dzia%C5%82alno%C5%9Bci%20Rzecznika%20Praw%20Obywatelskich%20w%20roku%202016.pdf>).

## Right to information and freedom of expression (4.3)



**GEORGIA /GEORGIE – BY ENNHRI**  
Public Defender of Georgia (A-status NHRI)

### *Trainings for journalists on gender equality and women's rights*

Taking into consideration that the media has a very important role in the process of elimination of gender inequality and discrimination, the Public Defender conducts trainings for journalists (the 'Human Rights Academy') to ensure that they are provided with full information about gender equality and women's rights. Moreover, the Public Defender participates in the Real Space, the social talk show on the First Channel of Georgian Public Broadcaster once in a month and answers the questions of citizens.



**GREECE / GRECE**

### *Online Media Registry*

The enhancement of transparency and pluralism in the ownership of online media is a priority for the Greek national authorities. To this aim, the Ministry of Digital Policy, Telecommunications and Media launched in 2017 the online media registry, which, apart from promoting transparency and pluralism, protects journalistic content by preventing plagiarism.

### *Hate speech in media*

As to the tackling of hate speech in the media environment, the Greek National Broadcaster, with the participation of journalists and agencies specializing in issues relating to refugees and vulnerable social groups, organized a four-day seminar, aiming to draft and implement an interactive web-map of good practices and to issue a journalistic code of conduct in order to address hate speech in media.



**LUXEMBOURG – BY ENNHRI**  
Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg (A-Status NHRI)

### *Training for journalists on reporting about persons with disability*

#### **- Nature, level, date, explanation of the “good practice”:**

As part of its mandate as national CRPD Monitoring Mechanism, in April 2018, the *Commission consultative des Droits de l'Homme* developed, together with the Centre for Equal Treatment and Info-Handicap, a guide for journalists on accessibility of the media and wording and formulation when reporting about persons with disability.



**SERBIA / SERBIE**

### *Freedom of public informing*

#### **- Nature, level, date, explanation of the “good practice”:**

According to Article 4 of the Law on Public Informing and the Media public informing is free and is not subject to censorship. According to Article 4 of the Law, freedom of public informing must not be harmed

by the abuse of office and public authority, property and other rights, and by the influence and control over the means of printing and distribution of newspapers or electronic communications networks used for the distribution of media content. Finally, the same Law provides that the journalist is not obliged to disclose the source of information, except for data related to a criminal offense, or a perpetrator of a criminal offense for whom a prison sentence of at least five years is prescribed, if the data for this criminal offense cannot be obtained otherwise.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

An essential idea of the mentioned legislation was to protect journalists while performing their duty. Against that background, we point out to the project that made possible for the members of Independent Association of Journalists of Serbia to make use of free legal aid<sup>38</sup> which certainly makes journalists less exposed to potential lawsuits.

### Freedom of the media (4.3.1)



#### *Capacity building for journalists to report on human rights*

- **Nature, level, date, explanation of the “good practice”:**

During 2017 the Defender periodically organised capacity building trainings and workshops for media representatives to enhance their capacities in investigating, as well as more accurately and duly reporting on human rights issue. Particularly, in 2017, due to the Defender’s endeavors, 5 journalists had an opportunity to participate in language courses to practice and improve their English proficiency. This initiative helped them to get familiar with current issues that journalists face globally and ensured active communication with their international colleagues.

At the end of the 2017, the Defender with the help of the Embassy of the Federal Republic of Germany in Armenia, organised a study visit for journalists to Berlin. In the framework of the training “Human Rights and Domestic Violence” the journalists had numerous meetings with representatives of organizations working towards prevention of violence in families, visited courts specializing in matters of domestic violence, met with the heads of NGOs acting against domestic violence.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The visit was a significant opportunity to get familiar with the directions of best international practices in the field of domestic violence prevention which can be later implemented in Armenia. Thanks to this visit, the journalists also reported different articles on Germany's exemplary practice on legislative regulations to tackle domestic violence.



In 1766 Sweden became the first country in the world to permit freedom of the press. Nowadays it is regulated in the Freedom of Press Act and the Constitutional Law on Freedom of Expression. One basic principle in the legislation on freedom of expression in the media is the principle of protection of informants. The protection of informants and sources has several components: the freedom to communicate information, the freedom to procure information and intelligence, the right to anonymity, the prohibition against inquiry and a prohibition against reprisals.

<sup>38</sup> <http://www.nuns.rs/Projekti/ongoing-projects/series/15/pravni-saveti-i-zastupanje-na-sudu-za-clanove-nuns--a.html>

### Right to access and communicate with international bodies (4.3.2)



#### CROATIA / CROATIE – BY ENNHRI

Office of the Ombudswoman of the Republic of Croatia (A-Status NHRI)

#### *Connecting national media and journalists with international human rights bodies*

- **Nature, level, date, explanation of the “good practice”:**

Media and journalist are invited and regularly input our Annual Report.

We work directly with journalists, providing them with information regarding the human rights situation in the country, but also connecting them with communication officers of international human rights organisations (eg FRA, CoE) and providing spec for their reports.

In May 2017 we connected national news agency HINA with Michael O'Flaherty, Director of European Union Agency for Fundamental Rights (FRA). The contact was made after coordination with the Communications Coordinator in the Director's Office. The interview took place during his stay in Zagreb, on the occasion of the conference “Reclaiming Human Rights in Europe: How to Enhance the Democratic Space” organized to mark 25th anniversary of the Ombudsman institution in Croatia. It was also published in other media, such as: <https://www.tportal.hr/vijesti/clanak/o-flaherty-u-zagrebu-vecina-ljudskih-prava-podlozna-je-ogranicavanju-20170512>.

During the country visit of CoE Commissioner for Human Rights Nils Muiznieks in 2016, Ombudswoman's communication Officer helped to establish the contact between national news agency Hina and the most watched news program in the country, Nova TV and the Head of Communication Unit in the Office of the Commissioner for Human Rights. The same cooperation with CoE and Croatian media was established in September/October after the Report on Commissioner's national visit was published.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The intended impact was:

- To raise the visibility of international human rights stakeholders in Croatia.
- To raise awareness among the general public and national media on the role and work of international human rights stakeholders.
- To make their work relevant to citizens and “everyday life” in our country.



#### DENMARK / DANEMARK – BY ENNHRI

Danish Institute for Human Rights (A-Status NHRI)

#### *Supporting CSO to contribute to the UPR second cycle*

- **Nature, level, date, explanation of the “good practice”:**

The Danish Institute for Human Rights (DIHR) has participated actively in the UPR first and second cycle. Based on our evaluation of the first UPR cycle we initiated a new concept for the first phase regarding national hearings during the UPR second cycle, to enhance participation of civil society to the process. In dialogue and cooperation with the Danish Ministry of Foreign Affairs, we initiated a number of meetings between the state authorities and the civil society organisations which compose the UPR-sub-committee of the DIHR Human Rights Council. The meetings were facilitated by DIHR.

Apart from the dialogue meetings, in cooperation with the Danish Ministry of Foreign Affairs, we held four public hearings in four different cities in Denmark. In cooperation with the Foreign Affairs authority in Greenland's government and Greenland's Human Rights Council, a meeting was also organised in Nuuk Greenland and we participated in a meeting in Thorshavn, Faro Islands.

These meetings were open to the public and announced in local media and social media to ensure civil society inclusion in the UPR second cycle process, To ensure a wider participation of civil society, the

Institute had a mail “My Opinion” where over 100 unique mails were received on human rights issues raised by the civil society.

Furthermore, to encourage civil society organisations to submit parallel reports, DIHR held a workshop for the UPR-sub-committee of DIHR Human Rights Council and other interested organisations, where they learned about how to draw up reports and to write recommendations including specific actions (so called ‘category 5’ recommendations).

This work was chosen as best practice by UPR-info<sup>39</sup>.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

This example is taken up by civil society organisation “UPR.INFO” as an innovative good practice on how NHRIs can be instrumental in ensuring access of CSOs to international mechanisms in their guide “The butterfly effect: spreading good practices of UPR Implementation”. DIHR’s efforts led to a common parallel report from the civil society organisations included in DIHR’s Human Rights Council UPR-sub-committee, and a number of parallel reports from other organisations such as Womens council and LGBT-Denmark. A number of civil society organisations also participated at the UN working groups pre-session in Geneva as well as the meeting with UN Human Rights Council. The recommendations given to Denmark mirror the recommendations given by for instance LGBT-Denmark and the disability organisations.



**FRANCE – BY ENNHRI**

Commission Nationale Consultative des Droits de l’Homme (A-Status NHRI)

*Support for Enhanced Involvement of CSO to the UPR*

- **Nature, level, date, explanation of the “good practice”:**

In order to raise awareness about the UPR among CSOs and to foster them to intervene in the process, the CNCDH held meetings with them in the first quarter of 2017.

One of the objectives of these meetings was to encourage collection of information from the field actors.

This was very useful for the report conducted for the UPR by the CNCDH.

Another one was to support CSOs to contribute to the process, especially for NGOs accredited by the UN.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The CNCDH submitted a report enriched by the information collected from the CSOs.

The information sessions organised by the CNCDH helped French CSOs with UN accreditation to better understand the usefulness of the UPR process and the possibility for them to bring a contribution to the Human Rights Council. In the end, more of these NGOs contributed to the UPR. For instance, ATD Quart Monde, an ONG dealing with extreme poverty, sent a report, drafted with the support of the CNCDH.



**LUXEMBOURG – BY ENNHRI**

Commission consultative des Droits de l’Homme du Grand-Duché de Luxembourg (A-Status NHRI)

*Involving CSO in CRPD Reporting and Implementation*

- **Nature, level, date, explanation of the “good practice”:**

In preparation of the CRPD reporting process, the CCDH organised a briefing for DPO’s and other NGO’s on the guidelines for the reporting.

Between 2015 and 2017, the CCDH organized, together with the Centre for Equal Treatment and Info Handicap, several empowerment meetings for persons with disabilities.

