

Evaluation of Project DDH/2005/112-936

“Strengthening National Human Rights Institutions (OHCHR)”

March 2008

Executive Summary

From the feedback and evidence available it is clear that the project *Strengthening National Human Rights Institutions* (NHRIs) has been an unqualified success.

From the total budget of EUR 988,310, approximately 2/3 went towards the distance learning project, *Actors for Change* and the remaining 1/3 on strengthening the work of existing national institutions and helping establish new ones. At a unit cost of approximately EUR 3,000 the 17 week course, email networks, materials and residential workshops associated with the training were definite value for money. Over 200 individuals were trained, whose learning was cascaded to literally thousands of other actors.

The disproportionate impact of the remaining approximately EUR 300,000 over a two year period in funding thematic roundtables, regional events, international conferences, providing technical assistance and legal advice and sending delegations on regular missions to help establish and develop national institutions, is difficult to quantify. It is however clear that national institutions are now recognised at the highest level within the UN system and externally, as central to national human rights protection mechanisms.

Regional secretariats have been established or strengthened in Asia Pacific, Europe, Africa and the Americas and the ICC has established a secretariat based in the heart of the UN machinery, all of whom having secured representation rights at the Human Rights Council and with treaty bodies. NHRIs can also address the Human Rights Council individually and have done so, across a range of agenda items.

Increasingly NHRIs are engaging with treaty bodies and special procedures and are more aware of their role as custodians of international standards at the domestic level. The active role of national institutions in the preparation of the Convention on the Rights of Persons with Disabilities is a new development and illustrates the enhanced profile and contribution of NHRIs in the UN system. Examples of good practice can be shared among institutions via the website, through direct communication or through regional networks.

The accreditation process of NHRIs has been reformed and is more rigorous. In the reporting period, the number of fully accredited NHRIs has increased from 51 to 60, and 26 have had their status reviewed.

The higher level of monitoring concluding observations and holding states to account on their international obligations has had a positive impact on human rights protection at the national level. The direction of the NI Unit towards establishing partnerships and disseminating expertise has also been positive.

In terms of the estimated impact of the project when designed, it has exceeded its targets.

1. Background

1.1 In December 2005 the European Commission and the Office of the High Commissioner on Human Rights (OHCHR) signed a contribution agreement through the EuropeAid Cooperation Office (Democracy and Human Rights Sector) for a total of EUR 988,310 to implement the project entitled *Strengthening National Human Rights Institutions*. This agreement calls for a final evaluation to be undertaken by an independent external consultant after the period of implementation (1 January 2006 – 31 December 2007).

1.2 The project consists of two components. The first involves technical advice and general capacity building activities undertaken by the National Institutions Unit (NIU) of the OHCHR. The primary purpose of this component is to strengthen the national and collective capacity of National Human Rights Institutions (NHRIs) to comply with international standards and to provide effective remedies at the domestic level. The second is a distance learning programme known as *Actors for Change* focusing specifically on training NHRIs on how to increase their effectiveness in the prevention of torture and the prevention of conflict, both individually and through their regional networks. The two elements of the project combine to contribute to the overall aim of establishing and strengthening independent NHRIs in full compliance with international standards, including the Paris Principles¹, as part of reinforcing national human rights protection systems.

1.3 The project purposes are:

- To strengthen the capacity of NHRIs to engage in the prevention and resolution of conflict through their individual and collective reinforcement including by means of strengthening their regional networks;
- To equip NHRIs with the skills and expertise to ensure respect for individual and collective rights and in particular in relation to the most vulnerable; and
- To assist NHRIs in providing an affordable, accessible remedy for the mediation and conciliation of complaints and where it exists, help to reinforce the importance of quasi-judicial powers within NHRIs as part of their conflict prevention/resolution approach.²

1.4 Within the OHCHR, the NI Unit provides support and advice to existing national institutions and helps establish new institutions as part of national human rights protection mechanisms. It is the Secretariat for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), liaising closely with the regional secretariats it helped establish, the Asia Pacific Forum, the Network of the Americas, the African Coordinating Committee and the European Coordinating Group. This programme is intended to reinforce the coordination among NHRIs within their regional networks and to create and consolidate connections across other UN desks. In encouraging the establishment of new NHRIs, the Unit will provide practical advice to states on constitutional and legislative frameworks and on the appropriate structure, functions, powers and responsibilities of Paris Principles compliant institutions.

¹ Paris Principles – Principles which were endorsed by the United Nations General Assembly in its resolution A/RES/48/134 of 20 December 1993 in relation to the status and functioning of national institutions for the protection and promotion of human rights.

² European Community Contribution Agreement EIDHR 2005/112-936

1.5 The designated brief for this final evaluation is to review progress towards the project's objectives and outcomes; assess its efficiency and cost-effectiveness; identify recommendations on project design and on specific activities that might be taken into consideration in designing future projects of a related nature. Overall there is an opportunity to highlight relevant learning from the two years' work that might help shape and inform future practice.

2. Methodology

2.1 Actors for Change

- 2.1.1 Questionnaires were sent by email to the Executives of all national institutions who engaged with the distance learning programme *Actors for Change*, and to each individual participant. Reminder emails with questionnaires in English, French and Spanish, followed two weeks later.
- 2.1.2 Each of the three partner institutions involved in the delivery of the training programme was visited on site and interviewed at length. This entailed spending half a day with Fahamu in Oxford, half a day with the Association for the Prevention of Torture in Geneva, and a full day with the UN Systems Staff College in Turin. A selection of tutors' reports, participants' assignments and the email network correspondence were reviewed and discussed.
- 2.1.3 Two weeks spent in the offices of the National Institutions Unit in Geneva allowed for detailed desk review of materials and for meetings with relevant staff from the NIU and other parts of the OHCHR family.
- 2.1.4 Desk research included all project documentation including evaluations from individual tutors; collated and individual evaluations from participants; review of course materials and the tutor manual; budgets and final accounts; interim and final reports from each of the partners and the NIU; notes, minutes and action points from periodic meetings of the partners throughout the project; a monitoring database of all courses involving the UNSSC; samples of certificates awarded to successful participants.

2.2 Overall Strengthening of NHRIs

- 2.2.1 Various stakeholders were interviewed including representatives of the global and regional networks and individual NHRIs, key staff in OHCHR including the Chief of the Field Operations and Technical Cooperation Division, the current and former Coordinators of the NIU and individual team members, together with other relevant sections of the OHCHR and external consultants who had worked on missions.
- 2.2.2 Desk research involved review of the project documents; the NIU interim evaluations and accounts; reports from various missions to help establish NHRIs; a report of the round table on the role of NHRIs in conflict and post conflict situations; the OHCHR Strategic Management Plan 2008-09; a range of relevant OHCHR policy documents and reports including among others, a review of the NI Unit in 2007 and the Annual Report of the Secretary-General to the Human Rights Council in January 2008.

3. Relevance of the project

- 3.1 The project sits comfortably within the OHCHR previous priorities and the current Strategic Management Plan (SMP) 2008-09, with its focus on core areas of leadership, country engagement and partnerships inside and outside the UN system, and its unique relationship with the United Nations human rights mechanisms. In the Capacity Building

and Field Operations Branch (CBB) strategic management plan 2006-07, in alignment with the High Commissioner's Plan of Action, CBB expects to ensure that:

- Actors at national level are better informed of international human rights standards and how to translate these into national law, regulation and policy
- Actors at national level have an increased capacity to address human rights problems
- Actors at national level are more aware of their human rights obligations and on ways to overcome obstacles to the realization of human rights
- Actors at national level are better protected from policies directly threatening their personal security

3.2 National human rights institutions are described as the cornerstones of strong national human rights protection systems through their work at country level to ensure the application of international human rights norms. Well established national institutions provide the domestic monitoring of state activity in respect of international human rights standards and can and do reinforce and promote at a local level the recommendations of international treaty bodies and other human rights mechanisms. They are uniquely placed through their broad-based connections with civil society, parliamentarians, the judiciary and the criminal justice system, to link the international community with national protection systems, enhancing the role of country teams in promoting good governance, rule of law and human rights. A credible NHRI provides the leadership and challenge function necessary to ensure coordinated and effective monitoring of human rights standards across all aspects of the national protection system. In this project, operating on a global basis, there was a deliberate intention to target the EIDHR's focus countries with particular attention paid to NHRIs in countries emerging from conflict and in countries where past human rights violations have contributed to conflict and need now to be addressed through new structures, to help build a stable and just society.

