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the High Commissioner and the Secretary-General

Technical assistance and capacity-building

Summary of the workshop on ensuring effective and inclusive mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies
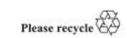
Report of the Office of the High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 30/24, in which the Council decided to organize an expert workshop to discuss effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies, and to invite the participation of States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, treaty bodies, special procedures, regional human rights mechanisms, civil society organizations, academia, national human rights institutions and other stakeholders.

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I. Introduction

1.   In its resolution 30/24, the Human Rights Council affirmed that the inclusive participation of all sectors of society in debating and developing policies and programmes affecting all the population was critical for the success of such processes. It also recognized that public policies planned and formulated through participatory and accessible approaches were key factors in promoting respect for and safeguarding the realization of human rights. In its resolution, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize an expert workshop to discuss effective, inclusive and participatory mechanisms and methodologies to mainstream human rights in the formulation and implementation of public policies, with the participation States, relevant United Nations bodies, funds and programmes, intergovernmental organizations, academia, national human rights institutions and other stakeholders. The Council also requested OHCHR to prepare a summary report on the discussions at the workshop and to present it to the Council at its thirty-third session. The present report was prepared pursuant to that request.

2.   OHCHR, in consultation with all relevant partners, designed the methodology for the workshop, ensuring coverage of practical ways of mainstreaming human rights in all phases of the design, development, implementation, monitoring and evaluation of national policies. Participation in the workshop was open to all Member States. Panellists and discussants were chosen on the basis of their expertise and practical experience in the development of national policies, with due regard for gender and geographic distribution. The workshop, held on 5 September 2016, had the aim of exploring further opportunities and of sharing good practices when setting up effective mechanisms for inclusive and participatory public policymaking, with a view to integrating a human rights perspective. The discussions also explored the central role of civil society and rights-holders in such processes.

3.   The following panellists and discussants contributed to the workshop: Management Board member of the European Union Agency for Fundamental Rights, Filippo di Robilant; member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, Lin Lim; Professor at the University of Oran, Algeria, Mohamed Boulaa; Partnerships Adviser at the United Nations Development Programme (UNDP) Office in Geneva, Sara Sekkenes; Manager of Policy Studies at the Geneva Academy of International Humanitarian Law and Human Rights, Felix Kirchmeier; Associate Professor at the Faculty of Law at "Lucian Blaga" University of Sibiu, Romania, Laura-Maria Crăciunean-Tatu; Councillor at the Permanent Mission of Ecuador to the United Nations Office at Geneva, Luis Espinosa-Salas; Professor at the Catholic University of Peru, José Antonio Burneo Labrin; and the Chairperson of the Scottish Human Rights Commission, Judith Robertson. The workshop was moderated by the Chief of the Africa Branch of the Field Operations and Technical Cooperation Division, OHCHR, Mahamane Cissé-Gouro; the Chief of the Development and Economic Issues Branch, OHCHR, Craig Mokhiber; the Legal Attaché of the Permanent Mission of Namibia to the United Nations Office at Geneva, Gladice Pickering; and the Chief of the Universal Periodic Review Branch, OHCHR, Shahrzad Tadjbakhsh.

4.   During the dialogue, representatives of Algeria, Chile, Colombia, Ecuador, Italy and Portugal took the floor. A representative of the United Nations Population Fund (UNFPA) also participated in the discussion. Representatives of the non-governmental organizations Autistic Minority International, the International Disability Alliance and the International Movement ATD Fourth World also took the floor.

II. Opening session

5. The Ambassador and Permanent Representative of Ecuador, Maria Fernanda Espinosa, introduced the panellists, and pointed out that the objective of the workshop was to explore the ways in which public policies could be made more inclusive and thereby more effective in making human rights a reality for people. This was also a matter of making the work of the Human Rights Council useful at the country level, with tangible impact for rights-holders. She noted that this was not the responsibility solely of Governments but of societies as a whole. She added that the 2030 Agenda for Sustainable Development offered important opportunities in this regard. Ambassador Espinosa welcomed the workshop as an important forum for dialogue and exchange on good experiences and practises.