These meetings helped persons with disabilities understand their rights better and supported different organisations of persons with disabilities in contributing to the effective implementation and monitoring of

<sup>39</sup> [https://www.uprinfo.org/sites/default/files/generaldocument/pdf/2016\\_the\\_butterfly\\_effect.pdf](https://www.uprinfo.org/sites/default/files/generaldocument/pdf/2016_the_butterfly_effect.pdf)

the CRPD at national level. It also helped them take a more assertive attitude towards government representatives.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The aim is that they can claim and exercise their rights autonomously. As an example, in December 2017, a round table was organised by the government to discuss the National Action Plan (NAP) on the transposition of the CRPD and the recommendations issued by the CRPD Committee in August 2017. Many persons with disabilities and representatives of civil society organisations were present during this meeting and made various recommendations to public authorities concerning the rights of persons with disabilities and the next NAP.



*Advise to State Authorities on International Human Rights Instruments*

- **Nature, level, date, explanation of the “good practice”:**

The Portuguese Ombudsman, in the capacity of NHRI, participates as an observer in the plenary and working group meetings of the Portuguese National Human Rights Committee. The Portuguese National Human Rights Committee is an inter-ministerial coordination body, under the supervision of the Minister of Foreign Affairs, which pursues an integrated approach to human rights and aims to achieve a concerted action by and between the public and NGOs.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Through participation in these meetings the Ombudsman is able to stay up to date on different human rights initiatives undertaken by the Portuguese authorities, namely to ratify/accede to international human rights instruments and to submit national implementation reports to the competent international bodies, as well as to provide relevant input from its experience and views on the matters under consideration. The Ombudsman also has the opportunity to interact with other public and private entities invited to attend meetings of the Commission, such as NGOs. The Ombudsman also takes part in the National Human Rights Committee Working Groups tasked with the definition of national human rights indicators based upon those developed by the High Commissioner of Nations United for Human Rights and which are essential for monitoring human rights standards.



*Participation of Civil Society in treaty monitoring and reporting*

- **Nature, level, date, explanation of the “good practice”:**

The Commission engages extensively with civil society in all areas of our work. The Commission is required to facilitate the participation of civil society in treaty monitoring and reporting. We have chosen to fulfil this responsibility by contracting civil society organisations to raise awareness of and collect evidence and views for cross-sector reports to the UN.

In recent years we have funded successful projects to support civil society to engage with the UK examinations for:

- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Rights of the Child.
- We also funded the England civil society report and supported a delegation of children from CRAE and the Scottish Youth Parliament to present their own evidence in Geneva;
- The Universal Periodic Review (UPR)
- The Convention on the Elimination of Racial Discrimination (CERD); and

- The Convention on the Rights of Persons with Disabilities (CRPD) and supported a delegation of individuals from DPOs to present their evidence in Geneva.

In 2018 we are funding three women's rights organisations to develop civil society reports on CEDAW and will be supporting civil society organisations to engage in the UK Government's forthcoming examination by the Committee Against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment (UN CAT).

- **Intended outcomes and/or envisaged impact, proof of its impact:**

All of these civil society reports had a significant influence on the respective UN treaty bodies and the recommendations made to the UK government and have helped to raise awareness domestically of the international human rights framework. We have commissioned an external evaluation of our civil society project on CERD, the findings of which will be available in Spring 2018.

Other activities aimed at supporting civil society engagement in treaty reporting and monitoring carried out by EHRC this year are the production of alternative formats of the CRPD Concluding Observations including an easy read version and BSL version. We are also preparing a guide for civil society organisations on how to engage with the UK Government's forthcoming examination by UN CAT – due to be published in March 2018

### National Human Rights Institutions (NHRIs) (5.)



#### *The strengthening of NHRI functions*

- **Nature, level, date, explanation of the “good practice”:**

On 6 December 2015 the Republic of Armenia adopted the amendments to its Constitution, which envisages the adoption of the New Constitutional Law of the Republic of Armenia on Human Rights Defender.

- **Substantive explanation and implementation:**

The Draft was elaborated in close cooperation with relevant stakeholders, including CSO representatives, state authorities as well as international counterparts. After finalization, on October 2016 the Draft was also sent to the Venice Commission for expert opinion. The New Law on “Human Rights Defender” was adopted on 16 December 2016 notably strengthening the power and scope of activities of the Human Rights Defender.

- **Outcomes:** The main amendments worth mentioning are as follows:

(a) The amendments significantly raised the status and strengthened the immunities for the Ombudsman and the staff. For the first time the law stipulates several guarantees for the activities of persons holding office within the Staff of the Defender and experts of the National Preventive Mechanism (NPM) as well. Mainly, where criminal prosecution is instituted on any ground against a person holding office within the Staff of the Defender or an expert of the NPM, or where he or she is in any way deprived of liberty, the body conducting the proceedings shall be obliged to promptly inform the Defender thereon, immediately after obtaining data about the person in question. Further, persons holding office within the Staff of the Defender and experts of the NPM may furnish explanations or be questioned as witnesses with regard to the essence of applications or complaints addressed to the Defender or the decisions rendered by the Defender based on the examination thereof, as well as provide them to other persons for familiarisation only upon the written consent of the Defender.

(b) The amount of allocation for funding provided from the state budget to the Defender and the Staff thereto, as well as to the Defender as the NPM, cannot be less than the amount provided the year before.

(c) The Defender is authorized to examine complaints concerning human rights violations by organizations operating in the field of public service (environment, health care, gas, electricity, etc).

(d) The Defender shall have the right to submit a written opinion on draft normative legal acts regarding human rights and freedoms prior to their adoption to the relevant bodies.

(e) (e)The Defender also contributes to the development of the legislation by acting as a third party in the cases of the Constitutional Court providing amicus curia briefs on human rights and freedoms-based

cases. In addition, based on the decision of the Defender, his respective staff members are appointed as Defender's representatives at the Parliament and the Constitutional Court of Armenia.

(f) The Educational mandate is another expanded area through the new Law. The Defender may organize training for the staff thereto as well as for beneficiary bodies and organizations on issues related to human rights and fundamental freedoms.

(g) For the purpose of receiving professional assistance in the capacity of the National Preventive Mechanism, based on the requirements set forth in the announcement thereon made on the official website or through other public sources, the Defender may engage independent specialists and (or) representatives of non-government organizations, who acquire the status of an expert of the National Preventive Mechanism.

(h) The Defender is also recognized as a monitoring body of the UN Convention on the Rights of the Child.

- **Proof of its impact:** According to the 2017 Annual Report of the Defender more than 144 legal acts had been submitted to the Human Rights Defender's Office for opinion during 2017, 75 of which had received 530 comments and suggestions. Since the adoption of the Law 6 amicus curia briefs were presented to RA Constitutional Court

A specialized Unit for Protection of Rights in the Field of Public Service Organizations was established at the Defender's Office to deal with human rights protection in the field of public service organizations. During 2017 the Unit already received numerous complaints from the field.

Given that this regulation is a strategic direction of the activities of the NHRI, during 2016 and 2017, the staff of the Human Rights Defender had implemented a number of trainings, in close cooperation with international organizations, for the representatives of state authorities, CSOs and the representatives of media. A trainings program was elaborated for journalists on legal awareness, mainly in relation to criteria, which are being used during the assemblies, the importance of defining the right moment of deprivation of liberty, the guarantees of exercising the rights of a person deprived of liberty. The trainings were also held for the servants of the penitentiary department of the Ministry of Justice within the sphere of strengthening human rights protection and healthcare as well as Border Guard Troops under the RA National Security Service and representatives of the Passport and Visa Department of RA Police about rights protection of asylum seekers and refugees as well as the mandate of the Defender in this regard.



SWITZERLAND / SUISSE

#### *Projet pilote d'Institution Nationale des Droits de l'Homme*

- **Nature, niveau, date de la « bonne pratique » :**

Décision du Conseil fédéral du 1er juillet 2009 de mettre en place un projet pilote pour une institution nationale des droits de l'homme. Début des activités en 2011.

- **Explication :**

Ce projet, limité dans le temps, est constitué d'un réseau universitaire – le Centre suisse de compétence pour les droits humains (CSDH) – auquel la Confédération achète des prestations pour un volume d'un million de francs par an.

- **Mise en œuvre :**

Le projet a été évalué au printemps 2015. L'évaluation a confirmé l'utilité d'une INDH pour la Suisse et l'existence d'une demande pour une institution de cette nature ; la majorité des personnes interrogées a également soutenu la création d'une institution permanente.

- **Résultats attendus et / ou impact envisagé, preuve de son impact:**

Sur la base des résultats de l'évaluation, des travaux législatifs sont actuellement en cours pour la mise en place d'une institution permanente.



**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA” /  
« L’EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »**

*Addressing Ombudsman’s complaints and recommendations*

- **Intended outcomes and/or envisaged impact, proof of its impact:**

All the public institutions have the obligation to regularly report to the Government of the Republic of Macedonia on a quarterly basis on the state of play of the process of handling the complaints and recommendations of the Ombudsman addressed to the Government, state administration bodies, other bodies and organizations with public powers. Consequently the Government on its sessions adopts on a quarterly basis “Information on the process of handling the complaints and recommendations of the Ombudsman addressed to the Government, state administration bodies, other bodies and organizations with public powers, containing conclusions and recommendations”.

**Supportive regulatory framework (5.1)**



*Technical Advice on Implementation of the Paris Principles*

- **Nature, level, date, explanation of the “good practice”:**

The Paris Principles lay down international standards to enable the independent and effective functioning of NHRIs, and include requirements to be embedded in regulation at the national level. ENNHRI provides technical advice to European governments and parliaments when they are willing to adopt regulation to establish or develop an NHRI to be in compliance with the Paris Principles. In 2016 and 2017, for example, ENNHRI provided advice in-country to Bosnia i Herzegovina and Italy.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Start 2018, 25 of 47 CoE states have established by law and/ or constitution an NHRI in compliance with the Paris Principles: Albania, Armenia, Azerbaijan<sup>40</sup>, Bosnia and Herzegovina, Croatia, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Russian Federation, Serbia, Spain, Ukraine, United Kingdom (Great Britain, Scotland and Northern Ireland).