3.3 The role of the NIU in strengthening and where appropriate, establishing NHRIs is critical to an effective country engagement strategy. Compliance with the Paris Principles is central to the technical assistance offered, particularly in the advice and support offered to newly emerging national institutions. The benefits of projects such as this are important not only for new and fully (A) accredited institutions, but are also vital for NHRIs working towards full compliance with the Paris Principles. At a more fundamental level, and beyond the scope of this review, consideration might usefully be given to the currency of the 1993 Principles as the sole measure of a NHRI's effectiveness. A more apposite benchmark for accreditation might be the nature of the work of the institution and its impact domestically as part of the national protection mechanism. Its standing nationally will be enhanced by the level of engagement and recognition secured internationally and through the UN system. There appears to be a move in that direction by the ICC Sub-Committee on Accreditation which is now also taking into account when considering applications for accreditation, the NHRI's effectiveness in practical terms, including the level of cooperation with the international human rights system, as well as the level of compliance with the Paris Principles.³

3.4 The access available to fully accredited NIs and their regional secretariats to the Human Rights Council and the linkages made with the treaty bodies and special procedures mandate holders are important tools for NIs both in their protection functions and in establishing credibility and influence nationally. Advocacy on national legislation and policy, based on international norms and recommendations, is strengthened by the supportive relationship NHRIs enjoy with the OHCHR. The NIU has an important role to

³ Report of the Secretary-General on national institutions for the promotion and protection of human rights to the Human Rights Council (A/HRC/7/69) Jan 2008

play in identifying and nurturing these connections so that locally NHRIs are well informed, distinguishable from the NGO community and recognised as being integral to the country's relationship with the UN system. Currently there are particular strategic roles to be secured for NHRIs in monitoring and facilitating the recommendations from the Human Rights Council resulting from the Universal Periodic Review (UPR) and in contributing to the national preventive mechanism under Optional Protocol to the Convention against Torture (OPCAT).

3.5 Partnerships with civil society are also a critical factor in a national institution's credibility and effectiveness. The current SMP prioritised partnership strategies internal and external to the UN system. The work of the NIU and this project, in strengthening the capacity of NHRIs' country presence and effectiveness through technical assistance, training and legal advice engages the NHRI across the OHCHR family. In designing this project, the NIU worked in partnership with 3 key actors who delivered the distance learning programme, two international NGOs, the Association for the Prevention of Torture (APT), Fahamu, and the United Nations System Staff College (UNSSC). In all aspects of the project the NIU worked through local partners, whether individual or regional networks of NHRIs, or UN country teams and other UN staff, including UNDP.

3.6 The NIU is currently committed to an open approach to developing active partnerships both internal and external to the UN system, delegating responsibility while continuing to provide support and advice and retaining oversight of quality control. The support of external partners and consultants in missions to help establish NHRIs is widely employed. During the project phase this tended to be relatively short term engagement with the main contact point being the NIU. There may be opportunities to introduce longer term engagement where experts, through the NIU, develop relationships directly with a particular NHRI spending longer periods of time, perhaps one week every 2/3 months over a 2 year period, to provide ongoing support without creating dependency.

3.7 Historically, the relevance of this project to the priorities of the United Nations is clearly described by the Secretary General in his report of 9 September 2002 (A/57/387) when he noted:

Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organisation. These activities are especially important in countries emerging from conflict.

3.8 This role of the NIU in providing substantive support to the geographic units to establish and strengthen their NHRIs is echoed in the 2006-07 SMP, continues in the 2007-08 SMP, and has been a focus of the OHCHR for many years. A Special Adviser was appointed in 1995 to work with NHRIs, whose role has progressively been integrated into the OHCHR and its place within the UN system. In external reviews in 1998 and 2003 of the work with NHRIs the need was highlighted to avoid over reliance on the Special Adviser role and to integrate the NHRIs more into the programming and strategic planning of the Office. Recent developments in securing recognition of accredited NHRIs, the ICC and their regional secretariats with the Human Rights Council and treaty bodies, allows the NI Unit to take a strategic approach to developing NHRIs and their networks, establishing strong connections across the OHCHR and with external partners. This programme of strengthening NHRIs has, among other factors, played an important role in creating the conditions for such a shift in emphasis.

3.9 The focus of the project on conflict prevention and the prevention of torture also resonates with current priorities. In September 2004 the Seventh International

Conference of NHRIs was held in Korea on the theme *Upholding Human Rights in Conflict and Countering Terrorism*. This gave rise to the Seoul Declaration, describing the role of NHRIs in conflict prevention. The *Actors for Change* distance learning programme addresses this work, including the NHRI's role in developing early warning mechanisms. This area was highlighted by the 2003 review mentioned above, calling for greater attention to the role of NHRIs in early warning and conflict prevention. The role of NHRIs in torture prevention came into sharper focus following the entry into force of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of the Sub-Committee on Prevention of Torture in February 2007. The potential for NHRIs to play a contributory if not coordinating role in the national preventive mechanism under OPCAT Article 18 was explored by the OHCHR and is still a live issue for all NHRIs, in particular those in states where OPCAT has been ratified. Theoretical and practical training on torture prevention and monitoring skills is particularly pertinent at this time, as is the opportunity for dialogue across NHRIs globally with the facilitation of an expert body such as the APT.

4. Actors for Change - quality and methodology of the training programme

- 4.1 The overall aim of the *Actors for Change* programme was to “strengthen the capacity of NHRIs as part of reinforcing national human rights protection systems. Through the work of NHRIs the rule of law would be strengthened; the capacity to prevent conflict enhanced and the ability to address and impede torture bettered”⁴
- 4.2 Specific training on the theory of conflict prevention and torture prevention combined with guidance on the tools available and their practical application was devised and delivered through a coalition of the partners: OHCHR, Association for the Prevention of Torture (APT), UN System Staff College (UNSSC) and Fahamu. There was a detailed contractual relationship established, with each partner having specific and discrete responsibilities. The roles, materials and delivery mechanisms were reviewed and revised at regular intervals during the programme in light of experience and feedback from participants. The NI Unit for OHCHR, would retain oversight of the programme; UNSSC would organise the residential workshops for each cohort on the conflict prevention course; APT would co-edit materials, deliver the training and arrange the workshops for the prevention of torture training; Fahamu would provide the technical support to produce the CD ROMs and establish the email discussion networks; would outsource both scripts, edit the material and coordinate tutors for the conflict prevention course.
- 4.3 Enrolling in the course required a commitment to a 10 week, tutor led programme of work supported by a CD ROM and involving regular email discourse with colleagues in NHRIs from the same region. During this period, 4 assignments were set and subject to satisfactory completion, participants attended a 3-day residential workshop. Post workshop email support and mentoring took participants through the production and implementation by their home NHRI of their final assignment, an action plan related to their topic of study. Those who reached a satisfactory standard throughout the course were awarded a certificate of completion by the University of Oxford. This certificate was essentially cosmetic, marking only the completion of the course and having no accredited status. The standard of materials and the level of commitment and contribution required of students suggest strongly that accreditation at third level should be pursued for any future programmes. 98 participants completed the course and attended 6 regional workshops on conflict prevention in Colombo, Sarajevo, Dakar and La Antigua Guatemala plus two courses which were run in Anglophone Africa, with workshops in

⁴ Project Document GLO/04/HC/13 Actors for change: Strengthening the capacity of National Human Rights Institutions through distance and regional training

Abuja in 2005 and in Nairobi in 2007. 118 participants from 66 NHRIs completed the course and attended 5 regional workshops on torture prevention, where workshops ran in Costa Rica, Rabat, Jakarta, Warsaw and Entebbe. The approximate unit cost of delivery was EUR 3,000 per participant for a total of 216 individuals who completed the courses. Another approximately 30% participants enrolled but only those who had completed all assignments were able to proceed to the final stage and attend the workshops.

