

STEERING COMMITTEE FOR HUMAN RIGHTS (CDDH)

DRAFTING GROUP ON CIVIL SOCIETY AND NATIONAL HUMAN RIGHTS INSTITUTIONS (CDDH-INST)

Questionnaire to the member States¹

with a view to the preparation
of 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

Introduction

1. During its 2nd meeting (8-10 March 2017), the CDDH Drafting Group on Civil Society and National Human Rights Institutions (CDDH-INST) discussed the possible producing of a user-friendly guide or compilation of good practices. The text would be based on a cooperative consultation process with States, civil society members, human rights defenders and National Human Rights Institutions.
2. The Group discussed the various formats in which such a guide could be presented (Committee of Ministers' declaration, recommendation, etc.). It envisages to prepare before the end of 2018 a draft non-binding legal instrument of the Committee of Ministers to the member States. The instrument could be accompanied by the aforementioned Guide of good practices.
3. The CDDH will exchange views on this question at its meeting of December 2017 as well as on the specific form of the possible instrument (declaration, recommendation, etc.).²

¹ In light of this important topic, and given the involvement of other actors in the work of the Drafting Group, the CDDH-INST Chairwoman also cordially invites contributions from civil society organisations, human rights defenders, and national human rights institutions.

² Report from the 87th CDDH meeting, §66.

4. The analysis itself was adopted at the 87th CDDH meeting in June 2017, subject to comments of a technical nature by September 2017. No comments were received, such that the text is now final. It has been transmitted to the Committee of Ministers for information at the Ministers' Deputies 1293rd meeting (13 September 2017).
5. Regarding the presentation of its work, during its second meeting, the Drafting Group further decided to append a compilation of good practices to the study rather than to include good practice examples within the analysis itself.

Terms of reference: CDDH-INST

6. It is recalled that the Group has the following mandate:

Conduct a study 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, and identifying the best examples thereof.

On this basis, submit proposals to ensure that member States, through their legislation, policies and practices, effectively protect and promote the civil society space.³

7. During the CDDH's 87th meeting, the Chair and the Rapporteur of the Drafting Group noted that:

The CDDH-INST considered it useful to append at a later point a compilation of good practices to the analysis and, to this end, wished to receive additional examples from the member States, civil-society organisations, Human Rights defenders and National Human Rights Institutions.⁴

8. It was further noted that the "emphasis will be placed on the collection of *good practices* of *implementation* of existing national legislation regarding the protection and promotion of the civil-society space".⁵ The following sections will lay out some guidance regarding the 1) Selection criteria for good practices, as well as 2) Length and format of contributions.

1. Selection Criteria for the Guide on "Good practices"

9. As concerns the selection criteria of good practices for the Guide, "**good practices**" should include national practices which have an overall **positive character** and are **innovative** in nature.

10. It should be noted that good practices can express themselves in a variety of forms, including through: **legislation, action plans, policies or strategies (on national or**

³ *Ibid.*, §61.

⁴ *Ibid.*, §62.

⁵ *Ibid.*, §65.

regional level), jurisprudence, administrative practices, projects, education and training of relevant professionals, data collection and research or awareness-raising campaigns.⁶

11. The emphasis on “*practice*” requires that these abovementioned forms are implemented in a concrete setting (i.e. the fact that human rights compliant legislation/landmark judgment in this area has been adopted/issued cannot in itself be considered “good practice” unless it is properly implemented/executed at national level). It is recalled 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 87th CDDH meeting.⁷
12. In light of the foregoing, and in order to make contributions useful for the Guide, submissions are expected to include:

- 1) **nature of the “good practice”** (legislation, action plan, etc.) / **level** (i.e. state, regional, local) / **date** (adopted/passed into law, etc.);
- 2) a **substantive explanation** of any “good practice” adopted at national level with regard to the protection and promotion of the civil-society space;
- 3) **how it is concretely implemented**; as well as
- 4) the **intended outcomes and/or envisaged impact**, and/or where already measured, **proof of its impact**;
- 5) 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).

13. If possible, please indicate **how** and by **which organisation** (i.e. state, NHRIs, NGO, etc.) such practices have **been evaluated** and **whether results have been achieved**. This is to ensure that the Guide can help the reader better understand the nature and impact of each practice.
14. The intention is for the Guide to good practice to be a representative compilation of national good practices in this area, following a careful selection by the Rapporteur with the assistant of the CDDH Secretariat. It is thus not intended to be exhaustive.

2. Format and length of contributions

15. Taking into account the aforementioned selection criteria, you are kindly requested to provide examples of national good practices under the relevant headings of the report (please see Table of Contents below), using the **four principal questions**, set out above.

⁶ Model developed by the Drafting Group CDDH-MF.

⁷ *Ibid.*, §65.

16. For those experts having already provided good practice examples on some of these questions, **please kindly re-submit this information** using this more standardized and user-friendly format.
17. Please be **concise and limit each answer to a maximum of 2 paragraphs per question** (not per practice). Do not hesitate to add references to websites (if possible in English or French) providing more useful background information. Should you consider that additional information is relevant, please do not hesitate to add documentation in an appendix, specifying which question it refers to.
18. Please kindly submit this information by **15 February 2018** close of business to DGI-CDDH@coe.int.

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