**Competence and responsibilities (5.1.1)**



**CROATIA / CROATIE – BY ENNHRI**

Office of the Ombudswoman of the Republic of Croatia (A-Status NHRI)

*Broad mandate to independently address human rights challenges with state authorities*

- **Nature, level, date, explanation of the “good practice”:**

Since 2008, the Ombudsman has been the only national institution for the protection and promotion of human rights (NHRI) in Croatia with status "A" in accordance with the UN Paris Principles defining the parameters of independence of national human rights institutions. The Ombudsman is defined by the Constitution of the Republic of Croatia as the authorized commissioner of the Croatian Parliament for the promotion and protection of human rights and freedoms established by the Constitution, laws and

<sup>40</sup> Although still A status, an SCA recommendation for the institution to be downgraded to B-status will be reviewed in May 2018.

international legal acts on human rights and fundamental freedoms adopted by the Republic of Croatia. Anyone may file a complaint with the Ombudsman if he/she considers that his/her constitutional or legal rights have been endangered or violated due to illegal or improper work by state bodies, local and regional self-government bodies and bodies with public authority. The Ombudsman is elected by the Croatian Parliament for a term of eight years. The Ombudsman is independent in his/her work. The conditions for the election and dismissal of the Ombudsman and his/her deputies, scope and work frame shall be regulated by law. In order to protect fundamental constitutional rights, certain powers in relation to legal and natural persons may be conferred on the Ombudsman by law. The Ombudsman and other commissioners of the Croatian Parliament for the promotion and protection of human rights and fundamental freedoms have immunity, the same as MPs in the Croatian Parliament.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

As NHRI with a broad mandate to promote and protect all human rights in an independent manner, the Ombudsman regularly draws attention of state authorities to cases where human rights obligations are not met. Such cases often involve the human rights of persons pertaining to vulnerable groups in society such as migrants and refugees or elderly persons. An example of such work relates to the rights of older persons and protection from violence and abuse. Until early 2017 older persons were not explicitly recognized in the Law on the Protection from Domestic Violence and were not granted any additional protection. Our amendments to the text of the Law that urged stronger protection for older persons were accepted and national legislation now sanctions the act of neglecting an older person and prescribes higher penalties for the perpetrators of acts of domestic violence committed against or in the presence of older persons.



GREECE / GRECE

*Greek National Commission for Human Rights*

The role of the National Human Rights Institution in Greece has been assigned to the Greek National Commission for Human Rights (GNCHR), the independent advisory body to the State, established in 1998 with a legislative mandate to protect and promote human rights. The GNCHR was established by Law 2667/1998 (Official Gazette 281/A/18.12.1998), in accordance with the Principles relating to the Status of National Institutions (The Paris Principles) and was convened in plenary session for the first time on 10 January 2000. The GNCHR has a broad mandate (Article 1(1) of its founding law), covering the whole range of human rights, as they are enshrined in the Constitution, in international and European treaties and directives, as well as in soft law instruments such as declarations and guidelines, including on social, economic and cultural rights. The text of the founding law of the NCHR is available online in the English language (<http://www.nchr.gr/index.php/2013-04-03-10-13-40/2013-04-03-10-15-59>).



MONTENEGRO

*Protector of Human Rights and Freedoms*

- **Nature, level, date, explanation of the “good practice”:**

The Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman) was established by way of a Law which was passed by the Assembly of Montenegro on 10th July 2003.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Under the Law on the Protector of Human Rights and Freedoms of Montenegro (entered into force on 23rd August 2011) the Ombudsman has two new competences and it became the institutional mechanism for protection against all forms of discrimination and the National Preventive Mechanism for the protection and prevention of persons deprived of liberty against torture and other forms of cruel, inhuman or degrading treatment or punishment. Competencies of the Protector of human rights and freedoms of Montenegro are based on Article 27 of the Law on the Protector of Human Rights and

Freedoms of Montenegro („Official Gazette of Montenegro“ No.42/2011, 32/2014), by Article 21 of the Law on Prohibition of Discrimination, („Official Gazette of Montenegro“ No.46/2010, 18/2014) and by Article 1 of the Law on Prohibition of Discrimination of Persons with Disabilities („Official Gazette of Montenegro“ No.35/2015). Also, the latest amendments of the Law on Gender Equality („Official Gazette of Montenegro“, no.46/2007, 35/2015) have established a full competence of the Protector in acting on the bases of complaints against violation of the principle of gender equality.

About Litigation powers they formally decide on complaints (e.g. decision or recommendation addressed to the parties) but that decision are not legally binding and their role is to initiate or interfere in court proceedings initiated in civil litigation with the consent of the discriminated person.



*Dutch National Human Rights Institute*

<https://mensenrechten.nl/mission-and-ambition>

- **Nature, level, date of the “good practice”:**

The Dutch National Human Rights Institute (‘College voor de Rechten van de Mens’, CRM) was established by law in 2011 in accordance with the Paris Principles. It is funded by the Dutch Government as part of its national policy aimed at promoting and protecting human rights in the Netherlands. Several ministries contribute to its budget, which is approved by the Ministry of Justice and Security. Government funding of the CRM aims at safeguarding its continuation. At the same time the Government respects the independence of the CRM in fulfilling its tasks.

- **Substantive explanation:**

The CRM is an independent body for the protection, monitoring and promoting of human rights in the Netherlands. The CRM determines its own activities. In their 2016-2019 Strategic Plan the CRM laid down its main areas of focus for the coming years, which are: 1) human rights education, 2) discrimination and stereotyping on the job market, 3) human rights on a local level. Additionally, the CRM is the main monitoring body for the UN Convention on the Rights of Persons with Disabilities (CRPD). Further, the CRM can give (unsolicited) advice to all government sectors.

- **Implementation:**

Every year the CRM submits a financial plan to the Ministry of Justice and Security, which is up for approval. There is no set amount which the Government will contribute to the Institute, but the amount has varied around €6 million for the past years.

- **Intended outcomes and/or envisaged impact, proof of its impact;**

Every year the CRM publishes a report on the human rights situation in The Netherlands. The Government’s response to the annual report is sent to Parliament. Every five years the Ministry of the Interior and Kingdom Relations carries out an evaluation of the functioning of the CRM. Also, the CRM itself reports every five years to the Ministry of the Interior and Kingdom Relations on the functioning of the law on which it is established. If the CRM considers that certain aspects of this law should be changed, a dialogue between the CRM, the Ministry of the Interior and Kingdom Relations and the Ministry of Justice and Security will follow.

- **Cooperation:**

The CRM has been awarded an A-status by the International Coordinating Committee of NHRIs, indicating that the CRM is fully compliant with the Paris Principles and is therefore independent from the Government despite the government funding.



### *Haut Commissariat pour les Migrations*

<http://www.acm.gov.pt/acm>

- **Nature:**

Institution publique des DH

- **Niveau:**

Etatique + discrimination + migration

- **Explication:**

Le Haut Commissariat est un département du Gouvernement sous la dépendance de la Présidence du Conseil des Ministres qui coordonne la politique des droits de l'homme autour des questions associées aux migrations et à la non-discrimination des groupes vulnérables qui y sont inclus.

Deux centres nationaux d'appui aux immigrants (CNAI) ont été institués à Lisbonne et à Porto qui accueillent les immigrants en les appuyant en diverses démarches. Au niveau local, l'ACM a des extensions sous la forme de centres locaux d'appui aux immigrants (CLAI) qui appuient ceux-ci dans leurs démarches locales. À ces CLAI sont associés les médiateurs gitans qui opèrent le lien entre les communautés gitanes et l'administration locale.

Le Haut Commissariat continue, dans la lignée des organisations qui l'ont précédé, l'ACIDI et le ACIME, à intégrer la Commission pour l'Egalité et contre la Discrimination qui juge au plan administratif, des infractions contre l'égalité et la non-discrimination raciales. Suite à une plainte de la part d'une victime, cette plainte est acheminée vers une inspection administrative (du travail, des finances, d'un secteur d'activité économique) qui l'instruit et propose une sanction administrative dont fait partie la possibilité d'accès à un marché relevant pour une période de temps, cette sanction étant décidée au final par la CICDR présidée par l'ACM. Cette procédure est critiquée pour son inefficience et sa lenteur, elle a l'intérêt d'introduire une plainte de nature administrative pouvant intervenir dans un secteur d'activité économique (comme le refus d'entrée dans un magasin adressé à un membre d'une minorité).

L'Observatoire des Migrations et l'Observatoire des Gitans font partie de la structure du ACM et produisent d'importantes études et rapports sur différents sujets de ces grands thèmes, en sorte à permettre la formulation de politiques ou de décisions plus adaptées à ces populations. En plus de cela, les travaux de ces observatoires ont une grande importance pour le monde académique dont ils informent la recherche.

Enfin, le Plan Stratégique pour les Migrations contient les lignes orientatrices de la politique de l'Etat en cette matière. L'ACM y contribue grandement et contribue aussi à son application puisqu'il est, de façon générale, l'un des organes chargés de son exécution.

- **Impact:**

Fort car l'institution existe depuis le Secrétariat des Programmes d'Education Interculturelle de 1993, son plus lointain prédécesseur.

### *Médiateur de la République*

<http://www.provedor-jus.pt/>

- **Nature:**

Institution Publique des Droits de l'Homme en accord avec les Principes de Paris

- **Niveau:**

Etatique + plaintes c. l'Administration /Ombudsman.

- **Explication:**

Le Médiateur de la République est une institution publique de promotion et de défense des droits de l'homme en accord avec les Principes de Paris, possédant le statut A de ces principes. Parmi les nombreuses fonctions du Médiateur, celui-ci est le mécanisme national de prévention à l'abri du Protocole additionnel à Convention des Nations Unies contre la Torture qui prévoit également des plaintes de victimes de mauvais traitements au Comité institué par la Convention. En qualité de mécanisme national de prévention, le Médiateur effectue des visites aux prisons et à tout établissement pouvant opérer la détention d'une personne, dans le but de vérifier les conditions auxquelles les détenus

sont soumis, prévenant ainsi des dysfonctionnements qui pourraient contrevenir à la CAT des N.U. et susciter la réprobation internationale du Portugal. Le Médiateur possède aussi des lignes spéciales pour les femmes, les enfants et les personnes âgées en situation de détresse, des lignes SOS, et les plaintes qui lui sont adressées peuvent être rédigées et envoyées sur une plateforme électronique à cet effet.

- **Impact:**

Fort.

*Réseau d'institutions nationales de droits de l'homme de la CPLP*

<http://www.cplp.org/id-4447.aspx?Action=1&NewsId=3659&M=NewsV2&PID=10872>

- **Nature:**

Réseau d'instit. DH

- **Niveau:**

Coopération internationale, CPLP

- **Explication:**

Les Médiateurs de la République des pays membres de la CPLP ont institué un réseau d'institutions nationales de droits de l'homme. Ce réseau crée une collaboration entre médiateurs et un échange d'informations entre ceux-ci.