4.4 **Selection** of participants was coordinated by the NIU and applied with varying degrees of integrity among the NHRIs. Core criteria were established at the outset, with a particular focus on gender balance and an anticipated mix of staff and Commissioners from NHRIs across the 5 regional networks of Latin America, Africa, francophone Africa, Asia Pacific, Europe and Central Asia. At least one delegate from each participating NHRI had to be female which stipulation resulted in a good gender balance among participants in all courses. In Europe, there was pressure on NHRIs to identify candidates and less appreciation of the potential relevance of the courses to their work. This resulted in a lower retention rate and a less discriminating selection process than in other regions, such as Latin America and Africa, where there was competition for the places and a greater appreciation of the potential value. More consistency in the relevant skills and knowledge of participants and in their fluency in English (the language of delivery) would have allowed faster and more effective communication among participants and with tutors.

4.5 The learning would also have been more sustainable had consistent attention been paid to the role of the individual participants in their NHRI. For example, those who were working on conflict prevention and conflict resolution or monitoring places of detention and addressing torture and degrading treatment in their everyday work were sensitised to the issues and more appreciative of the skills and knowledge contained in the course. The third phase of preparing and seeking to implement an Action Plan in participants' NHRIs was also difficult for some who were not at the level in their organisation to contribute to strategy or decision making. For the final course on conflict prevention run by UNSSC, the selection procedure was tightened to include the submission of a curriculum vitae and a letter of motivation from the participant together with a letter of commitment from the Director of the NHRI, resulting in greater consistency of ability among participants and better support from their NHRIs.

4.6 Using **CD ROMs** as a means of delivery during the first phase of the project was an innovative and successful approach. The traditional method of delivering training to NHRIs is through workshops, which can be intense and result in limited retention of learning. Using CD ROMs means that participants follow their own path with tutor support and an email discussion network, working through assignments in preparation for a regional workshop in the second phase of the training. Email contacts are then cemented and regional networks strengthened at the personal and professional levels, ideally resulting in shared good practice and ideas for progress. There should also be a level of commonality in approach and appreciation of the issues engaged.

4.7 The technical aspect of producing the CD ROMs was problematic in that it took longer than anticipated and proved to be costly. This was more a result of unclear or unrealistic division of responsibilities among the partners than any intrinsic problem with the use of this technology. There were for example, substantial revisions made to the prevention of torture materials at a late stage of production which would have more easily been accommodated earlier in the process. The scripted content for conflict prevention came in at almost three times the original intended length, causing production problems as well as challenges for participants to assimilate the material in the given timescale. In

hindsight, the materials on the prevention of torture could have been scripted by APT as the ultimate deliverers of the course and similar control with UNSSC for the conflict prevention course, albeit they would commission external tutors, leaving Fahamu to manage the production process and technical support. It was ambitious to expect coordinated editing and production across three different countries and three different organisations, while ultimately copyright lies with the UN through yet another partner, the NIU. Eventually control of both substance and delivery did revert to APT and UNSSC and elements of the conflict prevention CD ROM were made optional, allowing the material to be available without making unrealistic demands on students. Participants also wanted the course material to be downloadable so that they could work with hard copy documents.

4.8 Some participants experienced problems with the CD ROMs. Not every NHRI was able to give participants open access to a computer to use the materials and a few had to use internet cafes at their own expense. Some experienced difficulties through electricity power cuts and ongoing local conflict. The email networking was a required element of the course, not an optional support, and several participants found difficulty in accessing the necessary equipment. All participants who responded as well as tutors and partners found the material included in the CD ROMs to be too much and too intense to cover in the allocated time period. The completion of 4 assignments in 10 weeks before a residential workshop, following intense email debates and investing at least 2 hours each day in this training was a lot to ask of participants, many of whom had not had their regular workload modified to accommodate the course. The quality of the material was not in question and in fact has been universally applauded. The standard of the materials and the requirements of the assignments led to recommendations from all quarters that the course be formally accredited.

4.9 **Feedback from participants** was secured using compilation documents from the three partners of feedback from each of the workshops; from a review of the ongoing email networks and from direct questionnaires circulated to all participants and their NHRI executives. Each workshop was evaluated by participants and a compilation of their comments was reviewed. There are also tutor feedback forms from the conflict prevention course and a detailed statistical analysis of performance on each regional course was produced by the UNSSC. On the prevention of torture course, APT reported more qualitative outcomes with direct and very positive impact on the work of the national institutions.

4.10 44 questionnaires were returned, which at under 20% is a relatively low return and somewhat disappointing in that they were translated into Spanish and French as well as English and were sent out twice. However, several of the participants are no longer with the NHRIs and others may have felt that they had ample opportunity throughout the course to provide their views. The questionnaires were distributed by email which may not have been the best medium for some NHRIs.

4.11 The Actors for Change distance learning programme was overwhelmingly considered a success by participants. The materials were relevant, useful and challenging, and clear links with human rights protection were established at an early stage; the contact by email and during the workshop with colleagues from other NHRIs in the region was instructive and combined personal with professional connections, consolidated knowledge and created opportunities for future contact; the workshops provided practical and real experiential learning; some very positive stories were reported of dissemination of learning among civil society, the prison service, police and even the military; to varying degrees, the action plans produced as a final assignment provided direction to the NHRIs in their strategic planning and programmes; there is strong support from both the

executive and participants for more training using this approach on different themes and also more of the same courses for other colleagues in the NHRIs.

- 4.12 The main problem with the programme was the intensity of the materials, in particular with the conflict prevention courses. “Too much material, too little time” was a common response. In fact, a few participants simply took a longer time to complete the course, and some did so without attending the workshop. The level of commitment to the programme varied at executive level among NHRIs and as a result, participants had varying levels of engagement. Some NHRIs viewed the training as an opportunity for the individual’s personal development, not as an investment for the organisation. Repeatedly, a perceived lack of appreciation by the executives of the value and relevance of the course was reported. The reality is that the training of an individual member of staff is at best interesting and pretty marginal to the focus of Commissioners. It was recommended by several participants that more Commissioners and senior management should undertake the courses. Only 24% of participants on the conflict prevention courses were at a senior level (the figure is not available for the prevention of torture courses).
- 4.13 The recommended time to dedicate to the course was 2 hours each day, which is not possible without regular workloads being reduced. This happened in very few cases. Even where the NHRI was supportive the participants did not feel able to take so much time out of their ongoing work, and so most studied in their own time. For some, there were additional problems in securing access to computers and to the internet. Fahamu reported that there were also issues of personal security for some participants going to an internet café after work and studying there until late and then having to travel home at a dangerous time. Electricity faults and sporadic violence and rioting also posed problems for some in meeting the various deadlines. As with any course of study, issues such as family circumstances, illness, pregnancy and competing commitments were factors for both participants and tutors.
- 4.14 Participants reported the most satisfaction from the course where there was strong buy-in from their executive. Where there was good organisational support there tended to be broad dissemination of learning among colleagues and externally. Others, especially those working in smaller NHRIs, had difficulty balancing the time demand with the needs of their organisation, where 2 hours a day represents a significant reduction of their staff resource. Some issues go back to selection, where for example, a participant may be undertaking training in conflict prevention when that is not in their NHRI’s mandate, or is not relevant to the individual’s role. It was suggested by one organisation’s executive that a distinction should be made between those NHRIs who have the handling of complaints in their mandate and those who do not. Language too proved problematic for some, in particular in francophone Africa and in Europe and Central Asia, with a Russian translation of materials being introduced at a late stage.
- 4.15 Retention on the conflict prevention courses varied across the regions, from 40% in Europe and Central Asia to 91% in Latin America. There were differing levels of appreciation of the relevance of the course among NHRIs with some in Europe withdrawing because they felt it was not pertinent enough to their current work. In contrast, the prevention of torture course had a high level of interest in the European region. The conflict prevention course was highly sought after in Latin America with competition for places and a very enthusiastic response across the region. The Latin America network of Ombudsmen also engaged well with APT on the prevention of torture course and there was good engagement with UNDP partners.
- 4.16 Tutors are described as available and responsive. In reviewing their assessments of assignments and their input to the email networks, it is clear that they had taken a real

interest in the programme and a personal interest in each of the participants. Regular reminders, encouraging and constructive criticism and personable and friendly communication were evident throughout, even in occasional difficult situations where individuals had to be chased to respond. On the prevention of torture course, all bar one of the tutors were staff of APT which meant that there was good support for each other and a common delivery method. Originally Fahamu was responsible for coordinating the various tutors on the conflict prevention course but this role was subsumed by UNSSC who were commended for their professional approach and support to the tutors. The tutor manual for conflict prevention produced by UNSSC during the latter part of the programme was also very well received. The main feature of UNSSC's effectiveness was the dedicated time of a single point of contact to coordinate the activities and the evaluations. APT had identified members of staff/tutors who coordinated their input and monitored progress.

