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## **WORKSHOP ON DEVELOPING AND IMPLEMENTING NATIONAL ACTION PLANS FOR HUMAN RIGHTS**

**Council of Europe, Strasbourg, 27-28 March 2014**

### **CONCLUSIONS**

## CONCLUSIONS OF WORKSHOP ON NATIONAL ACTION PLANS FOR HUMAN RIGHTS

### Introduction

Council of Europe member states are demonstrating an increasing interest in national action plans for human rights (NAPs). Indeed, we are currently witnessing a second “wave” of NAPs, with the first “wave” having emerged about ten years ago. Most countries have developed action plans targeting specific problems but a rapidly growing number of member states has also adopted or is considering the development of a comprehensive action plan seeking to address a broad range of human rights in a coherent manner. Armenia, Austria, Azerbaijan, Croatia, Finland, Georgia, Greece, Latvia, Lithuania, Republic of Moldova, Norway, the Netherlands, Spain, Sweden, Turkey, Scotland in the United Kingdom, and Kosovo\* have already gained experience from the implementation or preparation of comprehensive human rights NAPs (see table below). NAPs have proved to be useful tools for clarifying the authorities’ responsibilities and for identifying and addressing gaps in human rights protection with reference to European and international human rights standards.

**Table: National Action Plans for Human Rights in Europe**

	Previous NAPs	Current NAP	New NAP prepared/considered
Armenia		2014-2016	
Austria			✓
Azerbaijan	2006	2011-	
Croatia	2008-2011	2013-2016	
Finland	2012-2013		✓
Georgia		2014-2015	
Greece		2014-2016	
Latvia	1995		
Lithuania	2002		
Republic of Moldova	2004-2008	2011-2014	
Netherlands		2013-	
Norway	2000-2005		
Spain	2008-2012		✓
Sweden	2002-2004, 2006-2009		✓
Turkey		2014-	
United Kingdom: Scotland		2013-2017	
Kosovo*	2009-2011		✓

These developments trace their roots to the UN World Conference on Human Rights which met in Vienna in 1993. The Conference declared that human rights are universal, indivisible, interdependent and interrelated and called on member states to fulfil their human rights obligations through systematic work, including the preparation of national plans of action. OHCHR has published a [Handbook](#) on national human rights plans of action which is currently being updated. The OHCHR is advocating for a broad participatory and consultative process of devising NAPs by using the recommendations received from all international and regional human rights mechanisms as a basis for making a detailed action plan. In early 2014, the OHCHR was involved in the process of developing a NAP in Georgia.

The Council of Europe Commissioner for Human Rights has promoted the preparation and implementation of human rights action plans during country visits and through thematic activities. In 2009, the Commissioner issued a [Recommendation](#) on systematic work for implementing human rights at the national level. The Recommendation followed up a Conference on the theme organised by the Swedish Chairmanship of the Council of Europe Committee of Ministers in 2008. More recently, the Commissioner has analysed the implementation of national action plans in his reports on [Finland](#) and the Republic of [Moldova](#). He also participated in the launch of the Scottish NAP in Edinburgh in December 2013 and discussed the development of NAPs during his visits to Austria, Georgia, Greece and Turkey.

\* All reference to Kosovo, whether to the territory, institutions or population, throughout this text shall be understood in full compliance with United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

The Commissioner for Human Rights convened a workshop in Strasbourg on 27 and 28 March 2014 to take stock of current initiatives in this area and to encourage the development of new NAPs. The objective was to exchange experience and lessons learned, as well as to develop a network of practitioners who might be able to assist each other and other states in the future. The workshop was attended by 27 invited participants from public administration, national human rights structures (NHRs), civil society, the United Nations Office of the High Commissioner for Human Rights (OHCHR), the European Union's Agency for Fundamental Rights (FRA), and the European Network of National Human Rights Institutions. These conclusions do not engage individual participants in the workshop.

### **Baseline study**

National action plans for human rights should be viewed as part of a continuous, participatory and transparent process. It is preferable that they start with a baseline study on the human rights situation in the country concerned which is carried out in dialogue with the authorities, civil society, national human rights structures and other stakeholders. A baseline study provides the foundation for systematic and goal-oriented work for human rights and it should present information from different sources, including European and international human rights monitoring bodies, and various parts of society. Whilst a NAP might focus on certain pressing problems and leave others outside, a baseline study should aim to cover all major human rights challenges in order to get a comprehensive picture of the situation. Human rights indicators, based on international obligations, are useful for collecting data for the study.