Déclaration conjointe instituant le réseau des droits de l'homme de la CPLP :

<http://pfdc.pgr.mpf.mp.br/atuacao-e-conteudos-de-apoio/temas-de-atuacao/direitos-humanos/internacionais/cplp/declaracao-rede-de-direitos-humanos-da-cplp>

- **Impact:**

Fort.

*Commission pour l'Égalité des Genres* <https://www.cig.gov.pt/a-cig/atribuicoes/>

- **Nature:**

Institution publique de DH.

- **Niveau:**

Administration + droits des Femmes + discrimination

- **Explication:**

Institution de la Commission pour l'Égalité des Genres. Cet organisme gouvernemental dépendant de la Présidence du Conseil des Ministres a pour fonctions de veiller à la promotion de l'égalité des femmes et des hommes. Cet organisme propose des mesures législatives, administratives et de politique en ce sens, il élabore des rapports et diffuse de la documentation sur ces sujets. L'une de ses fonctions est de recevoir des plaintes pour discrimination à l'égard des femmes et de les acheminer vers les entités décisionnelles compétentes.

- **Impact:**

Fort.

*Commission pour l'égalité et la non-discrimination dans le travail et dans l'emploi*

<http://www.cite.gov.pt/pt/acite/dirdevtrab.html>

- **Nature:**

Institution de DH, public + partenaires sociaux

- **Niveau:**

Administration + Droits des Femmes + Travail + Discrimination

- **Explication:**

Commission pour l'égalité et la non-discrimination dans le travail et dans l'emploi. Une institution tripartite formée de représentants du ministère du travail, des ministères de la tutelle de chaque domaine intéressé et des partenaires sociaux (syndicats et employeurs) qui formule des avis et élabore des recommandations nommément en ce qui concerne des plaintes relatives à la discrimination hommes-femmes au travail.

- **Impact:**

Fort.

*Commission nationale pour les droits de l'homme*

<http://www.gmcs.pt/pt/resolucao-do-conselho-de-ministros-n-272010-comissao-nacional-para-os-direitos-humanos>

- **Nature:**

Coopération interministérielle + administration + DH

- **Niveau:**

Administration publique centrale.

- **Explication:**

La Résolution crée la Commission nationale pour les droits de l'homme (CNDH), une organisation interdépartementale de l'Administration Publique, non indépendante et non correspondante aux principes de Paris relatifs aux institutions indépendantes de DH, mais d'une grande utilité dans la mesure où cette commission réussit à coordonner et à articuler avec efficacité l'AP dans sa réponse aux défis posés par les DH et les OIG de DH et à donner une réponse cohérente sur le plan de la politique internationale de DH de l'Etat. La CNDH promeut des réunions annuelles ouvertes à la société civile, lors desquelles les associations peuvent s'exprimer sur les différents sujets de leur activité en rapport avec les droits de l'homme. Ces réunions annuelles sont souvent dédiées à un thème qui est alors présenté par des experts spécialisés. Depuis 2011, la 4ème réunion de la CNDH a compté avec la participation du Centre Nord-Sud du Conseil de l'Europe, en janvier 2012, la 6ème réunion élargie à la société civile a permis de faire connaître les thèmes du mécanisme de révision périodique universelle du Conseil des Droits de l'Homme des Nations Unies, ainsi que les questions de la réforme de la Cour EDH, en juin 2012, la 7ème réunion, élargie, elle aussi, a compté avec la participation de M. Morten Kjaerum, alors président de la FRA. Elle a été dédiée aux questions de la justice, des enfants, des migrants, des gitans, des femmes et des différents groupes vulnérables. En 2013, la 9ème réunion, élargie elle aussi a été dédiée à l'égalité des genres, la 12ème réunion, élargie elle aussi, n'a pas eu de thème spécifique, il s'agissait d'informer sur les activités de la CNDH. En 2015, la 16ème réunion a été dédiée au thème de la protection des enfants, en particulier, de la vente, de la prostitution et de la pornographie infantiles, et, en 2016, la 18ème réunion a été dédiée, en décembre, au thème de la santé mentale au Portugal.

- **Impact:**

Fort.



SERBIA / SERBIE

*Protector of Citizens*

- **Nature, level, date, explanation of the "good practice":**

Article 2 of the Law on a Protector of Citizens establishes the Protector of Citizens as an independent and autonomous body. Commissioner for the Protection of Equality was established by the Law on Prohibition of Discrimination, while Commissioner for Information of Public Importance and Personal Data Protection was established by the Law on Free Access to Information of Public Importance. According to the said legislation, if the Protector of Citizens determines that irregularities existed in the work of the administrative authority, he/she shall deliver a recommendation to the administrative authority on steps to be undertaken in order to rectify the noted irregularity. If the administrative authority fails to proceed pursuant to the recommendation, the Protector of Citizens may so inform the public, the National Assembly and the Government, and may recommend proceedings to determine the accountability of the official in charge of the administrative authority. Commissioner for the Protection of Equality, inter alia, recommends to the public authorities and other persons the measures for achieving equality and is able to file lawsuits with the consent and for the account of the discriminated person. Commissioner for Information of Public Importance and Personal Data Protection has competence both in the field of protection of personal data and protection of the right to access information of public importance. His/her decisions are binding and enforceable.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

According to the Report for the year 2016, the Protector of Citizens issued 1340 Recommendations to public authorities. During the same period 991 Recommendations were accepted or executed by the

public authorities. During the same year, opinions were issued by the Commissioner for equality in 51 cases upon complaints of the citizens, of which in 46 cases discrimination was determined. Finally, in the same year the interventions of the Commissioner for Information of Public Importance and Personal Data Protection pursuant to complaints resulted in information requesters receiving the requested information in a high percentage of cases (92%).



### *Human Rights and Equality Institution of Turkey*

- **Nature, date:**

The legislation – Law on the Human Rights and Equality Institution of Turkey – was adopted on 6/4/2016 and came into effect on 20/4/2016.

- **Explanation:**

By this Law the Institution has been vested with broad mandate including carrying out activities to protect and promote human rights and prevent violations; fighting against torture and ill-treatment and action as equality body. The Institution has also been mandated to cooperate with public institutions and agencies, non-governmental organizations, professional organizations and universities working in the field of protection of human rights and fight against discrimination.

In addition to this, a consultative commission shall be set up with the participation of public institutions and agencies, non-governmental organizations, unions, social and professional organizations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organizations so as to discuss problems and proposed solutions pertaining to non-discrimination issues and to exchange information and opinions on these matters. The Institution shall carry out consultation meetings in the centre and provinces with the participation of public institutions and agencies, non-governmental organizations, unions, social and professional organizations, higher education institutions, printed and audio-visual media, researchers and relevant persons, agencies and organizations so as to discuss human rights-related issues and to exchange information and opinions on these matters.

- **Implementation:**

The Institution aims to build deep and strengthen cooperation with the civil society/nongovernmental organizations, to acknowledge issues regarding discrimination in the country and tries to fight against these issues.

- **Intended outcomes, impact:**

The Institution has conducted several meetings with civil society organizations working in the area of human rights.

One of them is the Association of Fighting against Mobbing. Within this context, a delegation from the Institution attended the workshop held by the Association in 19-21 January 2018. During the workshop, ideas regarding how to combat with mobbing has been shared among the relevant stakeholders.

Secondly, experts of the institution has attended several meetings and trainings held by the Association for Monitoring Gender Equality (CEİD). Within this context, experts of the Institution participated the trainings on women's rights, fighting against violence and discrimination against women within the context of the IPA Project on "Enhancement of Participatory Democracy in Turkey: Monitoring Gender Equality" (CEİD is the beneficiary of the Project)

Also, a delegation from the Institution has attended to International NGO Fair held in 10 December 2017 in Istanbul. During the Fair, the Institution opened a stand and shared printed awareness raising materials regarding human rights. Some of these leaflets has been produced by previous IPA Projects. The aim is to strengthen the sustainability of these materials. Moreover, several meetings were conducted with the representatives of international NGOs through the Fair.

A delegation from the Institution attended a Panel held by Red Umbrella Sexual Health and Human Rights Association in 12 May 2017. Within the context of the Panel, outputs of the research on violence against transgender sex workers has been shared with the participants.

On the other hand, the Institution is a member of European Network of National Human Rights Institutions (ENNHRI) since 2014 and actively participates in its meetings, projects trainings and workshops and has

a close communication with the ENNHRI Secretariat. Some of the events of ENNHRI that representatives of the Institution has attended are the NHRI Academy 2015, 2017, meetings and trainings under ENNHRI Human Rights & Conflict Project, ENNHRI General Assembly etc.).

### Composition and guarantees of independence and pluralism (5.1.2)



*NHRI exchange with CSO-academia-national minorities-media through advisory council*

- **Nature, level, date, explanation of the “good practice”:**

Article 31 of the Ombudsman Act defines the role of the Council for Human Rights. Accordingly, the Council for Human Rights is an advisory body that considers and proposes strategic guidelines in the field of promotion of human rights and freedoms, ensures permanent cooperation between the Ombudsman, civil society, academic community and media, and considers other issues of importance for the work of the Ombudsman. The members of the Council for Human Rights are appointed by the Ombudsman for a period of four years. The members do not receive any compensation for their work in the Council. Furthermore, the Standing Orders of the Ombudsman defines that the Council has 8 members: 2 representatives from CSO, 2 representatives of national minorities, 2 representatives from academia and 2 representatives from media. The members of the Council are elected based on the public (open) call. The Council meets at least twice a year.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Based on the proposal of the Council, Ombudswoman and parliament's Committee on Human and National Minority Rights have organized a thematic session marking 50th anniversary of two UN Covenants. The session provided opportunity to CSO representative (a member of the Council) to present their role in monitoring the implementation of Covenants in Croatia and work they do as a follow up to recommendations.

The mandate for 7 members of the Council has finished in November 2017. Our last session was an opportunity to informally evaluate our work: identify good practices and formulate recommendations to strengthen the work of the Council.



*NHRI-CSO exchange of expertise through advisory council*

- **Nature, level, date, explanation of the “good practice”:**

The DIHR's Council for Human Rights is composed of the representatives of a number of civil society organisations and authorities who meet to discuss the undertakings of DIHR. The members of the Council are selected after a public consultation procedure every four years. Selected organisations should reflect the diversity of the society and be engaged in human rights activities. The Council meets at least four times a year to assess DIHR activities, implementation of strategies, etc. The Council may propose new activities to the DIHR Executive Board and engage in critical dialogue with DIHR. The Council is independent of DIHR Executive Board.