5 Actors for Change project management

- 5.1 The partners to the project were not simply grant recipients but full project partners contributing to the planning, implementation and evaluation of the work. The absence of direct representation of NHRIs in the project team is understandable, as at that time there was less of a representative structure in force among NHRIs and the NIU considered it to be invidious to identify one NHRI to speak on behalf of others. However some of the logistical problems experienced during the programme might have been addressed at the planning stage had there been direct input from the institutions, in particular issues around selection and engagement at organisational level. An impressive level of experience and knowledge was however brought to the table.
- 5.2 The UN System Staff College (UNSSC) is an independent training institution established in 1996 and providing system-wide knowledge management, learning and training across the UN. Within the College an Early Warning and Preventative Measures programme was established in 1998 since when workshops and training events have been organised regionally and country specific, on the various aspects of early warning analysis and conflict prevention.
- 5.3 Fahamu is an international not-for-profit company established in 1997 to support progressive social change in Africa by capacity building work with civil society organisations to protect human rights and promote human dignity. With bases in England and Africa and a small staff team, Fahamu produces a range of distance learning materials and a weekly electronic newsletter with a broad international readership.
- 5.4 The Association for the Prevention of Torture (APT) is an independent international NGO, founded in 1977 with the primary objective of preventing torture and other forms of ill-treatment throughout the world. It is internationally recognised and has developed partnerships across the world in promoting and monitoring the implementation of the Convention for the Prevention of Torture, currently with a particular focus on the Optional Protocol. APT provides training and support to NGOs, human rights bodies and the police on the prevention and prohibition of torture and on effective monitoring processes, in particular visiting places of detention. Added to the knowledge base in the NIU as the lead organisation and coordinator of the project this was a strong team to take forward the training programme.
- 5.5 Given the potential for confusion and discord among four distant and disparate partners, relationships and coordination were remarkably good, reflecting the high level of professionalism and experience of the organisations and importantly, of the key staff involved in the project. There was some frustration expressed about expectations which

may not have been adequately communicated in advance and which were not met, but there was a common commitment to ensure that the project worked and that high quality, accessible and sustainable learning was dispensed, resulting in various compromises and constructive revisions of both substance and delivery arrangements. Periodic meetings of the partners provided opportunities to revise plans and agree a set of actions for each partner to take forward. In particular a meeting of December 2006 identified several recommendations which were absorbed into the 2007 programme.

- 5.6 These dealt with issues such as the unanticipated need to translate the materials into Russian as well as French and Spanish; the production of a detailed tutor manual for the conflict prevention course; reviewing the workload and remuneration of tutors; redistribution of management roles to UNSSC and APT with Fahamu focusing on the technical issues. Originally UNSSC was responsible only for the workshops relating to the conflict prevention course, with Fahamu managing all other aspects of that course and the technical side of both courses. APT would manage the delivery and workshops for the prevention of torture course. On conflict prevention however, UNSSC became engaged in the selection and peripherally in the management of tutors and by the final course had agreed with Fahamu that they would undertake all management functions and Fahamu would focus on the technical side.
- 5.7 Critical to the revised role of UNSSC was the allocation of dedicated staff time to managing the programme. This allowed regular contact with tutors and participants and more individual support in preparing and organising residential workshops. It also resulted in comprehensive statistical analysis of each course. During the period of the project there were some critical staff changes in the NIU, including a change of Coordinator, and several different individuals had responsibility for the project. This was outside the control of the NIU but the benefits of a single point of contact and a constant presence were highlighted by partners and if future similar programmes were to be undertaken, adequate staff resource at the NIU would be important.
- 5.8 To a degree there was a clash of cultures between the UN methods and those of the NGO partners Fahamu and APT. This was unfortunate and although not critical, did detract from some workshops. For example, in Indonesia the NIU had secured unprecedented access to places of detention for the experiential learning element of the workshop. APT however was uncomfortable with the level of hospitality and engagement with officials deemed necessary by the NIU and common to any UN event held in a host country. Fahamu had similar discomfort with the venues for workshops for delegates from the African countries, where logistical issues and expectations of participants differed from other areas. The workshops were run at no cost to the participants with accommodation and meals at the hotel covered, but without a per diem allowance. Effectively this constrained some of the delegates to remaining in the expensive hotel without independent means and caused some disruption at the workshops. Despite these problems described by partners, the participants' responses to the workshops were overall positive. The benefit of a strong OHCHR presence at workshops was highlighted by all three partners. Where workshops were organised through NHRIs as in Uganda and Kenya, there was strong local participation and in both the previous examples, led to ongoing work after the course with APT and UNSSC respectively.
- 5.9 Resourcing the programme caused some concern among all partners. UNSSC felt that the tutors were not adequately remunerated for the level of supervision and direction expected of them; APT similarly felt that the budget for tutors had been under estimated and APT also contributed significantly to editing the original script for the prevention of torture CD ROM, in their own time and outside their contractual obligations. Fahamu experienced cashflow problems in the production of the CD ROMS and engagement of tutors and consultants where monies were refunded retrospectively and as a small NGO

they did not have reserves to bridge the delay. To avoid reputational risk to the organisation, Fahamu secured an individual loan to cover payments until refunded by the project. There was enough money in the budget to meet costs and these are logistical problems which could in any future arrangement be sorted at an early stage.

6 Effectiveness (impact) of Actors for Change

6.1 From the feedback from participants and their executives, it is clear that the distance learning programme worked. The pedagogy was sound and the content valuable. Throughout the course and tutor evaluations there has been a consistent recognition of the high standard of materials produced and of the quality of teaching and support provided.

6.2 The learning achieved can be illustrated by quotes from some participants:

I am confident that with the basic information on conflict prevention, the reading package and a network of people, I am able to deal with certain conflict circumstances. I used not to understand the language but now I find it useful when reading conflict reports and briefs

The course captures the core reasons for founding national human rights institutions

This course must continue, especially where torture happens

It was a big influence on my [NHRI's] strategic plan for 2008 and helped in my work in dealing with the media and students

6.3 Over 200 individuals on the courses have taken back to their respective NIs new knowledge, ideas and materials to share with colleagues and to apply in their work. From the questionnaires, it appears that there is good dissemination of learning with immediate colleagues. There is less often a similar relationship with Commissioners but where there is engagement at that level, there has been an impact on the direction and planning of the NHRI's work. For example, in Greece where OPCAT has not yet been signed, the NHRI is now introducing a prison visit programme anyway and has submitted a comprehensive report on the rights of prisoners to the relevant authorities.

6.4 The reports are in the main positive that the materials are used often although there are also some instances of little organisational appreciation of the course or of it having little relevance to the individual's role in the NHRI. There have also been several staff leave the employ of NHRIs and their learning can be lost to the organisation. Internal dissemination would be assisted by the production of less dense hard copy materials to supplement the CD ROMs and encourage interest in the subjects.

6.5 Regional networks have been strengthened by shared practice and personal connections made throughout the email discussion groups and at the workshops. There was a suggestion that the workshops could have connected more with the host country. The visits to places of detention allowed this to be part of the prevention of torture course. UNDP engaged well with the workshops and field staff were involved in some places. The main connections however seem to have been made across NHRIs in the region. The Latin America network of Ombudsmen and APF were the only regional networks to take an active role but all networks were indirectly strengthened by the contact across NHRIs.