6. In her introductory remarks, the Deputy United Nations High Commissioner for Human Rights, Kate Gilmore, stressed that the task of mainstreaming human rights in public policymaking carried a considerable weight of responsibility. To this end, there was a need to find the surest route or pathway to alleviate preventable human suffering. She referred to the first article of the Universal Declaration of Human Rights and its opening promise that all human beings are born free and equal in dignity and rights. The challenge was to make this a reality for everyone, everywhere. Major impediments confronting rights-holders every day were no accidents of fate, nor were they always the results of the absence of public resources. Some key barriers were the products of discrimination in public policies and social policies that left some behind. These obstacles to development were of our own making; it was therefore also within our power to dismantle them. Different choices could be made. Some policies governing, for instance, land management, work conditions and industrial relations actively drove inequality. Policy choices were compounded in racial discrimination; for example, persons of African descent had a persistent disadvantage in finding work and in their access to public services. Minorities were overrepresented in prisons, but often underrepresented in decision-making. She added that the 2030 Agenda for Sustainable Development was clear and explicit on this point. The promise to "leave no one behind" was a commitment that no bigotry would set the tone for public policies. Governance must be rooted in dignity and justice, so that no one is left out or left behind. The Deputy High Commissioner recalled that it was the Member States themselves that had established international laws prohibiting discrimination. The surest and speediest pathway to empower people was by ensuring that they themselves were agents of change who could participate in planning and decision-making.

7. The Deputy High Commissioner made reference to a recent report of the Special Rapporteur on extreme poverty and human rights, in which he had described how economic, social and cultural rights still, in many instances, remained invisible in the law and institutions of many Member States (A/HRC/32/31, para. 2). Recognizing these rights in law and in practice was essential to guard against entrenched elites who protect themselves by marginalizing economic and social rights. The good news was that equitable public policies were not only possible, but also fiscally wise, technically intelligent and security friendly. By way of illustration, the Deputy High Commissioner recalled the case of many States in Latin America, where social and economic inequalities were gradually being overcome through strategic social spending. For such policies to be effective, disaggregated data had to be collected and analysed. The workshop was therefore a valuable opportunity to benefit from the ideas of participants.

8. Introducing the agenda of the day, the Officer-in-Charge of the Field Operations and Technical Cooperation Division of OHCHR, Gianni Magazzeni, explained that the workshop had been organized around four consecutive dialogues on specific aspects and phases of the policymaking process. The first dialogue focused on the preparatory phase

and diagnosis of the development of national policies, while the second would explore the design of policies, with special attention to the needs of vulnerable groups. The third dialogue would look into the implementation of mechanisms for mainstreaming human rights through the national police. The fourth dialogue would focus on mechanisms and tools for monitoring the implementation of national policies and follow-up. The workshop would be concluded with an analysis of results and reflections on the ways forward by the panellists and discussants.

III. Dialogue I: preparatory phase and diagnosis for the development of national policies

9.   The Chief of the Africa Branch of the Field Operations and Technical Cooperation Division of OHCHR, Mahamane Cissé-Gouro, opened the dialogue by emphasizing the importance of the initial preparatory stage for effective and sustainable policymaking, given that only sound analysis based on accurate data would allow serious social and economic challenges to be tackled. In a wider sense, this also involved understanding the actors and their motivations and interests.

10.   The Management Board member of the European Union Agency for Fundamental Rights, Filippo di Robilant, underlined the importance of promoting an understanding of human rights as a horizontal and cross-cutting issue, recalling that the realization of economic, social and cultural rights generated inclusion and social justice. Human rights should not be regarded as a minority issue or an optional extra, but something to be enjoyed by everybody. In order to act proactively rather than reactively, human rights should be mainstreamed throughout national policy discussions and be reflected across all levels of governance, while involving non-governmental stakeholders in a systemic approach.

11.   Mr. di Robilant called for multi-level cooperation between the United Nations and regional and national bodies in the implementation of rights. Given the complexity of the challenges that the world faced and the diversity of States, both State and non-State human rights actors had to work together and develop joint efforts within their respective capacities. The exchange of best practices could help to pool knowledge and expertise from different States. More opportunities for good practice sharing and peer-to-peer support between States should be developed. Common indicators could be used to assess national human rights strategies; for example, they could reveal whether existing funds were being used to improve the level of protection of human rights or were being left idle or, worse, disappearing into pockets. Although simple yet essential accountability tools were urgently needed, they were resisted in many States.

12.   Promising initiatives in this regard included the Annual Colloquium on Fundamental Rights organized by the European Commission, and the Fundamental Rights Forum which the European Union Agency for Fundamental Rights had convened in Vienna for the first time, in June 2016. These had been opportunities to foster multi-level cooperation and data-sharing, to advance the debate and to create strong and focused human rights policies that would help to safeguard shared values. Fostering inclusive societies through human rights and citizen education was essential to achieve positive change. This had to start at primary school and continue to the highest levels of education. International organizations had a central role to play in disseminating human rights principles, enhancing critical thinking and media literacy, and increasing intercultural understanding through education. Mr. di Robilant referred to the European Erasmus programme as a good example of such work.