The Council for Human Rights appoints six of the 14 Executive Board members in accordance with DIHR's statutes section 3. The Council has three sub committees: Equal Treatment Committee, UPR-Committee and a Communication committee. The Equal Treatment Committee gives input to DIHR's Equal Treatment Department. The UPR Sub-Committee – the purpose of the committee is to coordinate,

cooperate and exchange priorities and knowledge among its members in relation to the universal periodic review of Denmark. Especially the committee focuses on a joint stakeholder report to UN Human Rights Council and a joint midterm report. The Communication Committee primarily functions as a network for communication professionals among the members of the Committee.:

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The Council's role in accordance to our statutes is to advise the Executive Board. So far, the Council has not put any suggestions forward to the Executive Board. But this situation could change with the newly constituted Council and new chair. The Council's sub-committees function often as a binding link between DIHR national monitoring and reporting work and the CSO's. CSOs have an understanding of what is going on in their respective areas and their knowledge contributes to DIHR work. At the same time DIHR's knowledge on human rights and human rights systems builds CSO's capacity to engage in for instance reporting to UN treaty bodies and UPR processes.



**GEORGIA /GEORGIE – BY ENNHRI**  
Public Defender of Georgia (A-status NHRI)

*NHRI-CSO exchange of thematic expertise through advisory councils*

Thematic consultative and advisory councils have been operating at the Office of the Public Defender of Georgia for several years now. E.g. since 2014 Advisory council of the National Preventive Mechanism supports the activity of NPM in preventing torture and other forms of ill-treatment. Members of the advisory group are academic circle representatives and experts from local and international NGOs.



**GREECE / GRECE**

*Independence and pluralism of the Greek National Commission for Human Rights*

- **Nature of the good practice/level/date:**

Law 2667/1998, as amended, including, recently, by laws 4382/2016 and 4465/2017

- **Substantive explanation of the “good practice”:**

The Greek National Commission for Human Rights (GNCHR) is fully independent, which is not only expressly stated in its founding law, but also reflected in its overall presence and functioning through several elements which play a crucial role in safeguarding its independence, such as *inter alia*: its legal autonomy, its financial autonomy, the guarantees concerning the appointment and dismissal procedures, as well as the full personal and functional independence of its members, who serve in their own individual capacity rather than on behalf of the organisation they represent. Furthermore the GNCHR ensures pluralism both through its large and diverse membership, as well as through its cooperation with a broad range of social forces involved in the promotion and protection of human rights.

- **Implementation:**

The GNHCR has a pluralistic composition, of sixty-three (63) members, both regular and alternate, who are designated by bodies the activities of which cover the whole spectrum of human rights, such as: Non-Governmental Organisations (NGOs), third-level trade union organisations, independent authorities, universities, bar associations, political parties, Parliament and the Administration. Twenty-seven (27) among them are women, a number corresponding to almost 43% of the total GNCHR members. Moreover, the GNCHR has over the years developed several mechanisms of cooperation with the abovementioned actors in order to enhance its effectiveness and credibility. This extends to both Government and Parliament representatives, with whom the GNCHR is required by the Paris Principles to interact with, with due respect to its independence.



**UKRAINE – BY ENNHRI**  
Human Rights Commission of Ukraine (A-status NHRI)

*Enhanced and Continuous Cooperation with CSOs Through Advisory Board*

- **Nature, level, date, explanation of the “good practice”:**

In 2012, in line with the legislative mandate of the Ukrainian Commissioner for Human Rights, an Advisory Council was established composed of 28 CSO representatives. The Advisory Council's composition follows a broad and transparent consultation process amongst Ukrainian civil society and its working methods are determined in regulations approved in consultation between the Ukrainian NHRI and the Advisory Board members. The Advisory Board provides thematic expert advice including advice on how the Commissioner can better cooperate with CSOs across its work. The Advisory Board's proposals are discussed with the Commissioner and can result in a decision of the Commissioner to submit the proposals to Parliament to introduce amendments to acting legislation.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

As reported upon by Freedom House in 2012, the Commissioner's enhanced cooperation with CSOs has had a positive effect on the rule of law in Ukraine, especially in the sphere of freedom of information, non-discrimination and the prevention of torture. To ensure public transparency and accountability of the consultations with the Advisory Council by the Commissioner, the relevant documents are made publicly available on the website of the Commissioner. The Commissioner promotes transparency and public monitoring of its activities.

**Methods of operation, models, roles and activities (5.1.3)**



**BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE – BY ENNHRI**  
Ombudsman of Bosnia and Herzegovina (A-Status NHRI)

*NHRI Special Report on LGBTI in cooperation with NGOs*

- **Nature, level, date, explanation of the “good practice”:**

In 2013 the ombudsperson of BiH received the suggestion of the NGO Sarajevo Open Centre to prepare a special report on the status of human rights of the LGBT persons in BiH. During 2015 the Joint Commission for human rights of the Parliamentary Assembly of Bosnia and Herzegovina to prepare a special report on the rights LGBT persons. In its Strategy for the period 2016 – 2021, the Institution of Human Rights Ombudsman of Bosnia Herzegovina planned the preparation of the said report. Preparation of the mentioned reports was a challenge for Ombudspersons of BiH since before that, there were no analysis or report of any kind on human rights of LGBT persons in BiH made by any official authority. In addition to the absence of individual complaints lodged by LGBT persons, which are usually the basis for the Ombudsman's special reports. For the mentioned reasons it was necessary to carry out a broad range of consultation and comprehensive research in order to define substantive problems and disadvantages and to make specific recommendations of suggest measures to improve the position of LGBT persons. To this end, the ombudsman institution conducted a comprehensive survey, which included information gathering activities from relevant executive authorities, administrative bodies at all levels in BiH, police authorities, criminal justice institutions and non-governmental organisations involved in the protection of LGBT rights persons. NGO have made significant contributions to the drafting of the Special Report with their suggestions.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The resulting special report was finished in 2016 and represent the basis for the definition of the future goals and measures to be taken by the public authorities and the civil sector in order to improve the status of LGBT persons in BiH.

### *Commissioner's for Children's Rights Young Advisors Team*

The Cypriot Commissioner's for Children's Rights ("The Commissioner") Young Advisors Team ("YAT") was established by the Commissioner, in 2010 as a non-formal consultation group. The YAT consists of young persons with, as far as possible, a balanced representation of Cypriot society, in terms of geographical area, sex, age, ethnic background, religious beliefs, cultural origin and social groups, including children with disabilities.

In view of its successful operation, and upon of a recommendation of the Commissioner, the establishment and operation of the YAT was regulated by legislation in 2014 (an amendment to the Commissioner for the Protection of Children's Rights Law). The Law secures the balanced representation of children as stated above and specifies the goals of the YAT as follows:

- Exchanging views between the young persons and the Commissioner on any matter concerning children's rights
- Forming opinions, proposals, suggestions and submitting them to the Commissioner, on any matter concerning children and their rights
- Discussing with the Commissioner issues concerning children and which the children themselves consider important
- Empowerment of the children through workshops on matters concerning children's rights and or/matters of interest to, and/or affecting, children;
- Exchanging views, co-operating and taking part in activities of other young advisors teams in other European states and/or taking part in programs of the European Network of Ombudspersons for Children-ENOC;
- Co-organizing and taking part in activities of the Office of the Commissioner in relation to children's rights.

The Law provides that the selection process, the manner of functioning, the duration and mode of renewal of its term as well as any other matters relating to the smooth and efficient functioning of the YAT, shall be prescribed by guidelines compiled by the Commissioner in consultation with the YAT.

YAT members receive training on children's' rights through interactive workshops and they are empowered so as to feel confident to express their views and discuss among themselves but also with adults (the Commissioner, Ministers, and other state of officials).

An example of how YAT can influence policies is the Sexuality Education at schools in Cyprus. With the aim to provide children with a channel for their voices to be heard regarding Sexuality Education and have an influence on the policy planning, the Commissioner organized in March 2015 a consultation of the YAT with the Minister of Education.

Prior to the consultation, the YAT had been empowered within a series of workshops through which they had the opportunity to build adequate knowledge on the issue. During the consultation with a Minister, the YAT stressed that children do not receive reliable information on sexuality either from parents or the school, thus, having to resort to other sources, such as the internet or other youth. They, at the same time, made a number of suggestions to the Minister, who committed himself to take them into consideration in the formulation of his policy.

In 2016, the Ministry of Education produced a comprehensive Policy Paper on Sexuality Education which was circulated to all Elementary and Secondary Education schools. With this the Ministry acknowledged its responsibility to provide "holistic" sexuality education to all children as a legal obligation of the State, derived from human rights Instruments. The Minister acknowledged the contribution of YAT to the production of the Policy Paper.

The same year, YAT members took part in 'I'M SET!', an 18-month bilateral cooperation project between Cyprus and Norway. The project aimed to promote the sexual rights of teenagers through the implementation of mandatory human rights based Comprehensive Sexuality Education (CSE) in middle schools in Cyprus. The project involved collaboration between civil society organisations and educational authorities in Cyprus. It was developed by and was coordinated by the Cyprus Family Planning Association (CFPA), with the active participation of the Commissioner for Children's Rights, the

Pedagogical Institute - Ministry of Education and Culture, the Mediterranean Institute of Gender Studies in Cyprus and Sex og Politikk - Association for Reproductive and Sexual Health and Rights in Norway. The project consisted of a situational analysis in Cyprus on young people's Sexual Reproductive Health and Rights, an assessment of the needs of middle school students for CSE and teachers for teaching CSE. On the basis of data collected, a Teachers' Manual for delivering CSE, was developed guided also by empirical evidence on CSE in Europe and shared best practices with Norway. The Manual and teaching materials were disseminated to all middle schools in Cyprus. Furthermore, the views of the YAT on sexuality education were taken on board by the Commissioner and formed an essential part of a "Position Paper on the Right of Children Sexuality Education" issued by the Commissioner in June 2017.

#### *Commissioner for Administration and Protection of Human Rights*

The Commissioner for Administration and the Protection of Human Rights (Ombudsman), in the framework of her competences, has done a number of actions that could be regarded as Good Practices in the promotion and protection of human rights in Cyprus (training seminars, educational activities for young people, awareness raising campaigns, publications, etc.).