- 6.6 Individual participants benefited at a number of levels from the networking opportunities. They supported each other at a personal level on how to cope when confronted with human rights violations, on how to initiate change and how to encourage commitment from their NHRI's leadership. At a professional level they discussed their complaints mechanisms and the various UN channels available and which is best suited to their concerns.
- 6.7 The prevention of torture course allowed for valuable discussion and promotion of the role of NIs in contributing to the National Preventive Mechanism (NPM) under the OPCAT. The timing of this course was helpful to several institutions who have since developed this role or are seeking to do so. The advice of APT and other NHRIs has helped not only individual NHRIs but also introduced models of good practice for the NIU to promote. Several participants' final assignments looked at the role of NHRIs as NPM, producing tangible outputs. For example the New Zealand Human Rights Commission took an active role in the process of ratification of the OPCAT and is now the designated coordinator of the various NPMs in that country, a model which APT supports. The South Korean Commission was inspired by the course to get involved in the implementation of the OPCAT and proposes to introduce a specialized detention monitoring unit to its portfolio as a result. Other NHRIs became proactive either in encouraging the process of ratification and implementation of the OPCAT or in exploring the options for an effective NPM and how that involves the institutions. APT has a series of positive examples of concrete output as a result of their engagement with NHRIs on the course.
- 6.8 Each of the partners identified the opportunity to connect with NHRIs as a positive outcome for them. Equally the NHRIs welcomed the relationship. In part due to the coincidence of the developing interest in the OPCAT and NPMs, as well as the established credibility internationally of APT, the prevention of torture course has spawned a range of ongoing contacts and projects between NHRIs and APT. Most regional engagement was through the Asia Pacific Forum, with ongoing contact supported in Thailand, Indonesia and the Phillipines as well as New Zealand and South Korea. There are however equally interesting projects developing in Anglophone Africa such as a three year project with Uganda and contacts in Kenya, Morocco and Ghana among others. Latin America embraced the courses enthusiastically. UNSSC also engaged closely with Kenya organising an additional workshop on conflict prevention there and working with several of the Commission's staff and Commissioners. It is to be hoped that these skills will be of value in the current situation as the Commission seeks to help establish stability. Fahamu operates across Africa but had not previously had close connections with NIs. Involvement in this project allowed new contacts and also highlighted to NIs in Africa the support and information available from Fahamu.
- 6.9 Similar connections across UN/OHCHR partners were not exploited to the same extent. There is a productive opportunity to do so through engagement of UN staff in these and similar courses and activities. This provides direct personal and professional connections as well as a greater appreciation of mutual roles.
- 6.10 Both internal and external dissemination of learning and materials were reported by participants. Internally, the sharing of information tended to be through meetings with colleagues and sometimes with Commissioners. Externally the methods ranged from informal meetings with civil society and NGOs to seminars and formal training sessions. In this sense a core network of trainers in the regions has developed. Some have gone on to train the police and even the army in conflict prevention and human rights and some are working with the prison authorities on standards and monitoring procedures. From just over 200 participants the learning has cascaded to literally thousands of other actors.

6.11 There are various ideas currently under consideration as to how best to ensure the materials are widely used and made accessible. A summary version might be produced and widely circulated, complemented by the full CD ROMs or the current courses made available on the web. Resources will be a determining factor but there is a strong commitment among the partners, reinforced by demand from the NIs, to build on the Actors for Change programme and develop it further.

7. Strengthening National Human Rights Institutions

7.1 The National Institutions Unit (NI Unit) is located within the Field Operations and Technical Cooperation Division of the Office of OHCHR and acts as the focal point for NHRI activities across the OHCHR family. Since 1995, the NI Unit has been developing this specialism, not only through its connections within OHCHR but more widely, engaging the relevant expertise of all parts of the United Nations system and with external partners. The NI Unit is the repository of experience, good practice and learning on the role of NHRIs, acting as advocate on their behalf within the UN system and externally and providing important connections to OHCHR colleagues including UN field offices, geographic desks, regional representatives and country teams. National institutions are increasingly recognised across the world as having a key role to play in national human rights protections systems. The NI Unit has acknowledged this higher national and international profile in the training and support it provides to existing NHRIs and their regional networks, while continuing to help establish new Paris Principles compliant NHRIs in countries where local intelligence indicates that such development is possible. Hence this project has provided a broad spectrum of activities reflecting the necessarily dynamic response of the Unit to the demands of the institutions.

7.2 As described in the original project document, the overall objective is *to strengthen the capacity of NHRIs as part of reinforcing national human rights protection systems. Through the work of NHRIs the rule of law will be strengthened; the capacity to prevent conflict will be enhanced; and the ability to address and impede torture will be bettered.*⁵

Four specific purposes to the project were identified:

- To build capacity of NHRIs
- To strengthen the cooperation and mutually reinforcing relationships among NHRIs at the regional levels
- To address the role of NHRIs in relation to conflict prevention, including early warning
- To address the role of NIs as national monitoring mechanisms in the prevention of torture.

While all four aspects of the project are clearly connected, the more specific focus on torture and conflict prevention are reflected in the Actors for Change distance learning programme. In terms of more generic support to NHRIs referred to in the first two purposes identified, the NI Unit coordinated a range of activities with both new and existing NHRIs and their support structures locally, regionally and internationally.

7.3 A programme of activities was planned and delivered by the NI Unit in support of NIs, which retained the necessary flexibility to accommodate demands from the NHRIs themselves and requests from States Parties seeking legal advice and technical assistance at various stages of establishing new NHRIs. Such activities sit comfortably

⁵ Project Document GLO/04/HC/13

with and contribute to the anticipated outputs of the OHCHR Strategic Management Plans for 2006-07 and 2007-008 and provide the core outputs for the operational plan of the NI Unit. National Institutions are now recognised as credible partners in the national human rights protection systems developing across the globe. The NI Unit has worked closely with country teams and field desks to ensure local credibility in supporting the NHRIs' contributions to those systems. In many countries during the period of the project, the NI Unit has provided direct support from its own staff resources, supplemented by the engagement of experts as part of a mission, or a series of missions, to help establish NHRIs that comply with the agreed international standards of the Paris Principles. A register of human rights expert consultants is maintained by the NI Unit where the selection and contract procedures are coordinated for individuals who are appointed according to their particular skills and experience, to work with the NI Unit in supporting NHRIs and nascent NHRIs and the relevant partners, including governments, the judiciary and criminal justice system and civil society organisations. These experts include representatives from NHRIs and other reputable professionals with practical experience of the work of NHRIs including drafting legislation, strengthening the institution, handling complaints, conducting investigations and public inquiries, human rights education and training, and information management.

8. Technical Assistance

8.1 The activities contributing to establishing and strengthening NHRIs to function in conformity with the international standards focused on a number of countries, recently including Angola, Brazil, Burundi, Chile, the Comoros, Cote d'Ivoire, Cyprus, the Dominican Republic, Italy, Lesotho, Lithuania, the Maldives, Mauritania, Nepal, Pakistan, Sierra Leone, Sri Lanka, Sudan, Tajikistan, Timor Leste, Turkey, Uruguay. In the early part of the project, these missions would involve the Coordinator of the NI Unit working with UN colleagues in the locality, usually a colleague from the NIU and where appropriate, external consultants. As expertise has grown on the role of NHRIs and regional networks of NIs become established and staffed, other members of the team will work with consultants, local UN staff and external partners. It was suggested by an experienced consultant who has carried out many such missions over the years, that such is the breadth of appreciation now of the role of NHRIs that it is possibly not necessary for the NI Unit to send staff on every mission, but that the consultants can work directly with local UN teams, NHRIs regional secretariats and civil society partners. This sits comfortably with the enabling and empowering role that the NI Unit is increasingly adopting, retaining oversight of quality control but allowing provision of services to happen locally, with expert support and advice available from the Unit as required.

8.2 Whilst there is common content to the advice and support offered to countries in enabling the establishment and development of NHRIs that comply with the international standards, particularly in reviewing draft legislation, there have been different methods of engagement, reflecting the diverse national contexts. Some examples of the many missions undertaken during the project can illustrate the approaches taken.

8.2.1 In Southern Sudan the engagement came through the UN Mission in Sudan (UNMIS) Human Rights Unit who hosted a consultancy arranged through the NI Unit from June to September 2006. The Consultant worked locally to draft enabling legislation to establish an independent NHRI compliant with the Paris Principles ensuring wide engagement with among others, the Southern Sudan Executive, Government Ministers, church leaders, UNDP, EC and donors. This was followed by a 4 day induction workshop examining the fundamentals of human rights protections, the substance and implications of the Paris Principles and a review of the draft

legislation. In this mission there was a helpful commentary produced by the expert on the draft legislation and the technical assistance of the NI Unit and OHCHR was important in securing an enthusiastic response from the Sudanese authorities, as was the close engagement with UNDP and UNMIS.