13.   Recalling the principle of "nothing about us, without us", and in particular its practical application in the development of key international human rights instruments, such as the Convention on the Rights of Persons with Disabilities, Mr. di Robilant

underlined the importance of engaging and consulting with rights-holders, especially vulnerable groups. Furthermore, recalling that "you can't manage what you can't measure", he underlined the importance of pursuing the development of indicators at the national level. Solid and credible statistics were fundamental for taking any sound political decision: they allowed questions to be raised and answers to be found. Mr. di Robilant made a call for more concrete proposals of a technical nature, suggesting, for instance, the creation of an international human rights information system, a kind of hub bringing together high-quality data and indicators from the United Nations, the Council of Europe, the Organization for Security and Cooperation in Europe and other relevant European Union institutions, including Eurostat, the Schengen evaluation system, the European Ombudsman and other regional bodies. Such a system would strengthen civil society engagement, help to raise public awareness of international standards and monitoring mechanisms, and also help practitioners to make informed decisions and assessments.

14.   Mr. di Robilant further underlined the need to pay attention to the practical implementation of legal and political human rights commitments. He explained that putting human rights at the centre of the stage was also an operational question, and that many lawmakers, judges, lawyers and officials nonetheless remained unaware of the obligations arising from international treaties and conventions and the momentum they created in order to expand human rights for all. This was problematic, especially when justice is delivered by actors at different levels of governance. For that, simple and practical tools were needed to ensure that fundamental rights standards are upheld, aiming them at legal practitioners in particular. Universities and professional accreditation bodies, for example, could offer human rights training as a compulsory module for obtaining a professional qualification.

15.   At the executive and legislative levels, Mr. di Robilant proposed the introduction in all States that were parties to international conventions an ex ante compliance check vis-à-vis their international human rights obligations, to be carried out by a specifically appointed administrative branch, which would review all draft laws or decrees before their adoption by the relevant authority and their subsequent implementation. This would resemble the environmental impact assessments many States already carry out before adopting and implementing key policies and laws.

16.   Mr. di Robilant underlined the need to create a "smart mix" by increasing systemic cooperation among key actors, including national human rights institutions, equality bodies, national courts, ombuds institutions and civil society organizations. Non-governmental organizations should be heard in the context of assessment and evaluation of impact, or when the implementation of existing legislation is reviewed. To that end, it would be beneficial to set up at the national level a body with convening powers allowing key civil society actors to meet, exchange experiences and best practices, as well as to formulate proposals for the improvement and implementation of policies. As an example, Mr. di Robilant referred to the experience of the Agency for Fundamental Rights with its Fundamental Rights Platform. The establishment of similar platforms at national level should be considered where comparable tools did not yet exist, thus fostering national human rights communities. Mr. di Robilant recalled that the shaping of policies on fundamental rights through the participation of various segments of society was a key concern of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

17.   As a final point, Mr. di Robilant emphasized that global challenges such as migration, poverty, cultural diversity, climate change and governance could not be tackled without the direct involvement of cities. Urbanization had always been a fundamental vector of change in shaping social development, including social equality. The voice of cities was, however, rarely heard in debates on global issues. A way to allow local

administrations to play a more active role in the decision-making process therefore had to be found.

18.   The discussant Lin Lim, member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, fully agreed with the assertion made by Mr. di Robilant that human rights cut across all policy agendas of development, peace, security and social justice. These linkages were more important than ever in the light of the commitment that States had made to implement the 2030 Agenda for Sustainable Development, which was grounded in international human rights law and standards. Ms. Lim pointed out that human rights instruments provided useful guidance for strengthening the focus and quality of the Sustainable Development Goals, and for the measurements used to assess progress in achieving those goals. She emphasized that mainstreaming human rights had to be based, first and foremost, on a participatory and inclusive diagnosis of the situation of human rights and the challenges faced in a particular State.

19.   Ms. Lim stated that, in the various States visited by the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the members had confirmed that a human rights-based approach in national policies worked best when it was evidence-based and built on a thorough human rights analysis. For instance, in Ukraine, government agencies, the United Nations country team and development partners had all emphasized how much they rely on the objective and up-to-date monitoring and thematic reports of OHCHR as the basis for designing their own programmes. In Mexico, the Voluntary Fund had been supporting the OHCHR country office and national partners in gathering information and data on the situation of human rights. In Viet Nam, at the request of the Government, a review of the State's draft five-year development plan had identified several areas where the promotion of labour rights and decent work could be strengthened by adopting a more rights-based approach.