Aiming at ensuring the continued alignment of the Republic of Cyprus with the Security Council Resolutions 2263 (2016) and 2300 (2016), the Commissioner for Gender Equality has undertaken, in close cooperation with civil society, the drafting/preparation of the first National Action Plan on the implementation of the Security Council Resolution 1325 (2000), covering the period 2018-2021, which will ensure full implementation of Women, Peace and Security agenda.



#### *Review by ERTF of Manchester City Council's strategy*

The MIGROM project, a research consortium of academic and non-academic partners in the United Kingdom, Spain, France, Italy, Romania, the Manchester City Council and the European Roma and Travellers Forum, is intended to investigate the experiences, motivations, and ambitions of Roma migrants from Romania who have recently moved to Italy, France, Spain, and the UK, and the effect of migration on their own lives and on the lives of relations left behind in the home communities in Romania. It will also investigate popular, media, and official reactions to Roma immigration.

In the context of this project the European Roma and Travellers Forum was requested to review the Manchester City Council's strategy with a view to secure participation, consultation with the community concerned. The ERTF, in its review, made proposals for improving the ability of local authorities and institutions to develop an integration strategy which would ensure the well-being of the Roma community on a par with the other citizens of the locality, and the peaceful and harmonious cohabitation of the Roma with the majority population.

#### *Black Health Agency for Equality engagement with Roma in Manchester: 2013-2014*

The Manchester-based charity Black Health Agency (BHA) for Equality received a grant from Manchester City Council's Equality Funding Programme to fund consultation and outreach work in the community of Eastern European Roma in Manchester.

An evaluation report of this consultation and outreach work was made available by the MIGROM to the ERTF which submitted comments mainly on the issue of school dropout among Roma girls and early marriage or pregnancy. This issue has been treated exclusively from the gender and cultural perspective. However, there are other aspects to be taken into account: poverty, lack of opportunities, and discrimination are also reasons for dropout, and sometimes lead to early marriage. The claim that there is a notably higher school dropout rate among Roma girls is unconvincing, as the data and information are unreliable.

The authors make generalising statements about Roma culture, many of them inaccurate. All this constitutes a cultural bias that makes the report potentially stigmatising toward the Roma community. The ERTF suggested several options on how the BHA can strengthen its work with Roma women, such as setting up a Roma women's empowerment working group to empower Roma girls from a young age and encourage their aspirations to improve their situation in education and work.

*Council of Europe - ERTF Partnership Agreement.*

The Council of Europe, a human rights intergovernmental organization, has a partnership agreement with the ERTF which provides the latter with the opportunity to work with several of the organs of the Organisation. In this context the ERTF has observer status with several steering committees and has Cooperation Agreements with the Parliamentary Assembly and the Congress of Local and Regional authorities. In the context of these cooperation agreements the ERTF has been asked on a number of occasions to comment on draft texts by the Parliamentary Assembly and the Congress.



*Co-operation and coordination in the promotion of Human Rights Education in Finland*

- **Nature, level, date, explanation of the “good practice”:**

The national baseline study on Human Rights Education (HRE) by the Finnish Human Rights Centre (the Centre) was published on 14 February 2014. It was the first broad scope overview of HRE in the Finnish education system. Before that, a proper study on the amount, extent or quality of human rights education had not been carried out in Finland. The Centre's co-operative body of appointed civil society representatives and other fundamental and human rights actors, the Human Rights Delegation contributed actively to the study. It established a human rights education division that included Delegation members and other HRE experts from NGOs and academia. The division functioned as a steering group and together with the Centre drafted recommendations based on the study. These recommendations for the promotion of human rights education and training in Finland were accepted by the Delegation in December 2013 and were published as part of the baseline study report. The recommendations are as follows:

1. The Government should draft an action plan for human rights education and training
2. Human rights should be included in all forms of education and training.
3. Human rights education should support and promote the realisation of a learning environment where human rights are respected.
4. The human rights knowledge and skills of teachers and educators should be strengthened.
5. The human rights knowledge and skills of public servants and other persons exercising public power and functions should be ensured.
6. The materials and methods for teaching human rights should be developed.
7. Human rights education, teaching, learning and knowledge should be monitored, evaluated and developed.

During the study, education civil servants were also consulted.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The recommendations and research results of the baseline study have had an effect on the role of HRE in the Finnish education system. Also, different actors have used it as a reference in the promotion of HRE.

From 2014 onwards, the National Agency of Education (FNAE) has adopted national curricula with human rights emphasis in various topics. An important improvement in the core curriculum for basic education 2014 was that human rights are now explicitly mentioned also in the guiding obligatory principles – not only in the value basis. HRE is also one of the central themes in the Second National Action Plan (NAP) on Fundamental and Human Rights 2017–2019.

In 2016–2017, teacher education institutions in co-operation with NGOs carried out a project on democracy and human rights education in teacher education across Finland. Alongside with the project they produced a publication (November 2017) on good practices with a view to teaching human rights, participation and active citizenship skills as part of human rights and democracy education.

At the moment one of the Centre's HRE priorities is that HRE is further systematized in teacher education. The Centre has taken part in the Finnish Educational Research Associations Conference 2017 to promote HRE research, baseline study results and to reach teacher educators and key stakeholders in the education sector. The Centre also supports new UNESCO-professorship of Values, Dialogue, and Human Rights in the University of Helsinki. In addition, the Centre promotes a research proposal and a pilot course on democracy and human rights in teacher education. For co-operating on this matter, initial discussions with governmental authorities (Ministry of Justice and FNAE) and university representatives have been held.

The baseline study has been an inspiration and contributed to the Centre's other HRE activities with NGOs and education authorities. These activities are described below.

#### *Lecture series on fundamental and human rights*

- Video lectures were produced in expert co-operation. The Human Rights Delegation members took part in and commented on the test lectures. Some members even provided their input to the video series by lecturing on fundamental rights. The lecture series material is suitable especially for adult education, civil servants, teachers and everyone interested in or working with HR.
- Lectures have been and are distributed in 2017–2018 to teachers and for wider audience. The lecture series have had almost 6 000 views.
- Co-operation is starting in 2018 to distribute the series at a new e-learning platform for civil servants.

#### *EDUCA fair*

- The Centre has promoted human rights education through an exhibition at the country's biggest event for educators (teachers, principals, education management etc.). In 2018 Educa fair had 17 900 visitors.
- The exhibition was organised in co-operation with the following NGOs: Amnesty International Finnish section, Finnish Committee for UNICEF and the Finnish League of Human Rights.
- HRE materials of the Centre and of the NGOs were introduced and distributed at the exhibition. Information was also given on NGO websites of pedagogical practice and HRE and on the Centre's lecture series.
- NGOs and the Centre also organized a stage performance at the fair, with emphasis on participation. Children and high school students told about their visions of HRE, actual HRE actions in schools and about child's rights based school model.

#### *Fundamental and human rights education for principals and educational management*

- The Centre conducted together with the Parliamentary Ombudsman's Office visits to schools, to Regional State Administrative Agencies and to the Finnish Education Evaluation Centre. The goal of the project was to promote fundamental and human rights knowledge in the education sector. The visits resulted in another project with the Regional State Administrative Agencies, FNAE, Trade Union of Education, Finnish Principals Association, Finnish Association of Educational Directors and Experts and the Association of Finnish Local and Regional Authorities.
- This project includes five fundamental and human rights trainings for principals and educational management in different Finnish regions.
- The educational module of fundamental and HRE is carried out in co-operation with the Parliamentary Ombudsman's Office and FNAE. The training includes following themes: HRE overview, general complaints, and current topics such as hate speech, equality in school culture, and equity and equality planning of schools.
- Teacher Trade Union (OAJ) in Finland has a good reach to the education sector. The education material of the upcoming fundamental and HRE module might be distributed on their website as well.



*Approfondissement des liens avec la société civile par le Haut-Commissariat à la Protection des Droits, des Libertés et à la Médiation*

– **Nature, niveau, date, explication de la "bonne pratique":**

Le Haut-Commissariat s'attache à approfondir son dialogue avec les associations et groupements représentant les diverses communautés vivant en Principauté. A cet égard, associations et syndicats ont un rôle à jouer dans la sensibilisation du public aux missions de l'institution et sont en outre, de par leur bonne connaissance du terrain, à même de faire remonter certaines difficultés ou d'apporter des éléments complémentaires de réflexion contextuelle dans leur champ de compétence.

– **Preuve de son impact:**

A titre de bonne pratique, l'on relèvera ainsi, au mois d'octobre 2015, à l'invitation du Haut-Commissariat, une vingtaine d'associations monégasques actives dans le domaine social et humanitaire ont participé à une table ronde destinée à mieux les informer sur le rôle et les missions de l'Institution et à explorer les synergies possibles entre l'action dévolue à cette nouvelle entité de protection des droits, et celle déployée sur le terrain par les ONG au service des populations fragiles de Monaco.



*Human Rights Education*

Human rights education is listed as one of the duties of the NIHR in the establishing Act (Article 3(d)). Awareness raising is something we do on a regular basis. Our website provides information about human rights. We regularly write about a news item or court decision and put it into a human rights perspective. This helps people understand why something is a 'human rights issue'. (<https://www.mensenrechten.nl/toegelicht>).

In close collaboration with civil society organisations, the NIHR is finalizing the development of a toolbox on human rights education in primary and secondary schools. The immediate aim of the toolbox is to provide school directors and teachers with inspiration and guidance for strengthening human rights in their school management, environment, curriculum and pedagogy. While aiming for a whole-school approach, it does provide the option of a step-by-step approach. The toolbox is intended to complement the NIHR's advocacy efforts within the national curriculum reform. Once human rights education becomes part of the national curriculum, the toolbox is meant to become part of the essential body of documents for its implementation by primary and secondary schools. With EU funding, we have created a training on stereotypes in recruitment and selection of staff. This very successful training is created for human resources staff, but we have also given the training to other people within organisations involved in recruitment and selection. The intended outcome is to make human resources staff aware of their stereotypes when recruiting new staff members, which should lead to less discrimination.


**POLAND / POLOGNE**
*Powers of the Ombudsman before the Constitutional Court*- **Nature / level / date of the “good practice”:**

Powers of the Ombudsman in the proceedings before the Constitutional Court are regulated by the Polish Constitution of 2 April 1997, the Ombudsman Act of 15 July 1987 and the Constitutional Court Procedural Act of 30 November 2016.