The use of a wide variety of data and a participatory approach are essential features of a baseline study. Often the starting point is in the findings and recommendations of European and international monitoring mechanisms, including the UN Universal Periodic Review (UPR), a country report by the Council of Europe Commissioner for Human Rights or the Council of Europe's monitoring mechanisms, or a European Union progress report. The Universal Human Rights Index is a useful tool for this process. Data from FRA, UNDP and OECD can also be taken into account. International findings help bring about consensus regarding major human rights problems when it is difficult to find an agreement on the situation at the national level. However, international data sets are usually geared towards national situations and do not give detailed data on regional variations within a country. Data collection could also start with the target population who can be directly involved through focus group interviews. This enables the identification of human rights problems encountered by the rights holders themselves. The results can then be compared with international recommendations. The combination of local and international approaches ensures a comprehensive overview and links everyday life with international obligations.

A participatory approach which brings all stakeholders together from the start gives a human face to the baseline study and the NAP. In this way relationships and shared ownership can be built among duty bearers and rights holders while awareness of human rights is also improved. The implementation phase is likely to benefit from such an approach when problems are identified and addressed together. This also empowers rights holders. Civil society participation is essential for collecting and validating data even if many NGOs may only have specific information regarding the group or specialisation they represent. Public meetings and internet-based consultations (including "webinars") are useful for ensuring broad participation and a transparent flow of information.

Both qualitative and quantitative data are useful for a baseline study. Legal and social science methodologies can be combined which also helps ensure that the baseline study does not only cover civil and political rights but also economic, social and cultural rights. Analysis of data by academic experts and peer reviews can identify gaps and shortcomings in the data collected. Issues affecting specific groups and broader concerns involving the population at large need both be looked into. Information about human rights awareness and education would also be useful. Governments need to be aware of all major human rights concerns so that they can "manage" the associated political, social and economic risks by engaging in prevention and taking appropriate remedial action.

Time and resource constraints have often hindered the realisation of comprehensive baseline studies. In some contexts, the use of the findings by international mechanisms, an analysis of available secondary literature, and stakeholder consultations have pointed to the need for targeted studies to fill in data gaps. It is also important to understand that a baseline study cannot cover everything even if it should identify all major concerns. Although a participatory baseline study can take a long time to carry out it should facilitate the implementation and sustainability of the NAP. A baseline study provides the evidence base for the NAP and enables the identification of the NAP's priorities. When a full baseline study is not possible, the findings of international monitoring bodies together with existing specialised human rights studies can be used to provide elements for a NAP. National human rights assessments carried out by independent experts in association with international organisations can also help fill in the data gap.

## **Participatory development and implementation**

Inclusive participation is key to the development, implementation and evaluation of a NAP. Usually the government initiates the preparation of a NAP although the initiative may also come from a NHRs. The drafting of a NAP should be coordinated by a dedicated unit or mechanism although all activities should be formulated in close cooperation with those ministries, agencies, institutions and service providers which will carry out the activities. This will create shared ownership for the NAP and helps identify the duty bearers for the implementation phase. NHRs and NGOs should also participate in the process. A wide variety of NGOs need to be involved, including people represented by the NGOs. Specific measures may be needed to enable sustained NGO participation and the inclusion of people with disabilities in the process. Universities and research institutions should also be represented. Sometimes specific platforms are set up for civil society participation although NGO representatives can also assume a leadership position for some areas of the NAP process. NHRs can act as a bridge between the NGOs and the government when needed. Unfortunately, time constraints in the preparatory phase have sometimes diminished the scope of meaningful civil society participation.

It is essential that NAPs enjoy high-level support. The government and its members should openly express their commitment to the NAP. This gives a clear signal to all public authorities to give serious attention to the NAP and its implementation. Although NAPs are usually adopted by governments, it is also useful to involve the parliament, including the opposition, in the adoption and monitoring process to ensure long-term commitment to human rights. Sometimes the NAPs' links with EU policies and enlargement agenda may help elicit political support. If the NAP is clearly the government's project, as the ultimate duty bearer for human rights, and reflecting its political priorities, the expectations of civil society participants should be properly managed so that NGOs are not simply instrumentalised for the government's benefit. The limits of their possible impact on the contents and implementation of the NAP as well as budgetary constraints should be spelled out clearly in order not to create false expectations. The NAP should nevertheless remain an effective instrument aimed at bringing improved human rights outcomes rather than a simple "checklist" exercise.