- 8.2.2 In contrast in 2005 Italy, a coalition of NGOs sought support from OHCHR to sensitise relevant political actors to the importance of establishing an independent NI. In 2007 Italy would join the UN Security Council and apply for membership of the Human Rights Council contributing to a more receptive environment in which to create an independent and effective national human rights protection system. In December 2006 the NI Unit arranged a 2 day workshop and high level consultations with the Italian authorities and civil society to reflect on the legal provisions and worldwide best practice among NHRIs. The OHCHR delegation involved three consultants from well established European NHRIs and the European Regional Secretariat. The Geographic Coordinator for Europe and Central Asia was kept informed of progress with the mission. An early commentary on the draft legislation was provided in 2007 and the resultant draft law approved for consideration by the Senate later in the year.
- 8.2.3 The Ministry of Justice in collaboration with UNDP engaged 2 consultants for a 2 week period in Lesotho to facilitate the establishment of an independent NHRI with the support of the OHCHR. One international expert worked with a local expert and following discussions with stakeholders and senior officials, enabling legislation was produced together with briefing notes for politicians on the role, function, importance and need for a Paris Principles compliant NHRI. Action plans to establish the NHRI, build the necessary capacity and an initial operational plan and associated budget were also produced.
- 8.2.4 Over a 5 year period in Timor Leste, OHCHR built on previous work by the NIU Special Advisor and the direct intervention of the High Commissioner, the Office of Provedor for Human Rights and Justice was established, joining APF in 2005 as a fully compliant NHRI. A Memorandum of Understanding between the OHCHR and the Department of Peacekeeping Operations (DPKO) provided support in this instance to the UN Transitional Administration in East Timor (UNTAET) to develop local democratic institutions, including a human rights commission. In 2006 the NI Unit returned for a week's mission at the request of the Provedor to assist with the organisational structure of the newly established office and with the development of a strategic plan while also identifying the future support needs of the office.
- 8.2.5 In its pledge for membership to the Human Right Council the Government of Pakistan committed to establishing an independent NHRI. In September 2006 the OHCHR through the NI Unit, and the Parliamentarians Commission for Human Rights held a workshop for participants from government officials, parliamentarians and civil society, involving UN field staff and donors, to review the draft legislation and explore with three representatives from existing NHRIs the practical outworkings of any new organisation. The outcome of the procedural and substantive advice provided was the establishment of a working group to take forward the recommendations of the workshop and to continue advocacy with parliamentarians, government officials and other key stakeholders.
- 8.2.6 In Cambodia, a 2 week mission in December 2007 engaged an expert consultant through the NI Unit, to work with Government, Parliament, the judiciary and civil society to establish the relevance of the Paris Principles and to develop the necessary framework to allow the establishment of a national human rights commission in Cambodia.

8.3 Through the diverse formats of the above sample of missions, it is clear that the core messages are the same, delivered by various means of technical support and legal advice. The centrality of the Paris Principles and the engagement of all partners, including civil society, has been demonstrated by the NIU and by consultants with both practical and academic expertise. The role of OHCHR in engaging other relevant UN partners and the wider family of OHCHR, including direct intervention by the High Commissioner herself, ensures the attention of government and the judiciary at the national level. An enhanced knowledge and experience among UN field staff, country desks and UNDP of the role and function of NIs would allow a more coordinating role for the NI Unit and should provide ongoing local support to the process at national level.

9 Regional Support

- 9.1 The NI Unit provides the Secretariat for the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and works in close cooperation with the regional secretariats of NHRIs which it helped establish – the Coordinating Committee of African NHRIs (CCANI), the Asia Pacific Forum of NHRIs (APF), the Network of NHRIs of the Americas and the European Coordinating Group of NHRIs. The ICC Bureau met with all regional representatives in December 2007 in Geneva to review progress with the new arrangements and to prepare for the 9th International Conference, scheduled to take place in Nairobi in 2008.
- 9.2 As part of efforts to redefine its role, the CCANI changed its name to the Network of African National Human Rights Institutions upon adoption of the Network's constitution in October 2006 in Santa Cruz, Bolivia, during the 8th International Conference of the ICC. The main purpose of the network is to promote cooperation and facilitate the coordination of activities of African NHRIs as well as to encourage and advise governments on the establishment of new national institutions in Africa in conformity with the Paris Principles. In December 2006, OHCHR and the Kenya National Commission on Human Rights signed a grant agreement in order to set up the permanent secretariat of African NHRIs. The project to establish a Permanent Secretariat to the African Network was fully implemented with the appointment of a regional coordinator in November 2007, based in Kenya, and the OHCHR is encouraging donor support for its activities. In October 2007 the NI Unit participated in the regional conference of the network held in Kigali, Rwanda which also involved UNDP, UNHCR and the *Organisation internationale de la francophonie*. The strength of the regional and international networks of NHRIs was evident in the range of support sent to the Kenyan Human Rights Commission during the conflict that followed the recent general election.
- 9.5 The Network of the Americas comprises 15 fully accredited NIs who participated enthusiastically in the Actors for Change training programme and who are in close contact with the ICC and the NIU. In October 2007, with the support of OHCHR, the Network organised a seminar in Mexico on the role of NHRIs in relation to the Convention on the Rights of Persons with Disabilities. The OHCHR contributed to the publication of guidelines for NHRIs as an outcome of the event. The 8th International Conference of the ICC was held in Bolivia in October 2006 looking at best practice for NHRIs on the theme of human rights and migration, with guidance issued through the Santa Cruz Declaration.
- 9.6 The Commonwealth Secretariat has established a network of NHRIs following on from a three year project funded through the British Council, which hosted a series of

workshops on issues of interest to NHRIs from governance through to complaints handling, and established an active website. These activities were supported and assisted by the NI Unit at OHCHR and a meeting was held in Geneva in March 2007 on the fringes of the ICC meeting, to agree on how best to build on the contacts established throughout the Commonwealth network. It was agreed that NHRIs would seek increased access and interaction for NHRIs at the meetings of Commonwealth Heads of Government and that there would be continued cooperation with the NI Unit, as evidenced in the subsequent meeting of the Commonwealth Forum in November 2007 in Kampala, the conclusions of which stressed the need for all NHRIs in the Commonwealth to respect and function in conformity with the Paris Principles.

- 9.7 In Europe the network is based with the Irish HRC, having been located with the French for several years. The NI Unit has worked with the Council of Europe and the office of the Commissioner for Human Rights in organising bi-annual Roundtables of European NHRIs, the last being held in Athens, Greece in September 2006 which looked at issues relating to NHRI participation in the Human Rights Council, treaty bodies, accreditation and capacity building and inter-agency cooperation. The Council of Europe Commissioner on Human Rights is receptive to increased cooperation and joint activities with the NI Unit, where there is also a recognition of the mutual benefits of such an approach, which would be welcomed and supported by NHRIs in the region and by OHCHR colleagues. In November 2007 a Forum was held in Lisbon which was jointly funded by the Council of Europe, the Venice Commission and OHCHR to review the role and function of NHRIs and North–South cooperation.
- 9.8 The Asia Pacific Forum (APF) is the longest established of the regional networks and is an important partner to the NI Unit in its support to the region and globally. The regional workshop held in October 2007 in the Philippines involved senior representatives from 9 member states where there is not yet an established NHRI, with the NI Unit contributing to a programme of capacity building and sharing of experience to encourage the creation of new institutions along UN approved lines. At the APF annual meeting in June 2007, NHRIs met with mandate holders from the Special Procedures Division to exchange views on the potential for better cooperation between NHRIs and the work of the Special Procedures Division. APF has also played a leading role among NHRIs in developing a disability rights database to assist in the implementation of the Convention on the Rights of Persons with Disabilities.

10 Thematic support

- 10.1 Roundtables of NHRIs were convened along themes relating to the Actors for Change training programme, in June 2006 on the role of NHRIs in conflict and post conflict situations held in Belfast, Northern Ireland and late in 2007 a follow up Roundtable on transitional justice, held in Cape Town, South Africa. Also in November 2007, the NI Unit made a substantial contribution to an international seminar hosted by the National Human Rights Commission of Korea in Seoul on the role of NHRIs in the newly established UN Human Rights Mechanisms, including their role in the Human Rights Council, the Universal Periodic Review, the Advisory Committee, treaty bodies and special procedures. These thematic discussions helped contribute to and consolidate the learning from the prevention of torture and conflict prevention courses and worked at a very practical level in terms of the direct sharing of experiences and concerns among the NHRIs represented. Senior staff and Commissioners attended the events, ensuring that discussions focussed on a

strategic role for NHRIs and that lessons shared were assimilated into the planning processes back home.