- **Substantive explanation of the "good practice":**

The Polish legal system provides for the right of the Ombudsman to apply to the Constitutional Court to examine the compliance of any act of the Parliament with the Constitution and/or ratified international treaty (such as the European Convention on Human Rights) or to examine the conformity of lower-level acts with higher-level acts.

The Ombudsman is also entitled to adhere to the proceedings pending before the Constitutional Court.

- **Implementation :**

Implementation by providing the Ombudsman with adequate powers anchored in domestic legal system.

- **Intended/ measured outcomes and/or envisaged impact:**

The above regulations aim at ensuring the Ombudsman the right to make the formal request to the Constitutional Court to eliminate from the legal order defective acts that violate human rights and fundamental freedoms.

According to the statistical data of the Ombudsman in 2016 the Ombudsman filed 24 requests to the Constitutional Court, adhered to 12 proceedings regarding constitutional complaint of individuals, adhered to 13 proceedings regarding legal questions of common courts and adhered to 6 proceedings initiated by competent authorities.

(<https://www.rpo.gov.pl/sites/default/files/Synteza%20informacji%20o%20dzia%C5%82alno%C5%9Bci%20Rzecznika%20Praw%20Obywatelskich%20w%20roku%202016.pdf>).


**POLAND / POLOGNE – BY ENNHRI**

The Polish Commissioner for Human Rights (A-status NHRI)

*Expert Committee on Maintenance*

The Polish Commissioner for Human Rights (CHR) together with the Children Ombudsman established a special expert committee to work on more efficient execution of alimonies for children. The results of the committee's work were presented at the conference in the CHR office.

The creation of the Expert Committee on Maintenance is a common initiative of the CHR and the Commissioner for Children's Rights. The first meeting of its Experts took place in the Commissioner for Human Rights Office of the on 9 February 2016. Lawyers, judges, bailiffs, people of science and the penitentiary community, representatives of non-governmental organizations participate in work of the Committee.

In the last two years, the CHR and the Commissioner for Children's Rights address several dozen general speeches, which aimed to improve the situation of non-maintenance children (maintenance debt in Poland amounts to 11 billion PLN). The CHR and the Commissioner for Children's Rights asked for the abolition of the income threshold entitling them to receive assistance from the Maintenance Fund, to conduct a social campaign, but these requests have not been met. However, request about amendment to Article 209 of the Criminal Code (crime of non-maintenance, creating a register of persistent maintenance debtors, creating maintenance tables) it has been considered or the work is still in progress.



*Creative and Tailored Methods to Reach Vulnerable Persons (Children, Elderly and Persons with Disability)*

- **Nature, level, date, explanation of the good practice**

The Portuguese Ombudsman created in 2011 a special unit dedicated to address issues concerning persons that, on account of their age or health condition are perceived as more vulnerable: The Children, Senior Citizens and Disabled Persons Unit (N-CID). The activity of the N-CID involves different approaches including the development of informal proceedings before the competent entities and the participation in the procedural investigation of complaints regarding the rights of the children, elderly persons or persons with disabilities. The N-CID team (two law graduates and one psychologist) ensures the functioning of three specialized toll-free hotlines (the Children's, the Senior Citizen's and the Person with Disabilities' hotline) and provides personalized assistance. The N-CID team also provides information, redirects the complainants to the competent entities and establishes direct contact with the entities addressed in the complaint in order to ensure that human rights are being respected. Frequently, the activity of the N-CID team is not limited to a single intervention but, instead, includes the follow-up on the reported situation. In other cases, the complaint addressed through the helplines lead to the opening of a formal complaint procedure. In these formal cases the procedure is conducted by the competent unit according with the matter at stake (e.g. Social rights, Workers' rights) together with the N-CID

- **Implementation and recent outcomes:**

Within its scope of its intervention, N-CID also develops human rights education and awareness-raising activities including the provision of specialized information and advice through the activity of the Ombudsman's Office. In carrying out its tasks this institution seeks not only to find solutions for the concrete cases under investigation, in cooperation with the competent public authorities, but also to inform people about their rights and the means available to uphold them.

In order to illustrate the reinforcement of the activity regarding the promotion and protection of children's, elderly and persons with disabilities rights we provide some information of more recent initiatives that took place since 2014:

- «Report on the Visits to Foster Care Homes for Children and Young People in Madeira», of 2014.
- In 2015, posters and flyers were created with informative content on the mission and scope of the Ombudsman. These promotional materials were distributed to the police forces, health services and schools.
- Following the protocol established between the Ombudsman and the High Commissioner for Migration, with the purpose of improving assistance to migrants, namely children, several activities were developed:
  - a) 2017, the Ombudsman created posters and flyers in several languages (English, French, Mandarin, Romanian, Russian and Ukrainian) to raise awareness on the Ombudsman's role in the protection and promotion of the migrants' rights;
  - b) The Portuguese Ombudsman participated in a training session, aimed at public officials and NGOs, regarding its role in promoting and defending migrant's rights,
- In 2011, a Protocol was signed between the Ministry of Education and the Ombudsman's Office, in order to cooperate in the promotion of human rights within public schools. This protocol provides for the dissemination of human rights in general and the rights of the child, in particular, and the development of activities in the school community. Under this protocol several primary and secondary schools have been visited over the last years by the Ombudsman and its staff.
- In 2015 and 2016 the Ombudsman celebrated the International Children's Day with a concert performed by the «Generation Orchestra», a project that involves children from different ethnical origins and social backgrounds and promotes children's rights through the prevention of school dropout or absence.
- In 2016 the Ombudsman received several students and engaged children in human rights' education activities.
- The Ombudsman made the intervention entitled «The Ombudsman and the Human Rights», on a Postgraduate course, organized by the Faculty of Law of the University of Coimbra, in 2014, and an intervention entitled «Children and Young Human Right to participate: From dream to reality», addressed at the seminar «Children and Young' Right participation: visions and practices», organized by the

University of Évora, and one NGO. The Portuguese Ombudsman also participated in the conference "Reflections (national and international) on Missing and Sexually Exploited Children" in the framework of the VIII Conference on Missing and Sexually Exploited Children, organized by the a IAC (May 2015) and in the conference "The Convention on the Rights of the Child today", promoted by the Faculty of Law of the Lisbon University, where the experience of the Ombudsman with NGOs and UNICEF in respect of preventing, and raising awareness of children's rights was shared (November 2016);

More recently, in 2018, following the success of the work developed by the Senior Citizen's hotline, the Portuguese Ombudsman was approached by the municipality of Cascais, in order establish a project to support, strengthen and enhance the intervention of local NGOs when tackling issues regarding older person's rights. This project involves several local NGOs and aims at providing them with tools that can make a difference on their day-to-day work, namely on some key subjects like the respect for autonomy and self-determination. Considering the nature of this project, it will be possible to replicate it in other regions of the country, and, by doing so, broadening its positive impacts to a larger group of people. Since 2004, N-CID, via the three toll-free hotlines, received 52 235 phone calls requiring its intervention.

### *Representation of NHRI and CSO in National Commission for Protection of Children*

#### **- Nature, level, date, explanation of the "good practice"**

The Portuguese Ombudsman is represented in the National Commission for the Promotion of Rights and Protection of Children and Youth, a public body whose role is to plan the State's action as well to coordinate, follow-up and evaluate the action of public bodies and the community as regards the protection of children and youngsters at risk.

#### **- Intended outcomes and/or envisaged impact, proof of its impact:**

This broad representation ensures the coordination of the action of all public and NGO structures and programmes and enables the strengthening of cooperation strategies thus improving the performance of the promotion and protection system.



### *Trainings for local patient's rights advisors*

In collaboration with the Commissioner for Information of Public Importance and Personal Data Protection and the Anti-Corruption Agency, the Ombudsman conducted training courses for local patient's rights advisors, as the newly formed local mechanism for the protection of the rights of the patients.



### *Annual reports providing visibility and transparency of the Defensor del Pueblo to state authorities and the public*

#### **- Nature, level, date, explanation of the "good practice":**

In the annual reports of the Defensor del Pueblo all institutional activities and results are analyzed. In these reports, one can find a detailed account of the Institution's action plans, resolutions, the administrations that do not collaborate with the Defensor despite numerous requests and the average response time of the Institution and the administrations, along with the Institution's budgetary breakdown. Moreover, the Defensor del Pueblo in Spain holds the status of National Preventative Mechanism (NPM) and it also publishes an annual report with detailed information about the preventative visits to

penitentiary centres and prisons in order to verify that Spanish public authorities and personnel act in conformity with the criteria required by Spanish law and internationally accepted for these types of institutions, to the effect that they do not foster conditions that may facilitate maltreatment or torture in these agencies.

All annual reports are presented before the Mixed Committee of Relations with the Defensor del Pueblo. To access the official summaries of all annual reports since 2003 follow: <https://www.defensordelpueblo.es/en/publications/summaries-of-annual-reports/>

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Transparency, visibility.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**

Equality and Human Rights Commission of Great Britain (A-Status NHRI)

### *Human Rights Promotion*

- **Nature, level, date, explanation of the “good practice”:**

We have a work programme dedicated to human rights promotion. We are currently undertaking research to determine what public attitudes towards human rights are in Great Britain, and how best to deliver messaging regarding human rights.

In 2016 we launched our new human rights section of our website providing information on what human rights are and how they are protected. This also includes a short video called ‘Your Human Rights’, an animation on rights of the child and a video promoting awareness of hate crime and encouraging reporting from prominent spoken word poet George the Poet.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

‘Your human rights’ has had 49,000 views in 6 months, the Children’s rights video has had 69,000 views, and George the Poet has had 9,500 views. Our human rights section is consistently our most visited page of the website.

### *Seeking common ground with religion and belief organisations to develop policy*

- **Nature, level, date, explanation of the “good practice”:**

Convening stakeholders with widely differing religions and beliefs has proven challenging in the past. The EHRC decided to convene organisations and individuals with opposing views, to enable discussion and seek opportunities to find common ground in this arena. This allows for a broad cross section of views to be aired and for partnership working to take place.

We started with a three-year (2013-16) strategy on religion or belief issues. The strategy involved drawing on the expertise, beliefs and views from organisations representing particular religions or beliefs, equality groups, trade unions and academics. This enabled us to hear views of many different aspects and were able to ascertain areas of consensus and of disagreement between stakeholders. Through our use of advisory groups, face-to-face meetings and correspondence with stakeholders, backed up by social media, we ensured that our work received a positive reception despite the differences between stakeholders on key issues.