When the NAP is viewed as a nation-wide undertaking and not simply as the government's policy document, the participatory process can be further enhanced. All interested parties should be able to participate in the NAP's preparation and implementation. The inclusive "co-production" process generates shared commitment to the NAP and public awareness of it while acting as a catalyst for building relationships between the authorities, NHRs, service providers, NGOs and rights holders for the implementation phase. The aim would be to reach a widely shared consensus on the objectives of the NAP and the measures and resources required to reach them. A specific emphasis needs to be put into communicating effectively with the public about the NAP through public meetings, internet platforms and the social media. Although such an inclusive process is time consuming it would benefit everybody, ensure the sustainability of the NAP and, with a higher probability, finally result in improved human rights outcomes on the ground.

The implementation of NAPs involves a wide range of public authorities. Coordination and cooperation between different authorities is thus essential. One tested method is to establish a coordinating body consisting of representatives from all ministries – not forgetting the ministry of finance and the ministry of defence – governmental agencies and local authorities to follow up the progress of the work and to deal with challenges that arise during implementation. Such a mechanism provides a forum for an exchange of experiences and information, discussions and cooperation. The establishment of the cooperative working method is one of the central aims of a NAP and should be taken into account when the NAP's impact is evaluated. NHRs, service providers and civil society can also be represented in coordination mechanisms. The meetings of the coordination body should be sufficiently frequent to enable continuous follow-up. The progress of the NAP should be openly communicated on regular intervals.

## **Connections between comprehensive NAPs and specialised action plans**

A common question is how comprehensive and sector-based plans should relate to each other. A number of governments working with comprehensive plans also have specialised ones such as action plans related to: non-discrimination, gender equality, racism, trafficking in human beings, Roma, people with disabilities, children, LGBTI persons, democracy and human rights education. If coordinated in substance and timing, the plans can reinforce each other rather than overlap or ignore one another. The comprehensive approach can ensure that certain human rights usually not yet covered by sector-based plans are not forgotten (e.g. freedom of expression or right to property) and that emerging issues are dealt with (e.g. business and human rights and environmental rights). Moreover, a comprehensive approach can indicate broad-based training, education, and awareness-raising needs.

Once the problematic areas are identified, priorities can be set and some areas in the comprehensive plan can be developed into specific plans. The joint approach of the comprehensive plan involving all ministries and agencies helps coordinate the implementation of specific action plans which may have several duty bearers and areas of potential overlap. In this way it makes the implementation of human rights more effective by clarifying the division of tasks among duty bearers and identifying the different sources of funding. A comprehensive plan should give an overview of specific action plans and help prioritise and streamline them. It can also permit a reassessment of sectorial plans and issues through the prism of human rights.

Comprehensive human rights planning brings coherence to specific action plans and imbues them with a human rights based approach. International obligations are linked with individual rights holders while giving due attention to cross-cutting principles of non-discrimination and accountability. Comprehensive plans can also be viewed as establishing the general principles, methodology and framework for implementing human rights which the specific action plans will apply in a more focused way, often with reference to a particular human right or a specific group of rights-holders.

The comprehensive approach can also bring long-term continuity to the process. In addition to comprehensive and specialised action plans there may be other related documents such as government's human rights strategies and policies which should be viewed together to avoid unnecessary overlap. Some countries are highlighting the need for long-term strategies for human rights implementation which would not be strictly time-bound but would outline the continuous process of systematic work for human rights including the regular monitoring of its results.

Comprehensive action plans help mainstream human rights in other areas of government policy by making human rights a cross-cutting concern. On the other hand, other cross-cutting issues such as gender and disability should be mainstreamed in the comprehensive action plan on human rights. The coordinated and inclusive approach of comprehensive planning enables the sharing of issues and methodologies which will benefit all policy sectors.

### **Multi-level coordination**

It is important to involve municipalities and regional authorities in the development, implementation and monitoring of NAPs. Local and regional authorities are responsible for many core public services and contribute directly to the fulfilment and enjoyment of human rights. Often municipalities have specific duties to promote equality as well. The lack of multi-level cooperation can impact on people's ability to enjoy their rights and undermine the success of NAPs. A joined-up approach between the national, regional and local levels is therefore essential.

There are several challenges in multi-level coordination in the implementation of human rights. Local and regional authorities and their networks often lack awareness of human rights and their duties in this area. Their autonomous status can also pose a barrier to effective cooperation with central authorities which is accentuated if the NAP is perceived as a government project without wider ownership. Another problem can arise when duties are delegated by the national government to the local level without the identification of adequate resources for their implementation. Overlapping competences between different levels of governance, geographical variations in the quality of service provision and the lack of effective coordination mechanisms between the central level and numerous local-level authorities are further issues to be addressed.