- 10.2 In Cape Town the roundtable was organised by the NI Unit in close cooperation with the OHCHR Representative for Southern Africa and the South African HRC. Participants from 15 countries where transitional justice is a live issue met to discuss their role in peace processes, truth-seeking mechanisms and judicial and non-judicial mechanisms of promoting justice and dealing with the past.
- 10.3 The format of participants leading the discussions, with the primary focus on debate and shared experiences worked very well in Belfast where 19 NHRIs were represented. Drawing on common themes for NHRIs in conflict and post conflict situations and seeking to identify effective responses while allowing for the necessary accommodation to the national context, was an excellent exercise. It helped each contributor to rationalise their own Commission's position and to have others reflect and comment from their various experiences made for a very constructive workshop with most people returning to their NHRIs with ideas and proposals that either challenged constructively their previous approach, or affirmed their original position⁶.
- 10.4 That affirmation can be more valuable than any external instruction. Leading an NHRI is usually an isolating experience, rarely popular with either government, the judiciary or civil society. The affirmation of colleagues and particularly of the international community, is profoundly helpful. Usually for NHRIs this support comes via the NI Unit as the link to the UN system. The more that link can be reinforced by connections to other international networks and strong regional networks of NHRIs, the more effective and confident national NHRIs will become. The developing relationship of NHRIs directly with Treaty Bodies at the UN and the Council of Europe, and with the Special Procedures Unit, or more realistically with individual Special Rapporteurs, also contributes to a more confident approach from NHRIs in promoting international standards and challenging the progress of states in implementing the recommendations of examining bodies and fulfilling their international obligations.

11 Engagement across the UN system

- 11.1 The NHRIs have increasingly become active participants in the treaty processes, commenting on State Parties' reports and submitting shadow reports, occasionally supplemented by attendance at examining Committee meetings. Not all NHRIs are so involved: some are active in particular treaty body examinations and not in others; some rely on other individual institutions to contribute to their national human rights protection system such as Children's Commissioners relating to the UN Convention on the Rights of the Child; some comment on or contribute to state reports but do not prepare shadow reports; some engage closely with NGOs and civil society in the preparation of responses, some do not; some develop direct relationships with individual members of examining committees. The Treaties and Follow-up Unit of the OHCHR would like to see NHRIs take a more active role still, and highlighted the impact of attending examinations and meeting with Committee members. There is a view that members inherently trust NHRIs more than they do state representatives or NGOs, given that the NHRI agenda flows, or should flow, from adherence to international norms as opposed to wider political influences. The ability of regional secretariats of NHRIs and the ICC representative to contribute on behalf of accredited NHRIs opens further opportunities for enhanced engagement.

⁶ International Roundtable on the Role of National Institutions in conflict and post conflict situations, 20-22 June 2006, www.nihrc.org

- 11.2 Where current or former members of NHRIs are members of examining committees, there is a greater understanding of the potential contribution NHRIs can make and this has been illustrated in several examples, most clearly in the progress made by NHRIs in relating to the Committee on the Elimination of Racial Discrimination, where the Director of the Danish Institute for Human Rights, until recently, a member, and NHRIs have had direct access to the Committee and have engaged in missions by the Committee to monitor the implementation of recommendations at national level. The Irish Human Rights Commission was invited to address the Committee on the Elimination of Discrimination Against Women which has been more widely heralded by NHRIs than by the Treaties and Follow-up Unit at OHCHR, where the precedent is acknowledged, but it is not yet interpreted as a systemic change in practice.
- 11.3 The introduction of the Universal Periodic Review (UPR) by the Human Rights Council is likely to introduce some duplication of reporting, and given the limited resources of most NHRIs, it is unlikely that there will be a rapid increase in direct participation at reviews in Geneva. However the work of the NI Unit and the training through the Actors for Change programme has raised awareness among NHRIs of the relevance of international treaty monitoring and the centrality of this area of work to their role and function. This is illustrated by the focus in the torture prevention training on contributing to national preventive mechanisms under OPCAT.
- 11.4 A Roundtable on the interaction between NHRIs and treaty bodies, organised by the German and Danish NHRIs together with the OHCHR was held in November 2006 in Berlin and reported to a meeting of chairpersons of the human rights treaty bodies and to the Sixth Inter-Committee Meeting of the human rights treaty bodies, in June 2007 in Geneva⁷. The conclusions comprise a range of recommendations for closer mutual cooperation and support between the treaty bodies and NHRIs with specific roles for NHRIs described in disseminating information about the treaties, the examination process and the implementation of committee recommendations. Treaty bodies in turn are urged to provide support and protection where necessary to participating NHRIs and formalise and facilitate their engagement with NHRIs during and after States Party examinations. It was further recommended that the development of harmonised procedures relevant to NHRIs be a standing agenda item for the Inter-Committee Meetings of treaty bodies. The NI Unit provides regular briefs to NHRIs on treaty bodies and ensures that concluding observations are forwarded to NHRIs and regional secretariats of relevant countries.
- 11.5 NHRIs also have a role, supported by the OHCHR, in contributing to the development of international human rights conventions. An example of this is evident in the high profile taken by NHRIs globally in the preparation of the UN Convention on the Human Rights of Persons with Disabilities, adopted by the General Assembly in December 2006 and opened for ratification in March 2007. The drafting process began in 2002 and involved a series of eight substantive sessions, attended variously by many NHRIs with expertise in disability rights protection. With vital support from the NI Unit and the ICC, NHRIs played a constructive and influential role throughout the drafting process. The ICC delegation was led initially by the South African Human Rights Commission and latterly by the Indian HRC, involving representatives from the regional secretariats as well as individual NHRIs in drafting common positions. In December 2005 a meeting of NHRIs was convened at Harvard Law School to reflect on the various options and to prepare a detailed draft proposal for submission to the Ad Hoc Committee. A further seminar followed in early 2007, again at Harvard Law

⁷ Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies, HRI/MC/2007/3

School, to review cooperation among NHRIs in their engagement with the Convention through the three core functions of promoting, protecting and monitoring the implementation of the Convention. In terms of monitoring, Article 33(2) refers explicitly to the role of NHRIs and reinforces at the highest level, the centrality of NHRIs in translating the general provisions of international law into the arena of domestic policy on disability:

2. *States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, at the national level an independent mechanism to promote, protect and monitor the implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the Principles relating to the status and functioning of national institutions for protection and promotion of human rights.*⁸

While to the observer, a factor in the profile of NHRIs in the development and eventual application of this Convention was the attention and efforts of a small number of well informed and active individuals from across the NHRI family, the coordinating role of the NI Unit was crucial in recognising the important opportunity presented by the process to establish NHRIs as a critical component of the international human rights protection system as well as to ensure the inclusion of relevant substantive input. As the first human rights convention to be concluded in the 21st century, it puts down a strong marker for the future engagement of NHRIs and consolidates the progress made over the past 15 years since the adoption of the Paris Principles.