We found that our approach to stakeholder engagement had an immediate positive impact, particularly in the advisory group, leading to the dialogue between stakeholders becoming more reasonable and objective. This represented a significant step forward from the often-acrimonious public debate between different groups on contentious issues. By earning the respect of all parties, the EHRC was thus able to make an important contribution to the quality of the debate.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The outcome of the programme of work was the publication in December 2016 of an evaluation of the current legal framework on religion or belief, Religion or belief – is the law working? and of guidance on key religion or belief topics in the workplace and service delivery. The guidance included a downloadable guide to the law; a step-by-step approach to properly considering a religion or belief request; and a series of frequently asked questions on key topics.

In collaboration with the Arbitration and Conciliation Advisory Service and the Trades Union Congress, the Commission has also prepared online training modules to provide direct advice to line managers and union representatives.

Developed with business, the new guidance and training is designed to help managers navigate their way through issues of religion or belief in the workplace and decide the appropriate steps they should take.

#### *Participation at policy-making*

- **Nature, level, date, explanation of the “good practice”:**

The Commission uses the recommendations we secure from the UN to encourage change to law and policy. We chair a cross-government treaty monitoring working group, which includes senior officials from several Government departments. The Commission uses the treaty framework to provide a unique perspective to our advice to the Westminster Parliament about new legislation. The Commission also uses our treaty work to influence the agendas of Parliamentary Select Committees. The Commission also utilise our powers to advise on legislation in its passage through Parliament, stating if we consider it is not compliant with law and general principles of equality and human rights frameworks.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

We have a number of examples of where we have worked with parliamentarians on amendments to draft legislation during its passage through the UK and Scottish Parliaments, but it is often difficult to be sure where we were the key player in these amendments.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
Northern Ireland Human Rights Commission (A-status NHRI)

#### *Assessment of human rights situation*

The NI Human Rights Commission produces an annual statement summarising developments relating to human rights which have occurred each year. The Commission provides its own assessment of developments by way of a traffic light system. The statement is presented to the Speaker of the NI Assembly each year and the Commission routinely appears before committees of the NI Assembly to present the report and its key findings.



**UNITED KINGDOM / ROYAUME-UNI – BY ENNHRI**  
The Scottish Human Rights Commission (SHRC) (A-status NHRI)

#### *Monitoring*

SHRC has just commissioned a Scotland specific piece of audience insight research to better understand public attitudes to human rights in Scotland and determine what messages people need to hear to support and improve those attitudes.

SHRC currently works with Her Majesty's Inspector for Prisons in Scotland to support their Human Rights Based Approach to monitoring of prisons, SHRC has been assisting Her Majesty's Inspectors of Prisons Scotland (HMIPS), since 2015, to undertake inspections to ensure human rights standards are respected. SHRC is currently collaborating with EHRC to support the Scottish Government to take a right based approach to the development of new social security powers.



**UKRAINE – BY ENNHRI**  
Human Rights Commission of Ukraine (A-status NHRI)

*Including Local and Regional CSO in the Work of the NHRI*

- **Nature, level, date, explanation of the “good practice”:**

In order to ensure cooperation of the Commissioner with citizens and representatives of CSOs at regional level the Commissioner with support of donor and international organizations (UNDP Project) has created a network of Regional coordinators for public relations composed of local CSOs. The creation of the network of regional coordinators for public relations is caused by the need to respond quickly to the violation of human and citizens' rights and freedoms.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

Due to this initiative regional offices of the Commissioner function in almost all regions of the country. As expressed by CSOs, the existence of this network significantly increased the level of confidence in the monitoring visits which are conducted by the Commissioner's Secretariat.

**Accreditation with the Global Alliance of National Human Rights Institutions (GANHRI)**

**(5.1.4)**



*Supporting Accreditation of NHRIs in compliance with the Paris Principles*

- **Nature, level, date, explanation of the “good practice”:**

The ENNHRI Statute requires all ENNHRI members to be dedicated to complying with the Paris Principles, and ENNHRI provides tailored support to its members to safeguard and further strengthen their compliance with the Paris Principles. In line with the rules of procedure of the GANHRI accreditation committee, ENNHRI provides advice to members undergoing review, and also contributes to the GANHRI accreditation process with a view to make it more transparent, rigorous and consistent for both NHRIs undergoing review and for third parties with an interest in the accreditation process, including CSOs. CSOs can submit information on the Paris Principles compliance of an NHRI that is undergoing review which will be taken into account when the GANHRI committee on accreditation makes its assessment.<sup>41</sup>

- **Intended outcomes and/or envisaged impact, proof of its impact:**

ENNHRI currently gathers 42 NHRIs from across Europe; 27 ENNHRI members are in compliance with the Paris Principles (A-status), 8 are partly compliant (B-status), and 7 ENNHRI members have currently no accreditation status.<sup>42</sup> The Paris Principles compliance of ENNHRI members gradually increases every year. In 2017, for example, the NHRIs from Lithuania and Norway have been added to the GANHRI Chart of A-status NHRIs after review of their compliance with the Paris Principles.

<sup>41</sup> For details on the submission of information by CSOs, see the GANHRI accreditation webpage [here](#).

<sup>42</sup> See full list of ENNHRI's members here : <http://ennhri.org/List-of-members>

## Conducive political and public environment, compliance in practice with Paris Principles (5.2)



### *Support to NHRIs under Threat*

- **Nature, level, date, explanation of the “good practice”:**

ENNHRI provides tailored support to its members when they face threats, in line with its 2016 Guidelines on Support to NHRIs under Threat.<sup>43</sup> Such tailored support may result in the adoption of a public ENNHRI statement or a letter in support of the NHRI addressed to state authorities. ENNHRI can also promote action from other relevant stakeholders at national, regional and international level in support of its members under threat. In addition, ENNHRI also undertakes action to prevent situations where NHRIs come under threat and supports members in challenging contexts to perform their mandate in compliance with the Paris Principles. For example, ENNHRI has obtained EU funding to carry out a project (2017-2020) to support NHRIs' roles in situations of conflict and post-conflict.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

ENNHRI has directly informed how relevant state actions could risk breaching the requirements of the Paris Principles, such as in letters to the Ukrainian Parliament and Ministry relating to the nomination process of the Ukrainian Parliamentary Commissioner for Human Rights<sup>44</sup> and an open statement underlining the need for financial independence for the Polish NHRI.<sup>45</sup> In each case, processes were delayed or amended. ENNHRI's support to NHRIs where the environment is not conducive to compliance with the Paris Principles also includes joining with partners, such as a joint statement with Council of Europe, OSCE/ODIHR and OHCHR/Europe.<sup>46</sup> This resulted in greater awareness of the conditions required for compliance with the Paris Principles (including press coverage) and, as with ENNHRI's 2017 statement on Promoting and Protecting a Sustainable Human Rights Environment in Europe by Strengthening the Democratic Space and the Rule of Law<sup>47</sup>, resulted in increased understanding, solidarity and morale for NHRIs across Europe.

ENNHRI's Project on the Role of NHRIs in Situations of Conflict and Post-Conflict aims at enhancing the effectiveness of NHRIs to promote and protect human, including where the political or public environment is not conducive to compliance with the Paris Principles in the wider Europe. This will include capacity building of NHRIs, and awareness-raising of stakeholders, on the role of NHRIs and the requirements for in compliance with the Paris Principles in practice in such situations.



GREECE / GRECE

### *Racist Violence Recording Network*

The Greek National Commission for Human Rights (GNCHR), with the active support of the UNHCR, established in 2011 the Racist Violence Recording Network (RVRN), as an effective data collection system, taking into account the need for coordination among organisations recording, on their own initiative, incidents of racist violence. The RVRN has 42 members, namely NGOs and CSOs created by groups usually targeted by racist violence and/or offer medical, social and legal services or/and come in direct contact with victims of racist violence or victims of other hate-motivated violent attacks. Taking into

<sup>44</sup> <http://ennhri.org/ENNHRI-calls-for-the-respect-of-the-Paris-Principles-in-the-process-of>

<sup>45</sup> <http://www.ennhri.org/ENNHRI-renews-support-for-Poland-s-Commissioner-for-Human-Rights>

<sup>46</sup> [http://ennhri.all2all.org/IMG/pdf/joint\\_statement\\_concerning\\_polish\\_commissioner\\_for\\_human\\_rights\\_final.pdf](http://ennhri.all2all.org/IMG/pdf/joint_statement_concerning_polish_commissioner_for_human_rights_final.pdf)

<sup>47</sup> [http://ennhri.org/IMG/pdf/ga\\_statment\\_30.11.2017-2.pdf](http://ennhri.org/IMG/pdf/ga_statment_30.11.2017-2.pdf)

account the impact of its work on society, public opinion and the competent authorities, the RVRN was nominated in 2015 for the Emilio F. Mignone International Human Rights Prize.

#### *Advisory role*

The GNCHR, in the context of its advisory function, encourages ratification or accession to human rights instruments and advises the Government on the precise nature of the obligations the State would assume upon ratification. In order to support this work, the GNCHR systematically reviews existing as well as draft legislation to ensure compatibility with human rights norms and has drawn up for this purpose a comprehensive table of all international, regional and European human rights instruments the Greek State has signed and ratified or should sign and ratify.



#### *Evaluation of the Work of the Human Rights Commission of Ukraine by CSOs*

- **Nature, level, date, explanation of the “good practice”:**

In 2013, with support of the United Nations Development Programme in Ukraine, the first evaluation of the Commissioner’s work by CSOs was completed and presented by the head of the Centre for Civil Liberties (an all-Ukrainian NGO). The evaluation was carried out through surveying representatives of Ukrainian and international NGOs and mass media which had experience with working with the Commissioner.

- **Intended outcomes and/or envisaged impact, proof of its impact:**

The evaluation drew the Commissioner’s attention to the need to build relations with civil society organizations which are not members of the Commissioner’s CSO Advisory and Consultative body. In addition, the mediating role the Commissioner plays between CSO and the state to helping to resolve complex issues in the Ukrainian legal framework was highlighted by CSOs as useful.

- **Follow-up/ evaluation of the good practice:**

A monitoring committee has been established within the Advisory Council of the Commissioner in which context CSOs and trade union representatives evaluate the work of the Commissioner on a continuous basis. The full report of the monitoring committee with recommendations is published on the website of the Commissioner in the “Access to Public Information” section.