It is best to involve local and regional authorities in the NAP process from the start to build up shared ownership and to highlight that it is in their best interests to increase awareness of the human rights aspects of their activities. Both stick and carrot can be used by governments as municipalities have statutory obligations for service provision and human rights duties. For example, local and regional budgets can be monitored from a human rights perspective. Municipalities need technical assistance, tools and training on human rights implementation which could be provided through cooperation between the government, networks of local authorities and NHRSSs. NHRSSs' possible outreach and oversight at the local level is useful in this context. Peer projects among local and regional authorities should be encouraged, as peers may be more convincing interlocutors than others.

An increasing number of local and regional authorities in Europe have branded themselves as exemplary human rights cities or regions. Building networks among them should facilitate the implementation of national, regional and local action plans for human rights. The Council of Europe Congress of Local and Regional Authorities has encouraged this development and it has provided best practice examples for the implementation of human rights at the local level. It is likely that the awareness of local and regional authorities of their human rights duties and their expertise in this area will improve in the future.

Pilot research conducted by FRA has identified a number of steps that can be taken to enhance the implementation of fundamental rights at local and regional levels. These include, for example, setting up multi-level coordination schemes, engaging with civil society and local communities, drawing on the expertise of NHRs, and ensuring commitment from the political leadership. [A joined-up e-toolkit for local, regional and national public officials](#) is available at the FRA website. FRA can also provide tailor-made presentations of the toolkit for the benefit of EU member states.

### **Budgetary process and resource constraints**

NAPs need to be coordinated with national and local budgets to secure proper funding for the activities. It would be useful to involve the ministry of finance from the start of the process. NAPs for human rights do not always have significant dedicated budgets, instead each ministry and authority often has to finance their respective activities out of their ordinary budgets. Nevertheless, all of the activities included in the plans need to be adequately funded so as not to undermine the credibility of the NAP. If the budgetary coordination has not been initially possible due to difficulties in timing the adoption of the NAP, the synchronisation of the NAP with the budgetary cycle should take place at a later stage. When human rights planning gains political priority from the government, political will for funding the NAP can usually be found even during a period of austerity. Moreover, a NAP can save budgetary resources by revealing areas of duplication and preventing problems from becoming chronic, and thus, more difficult and expensive to address.

The coordination of a NAP is not normally very costly and can bring about other economies through improved efficiency, systematisation and prioritisation of human rights work. Additional funding for NAPs can be sought from donors and international organisations. EU funds and the Council of Europe Development Bank, for example, could be useful sources, especially for infrastructure-related projects. The sustained participation of NGOs may require additional resources. Research and communication activities related to a NAP could benefit from specialised budgetary lines for that type of activity. State sponsored research institutions and ministry think tanks can also carry out NAP related tasks.

Governments and parliaments should analyse general budgets from a human rights perspective in line with their international obligations. The implementation of economic and social rights requires a great deal of budgetary resources which have often been affected by the economic crisis and austerity measures. Yet member states have a duty to implement economic and social rights applying the maximum available resources. Minimum core obligations must always be met. Austerity budgets need to be screened for their effects on vulnerable groups of people and equality. Measures which negatively impact the implementation of economic and social rights should remain temporary. Funding levels have to be restored when more resources become available. The neglect of human rights obligations can lead to increased litigation by rights holders and result in additional costs to the government.

### **Links with European and international monitoring mechanisms**

NAPs are often prepared with reference to the findings, recommendations and jurisprudence of European and international monitoring mechanisms, including the UN UPR. Some NAPs are more geared towards implementing UN standards and others Council of Europe standards. It would be important to bridge any gap between the two and to ensure a degree of coherence among the recommendations issued by different monitoring mechanisms. OHCHR has provided useful compilations of thematically clustered recommendations to several countries. Article by article approach following human rights treaties can identify national implementation gaps. EU monitoring on candidate countries' human rights performance provides further signposts for NAPs. However, international data sets should be complemented with legal and social science research in the field involving vulnerable groups and other rights holders. It is important to connect the findings of monitoring mechanisms with everyday realities.

Several national authorities are usually responsible for reporting to European and international treaty bodies and other monitoring mechanisms on the national human rights situation. Due to the number of current monitoring mechanisms, national authorities have to put considerable effort and resources into fulfilling their reporting obligations and avoiding overlap in these activities. The coordination mechanisms associated with baseline studies and NAPs can substantially facilitate the reporting process both when state party reports are submitted to monitoring bodies and when findings and recommendations of such bodies are implemented. The responsibility for international reporting can be shared among different ministries and agencies. The integration of international reporting obligations into the NAP process renders them more efficient and cost effective. This should also enhance participation and public awareness of international human rights monitoring in the country concerned.