- 11.6 There is an increasing mutual appreciation of the value of a relationship between NHRIs and the mandate holders of the Special Procedures Unit. From a standing start, where it was perfectly possible for a Special Rapporteur to visit a country on mission without reference to the local NHRI, there is now a much greater awareness of the potential of close relationships and shared information. In June 2007, the NI Unit held a special workshop in the fringe of the annual meeting of the special procedures mandate holders, to highlight the role of NHRIs and their relevance to the work of Special Rapporteurs. There is a really productive role for the NI Unit in promoting a better and wider mutual understanding of the role of NHRIs and the UN structures for human rights protection. Such relationships that do exist are often the product of NI Unit activity and networks. There is a real opportunity for the NI Unit to secure and direct resources to reinforce existing relationships and to create better understanding among UN colleagues and across the NHRIs networks of the potential of closer working relationships. This applies not only to connections with the UN system but also with the Council of Europe and the European Court. The role of NHRIs in for example, monitoring the implementation of recommendations of the European Court, is critical to an effective national human rights protection mechanism. This role is replicated across the globe in relationships with other human rights systems through among others the Commonwealth Secretariat, the Inter-American Court of Justice, the African Court on Human and People's Rights, the International Court of Justice and the International Criminal Court.
- 11.7 The National Institutions website has been developed through this project and provides an important source of information and contacts for NHRIs and human rights protection systems. Supported initially through the Danish Institute for Human Rights, the site is currently in transition to the Indian Commission. As it developed the

⁸ UN Convention on the Rights of Persons with Disabilities, Article 33 (2)

site contained a valuable range of important documents from the ICC and regional secretariats, regular updates on the work of the High Commissioner and the Human Rights Council, and highlighted good practice stories from NHRIs around the world. There is potential for this site to be extended and promoted more widely as a direct link for the UN system and other external human rights agencies and networks as well as civil society, to National Institutions and their work. To this end, it makes sense that the NI Unit be resourced adequately to re-launch and maintain the website, using it as a vehicle for disseminating training materials, staff exchange opportunities and as a repository of information for NHRIs and their stakeholders, as well as a working link externally with human rights protections mechanisms and internally with the UN system, encouraging and facilitating greater awareness, understanding and cooperative working with NHRIs. To make best use of this resource, it is perhaps unfair to expect an individual NHRI to hold responsibility; the body of knowledge and database of contacts sits with the NI Unit. It therefore makes sense to have dedicated staff time available to work in this area. A recent email discussion group between the NI Unit and UNDP on the role of NHRIs in furthering human rights and development objectives as the first phase of an e-discussion on Supporting National Human Rights Institutions, is a good example of the possibilities for constructive electronic networking.

- 11.8 The permanent presence of the ICC Representative in Geneva, located in the Palais des Nations, has been an important development negotiated by the NI Unit on behalf of the ICC and member NHRIs. This post and its central location will help to consolidate the progress made in securing direct participation by accredited NHRIs in the Human Rights Council, across all agenda items (as opposed to the previous access through Agenda Item 18(b) at the Human Rights Commission, allowing each NHRI a few minutes only to highlight current human rights priorities to the assembly). In addition, the regional secretariats now also have the authority to represent NHRIs at the Human Rights Council and with treaty bodies, which reflects the higher profile of NHRIs (even to the extent that there is now a dedicated seating area for NHRIs) and the opportunities to engage actively have been enhanced. In return, the ICC has put in place a more rigorous accreditation process and is re-accrediting all 51 NHRIs whose status precedes the new regime. The ICC and the NIU have invested heavily in revising the accreditation process, introducing a system of appeal and re-accreditation. The number of fully accredited NHRIs has now risen to 60, with most developments happening in Europe and Asia.
- 11.9 Several NHRIs and the APF and ICC representatives have addressed the Human Rights Council. For example, in December 2007 the South African Commission spoke for the first time at the Human Rights Council, promoting ratification of OPCAT by South Africa and the creation of a national preventive mechanism and legislation to criminalise all forms of torture and mistreatment, in particular the express prohibition on the use of statements obtained by such treatment, as recommended to South Africa by the Committee Against Torture in 2006. Previously in March 2007, the ICC meeting in Geneva had focused on the role of NHRIs in torture prevention, building on the greater awareness of the issues resulting from the work of APT in the Actors for Change programme and also independently, as in their partnership with the Asia Pacific Forum.
- 11.10 The 2008 report of the Secretary General to the Human Rights Council welcomes this higher profile at the UN and at the local level:
81. *The Secretary-General welcomes the increasingly important role of NHRIs in the work of the OHCHR and the deepening of their partnership in connection with the implementation of the High Commissioner's Plan of Action and*

*OHCHR country engagement strategies. The more the United Nations system works closely with and through independent NHRIs, the greater are the chances of success and sustainability of good governance, rule of law and human rights efforts. Working with NHRIs clearly facilitates a stronger sense of national ownership with respect to United Nations human rights programmes.*⁹

There are opportunities, highlighted also by the Secretary General, for NHRIs to increase their profile in marking the sixtieth anniversary of the Universal Declaration of Human Rights. The theme for 2008 is *Dignity and justice for all of us* and the NI Unit is well placed to encourage individual NHRIs and regional secretariats to identify creative and useful activities to promote that message nationally and internationally, with the support of OHCHR and the UN system. The Chief of the Field Operations and Technical Cooperation Division reinforced this message, regarding NHRIs as the mechanism for standard setting at field level and the NIU as the door to institutions for the OHCHR family. Strengthening and broadening the NHRI connections across UNDP and field offices in national protection mechanisms is a productive and effective way forward. In April 2007 the NI Unit prepared a briefing to all UN Resident Coordinators for UNCTs on steps to take to help establish or strengthen NHRIs which was positively received.

Recommendations

1. The content of the two courses should be retained and modified as appropriate to ensure wide dissemination. While copyright lies with the NI Unit at OHCHR, attention should be paid to acknowledging authorship of materials.
2. OHCHR should make greater use of regional networks to assist in the selection process and see the course included on the regional work plans of NHRIs.
3. OHCHR should develop a more formal and structured follow-up programme to the course, including: (i) the distribution of action plans to the different sections of OHCHR; (ii) where the action plan has a concrete action, undertake follow up to see if it has been implemented; (iii) more actively include field offices in the project, or at least make them aware that the NHRI has undertaken the course.
4. A possible follow-up action includes deepening the engagement with relevant authorities to ensure prevention of torture through changes in manual for police, standing orders, implementing regulations etc.
5. OHCHR should ensure further cooperation with APT and Fahamu as well as other relevant NGOs in the planning and the implementation of follow-up actions.
6. The distance learning methodology of the Actors for Change programme should be replicated on other topics of relevance to NHRIs. Suggestions include gender issues in conflict prevention, dealing with the past, the rule of law and the administration of justice.
7. Consideration should be given to putting the materials onto the web, through Open Learning or another international channel, for use at no cost.

⁹ Para 81, Secretary General's Report, January 2008, A/HRC/7/69

8. If repeating the distance learning model, the provision of notebook computers loaded with the appropriate materials, should be considered when preparing a budget, for those participants who have difficulty accessing the necessary equipment.
9. Delivery of the courses should be commissioned to a single appropriate partner, according to the topic. The UNSSC is well placed to manage training that includes staff from other parts of the UN family, and has standard procedures for working with consultants. APT is the obvious vehicle for further work on the prevention of torture. They and Fahamu may be better placed to undertake individual commissions to work with NHRIs, supported by the NI Unit.
10. Coordination of the provision of courses should sit with the NI Unit in the portfolio of a dedicated member of staff. There is an appetite among NHRIs for this kind of training and the NIU is well placed to coordinate activity across various courses and through the NHRI regional secretariats. There is a need to ensure that OHCHR has the necessary funds to allocate to any similar project designed in the future.
11. Other relevant members of OHCHR should attend training at the national level as a means of reinforcing national networks and delivering sustainable learning, and consideration should be given to opening the courses to other local actors in the national protection mechanisms.
12. The current courses and any future topics should seek formal academic accreditation. There are various options to take this forward, and the UNSSC is probably best placed to undertake the necessary negotiations. The disingenuous practice of issuing a meaningless certificate from the University of Oxford to participants who complete the course is misleading and should not be repeated.
13. The NI Unit should work with regional desks to develop guidance for NHRIs and other actors in national protection mechanisms on the UN system and encourage engagement.
14. The primacy of the Paris Principles as a measure of the effectiveness of a NHRI should be tempered with consideration of its activities at the national level, recognising that there are other actors as well as NHRIs who play an important role in human rights protection.
15. The ICC and regional desks should coordinate NHRIs input to treaty bodies and facilitate contact with Special Rapporteurs.
16. NHRIs should continue to be encouraged to engage with the Human Rights Council and Universal Periodic Review process, with proactive sharing through the NI Unit of experiences of NHRIs, ICC and regional representatives.
17. The website for NHRIs should be coordinated and developed from the NIU, with dedicated resources to do so.
18. Partnerships with other international human rights organisations should be developed such as with the Council of Europe and the OSCE.
19. The current drive to enable NHRIs and UN staff to work at national and regional level with the NI Unit in a coordinating role is a positive development and could extend to

responding to requests for on-site support to new NHRIs. Longer term consultancies where experts engage for short periods over several months can avoid creating dependency while still giving guidance.

20. The NI Unit should be adequately resourced to ensure quality control can be maintained in supporting NHRIs while continuing in the strategic direction of enabling and developing partnerships where possible.