The Commissioner for Human Rights and the UN human rights mechanisms (human rights treaty bodies, Special Procedures mandate holders and the UPR) have in their recommendations called on a number of Council of Europe member states to adopt a NAP. The Commissioner and the OHCHR have also provided detailed guidance for the development and implementation of NAPs. NAPs can become important tools for identifying priority areas for technical cooperation and for ensuring coordinated and effective support to state institutions by the UN, Council of Europe, EU and OSCE. Such a systematic approach would avoid duplication in terms of activities, planning and programming.

### **Impact and evaluation**

After the implementation of a NAP, an independent evaluation assessing the overall results and impact of the plan should be carried out. It can be carried out by a NHRS or academic experts, for example. International organisations can also be involved. It is equally important to assess the process, in terms of participation, inclusiveness and transparency, as it is to evaluate the NAP's outcomes. Ultimately, both the fulfilment of the specific measures of a NAP and its actual effects on the enjoyment of human rights by the population should be assessed. So far evaluations have tended to highlight the process rather than providing a detailed assessment of the end result. In fact, it is quite difficult to measure progress in human rights outcomes. Indicators developed by the OHCHR and FRA can be applied in the national context together with benchmarks for evaluating the impact of NAPs on the enjoyment of human rights.

The independence and objectivity of the evaluation are essential for establishing the facts about the NAP, also in the case when there has been a change of government during the NAP's implementation. All stakeholders who have participated in the NAP process should be able to contribute to the evaluation, which requires extensive consultations. It is important that recommendations and learning points for the development of future NAPs are included in the assessment. An evaluation may take several months or even a year or more depending on the initial brief and resource allocation. The conclusions should be presented openly with a debate about the advantages and disadvantages of the process and how it could be improved. The evaluation provides the foundation for the continuing process, whereby a new baseline study and NAP are developed following a transparent and inclusive approach.

The implementation of a NAP should be continuously monitored. The NAP's coordination mechanism can carry out an annual review of implementation, which should be made public. The review could also be submitted to the parliament for a debate. It is useful to set benchmarks for short-, medium- and long-term outcomes to measure progress with reference to human rights indicators. The NAP should be a living tool which can be adjusted under changing circumstances. The time frames of current NAPs and strategies run from two to seven years. While the first NAP could be of a shorter duration for the purpose of testing the methodology, it may be best to extend the implementation period for the next NAP. This would highlight the continuity of human rights implementation. Short-term deliverables and continuous monitoring can be integrated into longer NAPs, which can also be synchronised with budgetary cycles. However, as a NAP should ideally have cross-party support, it should probably not be synchronised with the electoral cycle, as that raises the risk of politicisation. It is nevertheless important to retain clear timelines for deliverables to motivate steady progress.

The existing evaluations of NAPs have highlighted several learning points. NAPs should be viewed as tools in an on-going process of building a culture of human rights in society. It is essential to involve all levels of governance, including the local level, while ensuring high-level political support from the government and the parliament. NAPs should be forward looking and adopt a strategic approach in identifying priorities, goals, measures and duty bearers for human rights work. The connections between the baseline study and the NAP should be clearly outlined. If an area is not given priority status even though the baseline study reveals real concerns, the NAP needs to explain the reasons for such decisions. Preferably, the NAP should contain tailor-made measures to address the concerns identified in the baseline study rather than simply identify related activities which have been planned to take place in any case. NAPs should explain why particular measures have been selected in comparison with alternatives.

### **Next steps**

The benefits of the inclusive and participatory process of developing and implementing NAPs have already been vindicated. Human rights work has been made systematic and more efficient through coordination mechanisms bringing the different duty bearers together. This has also raised awareness of human rights. However, more efforts are needed to assess and measure the progress made in outcomes. The ultimate test of a NAP is whether it has had positive effects on the enjoyment of human rights and improved peoples' lives. There is a need to develop standards, indicators and peer review methodologies for NAPs. The evaluation of the impact of NAPs should also involve vulnerable groups of people and other rights holders.

There are several other issues which would require further consideration. The management of expectations for a NAP is important. A realistic step-by-step approach for achieving goals is usually the right one. The interim periods and gaps between old and new NAPs should be addressed as well. The sustainability of commitment to NAPs by different governments is essential. It would be useful to identify champions for NAPs among prominent politicians who will continue to keep human rights on the political agenda.

The Commissioner for Human Rights will continue to review the implementation of NAPs and encourage their development during his country visits and NAP related events. A new thematic webpage on NAPs and systematic work for human rights will be opened on the Commissioner's website in June. It will include links to available NAPs and related resources. A further step forward would be the establishment of a peer and expert network for NAPs to exchange good practices and carry out constructive peer assessments of NAPs.

### **Background documents**

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