20.   Participatory and inclusive processes helped to ensure that policy responses were demand-driven and reflected national priorities and commitments. This was especially important to avoid concerns that rights-based policies were being externally imposed upon a State. This approach also promoted national ownership and leadership, which were critical in moving a complex and sensitive rights-based agenda forward. It also opened up scope for communication and cooperation between different stakeholders. Several States had reported that, under the convening role of the United Nations country team and in particular with the guidance of an OHCHR-supported human rights adviser, diverse national actors had been able to work together with the common goal of pushing for rights-based policies and programmes. In the United Republic Tanzania, for instance, the universal periodic review had provided an inclusive forum for the discussion of human rights issues; the multi-stakeholder engagement had resulted in a national report that genuinely reflected country-wide perspectives on human rights priorities. The main recommendations were translated into a national plan of action on human rights that explicitly promoted a human-rights based approach to development and poverty reduction.

21.   A participatory and inclusive process of mainstreaming human rights upheld the right of all stakeholders to participate in decisions that affect their lives and livelihoods. It also gave people the voice and a platform to express their needs and the capacity to engage effectively, and to claim their right to share fairly and equitably in the fruits of development. Broad-based, representative participation required, as a first step, the identification of all relevant rights-holders and duty-bearers. Discrimination was a major cause of non-participation, exclusion and marginalization. It was therefore essential to identify all forms of discrimination and to pay special attention to the most marginalized and vulnerable groups.

22.   The importance of legal literacy could be overemphasized. People were not able to push for rights-based policies and laws if they did not know what their human rights and

obligations were. Laws were not of much use if rights-holders did not know how to gain access to them or to use them, or did not know how to seek redress in cases of violation. Echoing the proposal made by Mr. di Robilant, that there should be rights-based citizenship education from primary school onwards, Ms. Lim noted that technical cooperation programmes aimed at economic objectives, such as income generation for the poor, especially marginalized women, had a wider and more sustained impact when they included a component of awareness-raising on legal rights and obligations.

23.   Ms. Lim observed that it is not just rights-holders who could benefit from education and training in a rights-based approach to policy formulation and the monitoring of their implementation. The duty-bearers – lawmakers, judges, police and officials at different levels of government – were often not fully familiar with their obligations under international human rights treaties. They were also often unaware that human rights instruments could provide a coherent and effective framework for national planning and action. It was also very important for duty-bearers to understand how to apply a human rights approach to not only policies but also budget determination.

24.   After the initial presentations, the floor was opened for Member States and other participants to intervene.

25.   Ecuador considered public policymaking a means to achieve social solidarity and a core element of a constitutional State. Proper diagnostics ensured that policies were based on reliable data and targeted to address important human rights concerns. At the same time, this approach also helped to ensure the sustainability of any action taken. Central to this was the generation of statistics and the establishment of baselines, and also of quantitative and qualitative human rights indicators.

26.   Italy had established an interministerial committee to oversee the implementation of the State's human rights obligations and to ensure that public decision-making was done in a participatory and inclusive manner. The speaker also emphasized the important role of parliaments in the design of laws and policies. Italy agreed that training was a key prerequisite for progress in the realization of human rights, and asked the panellists to expand on the particular demands and challenges in this area in the digital age.

27.   Algeria ensured an inclusive and participatory approach to policymaking at all levels; State institutions were applying international and regional human rights standards in a systematic manner. The national human rights commission was closely engaged in national decision-making. Human rights education was being given at all school levels in Algeria, while security services received special training thereon. Algeria asked the panellists to share their views on how States could best meet their international human rights obligations while also satisfying popular demand.

28.   The non-governmental organization International Movement ATD Fourth World underscored the importance of the principle of "nothing about us, without us", and referred to a recently published manual on human rights and extreme poverty. The manual had already been used in training in Senegal and Haiti.

29.   The representative of UNFPA stated that, as part of the United Nations family, UNFPA was applying a human rights-based approach to all its programming. It was important to recognize that human rights were not just a set of principles and that their realization was a goal in and of itself.

30.   In response to the questions and comments raised, Mr. di Robilant noted that the key issue was how to increase institutional accountability for failure to honour human and fundamental rights obligations by which States and regional entities were bound. He referred to examples from the European context under the auspices of the Amsterdam and

Nice treaties. The framework emphasized the importance of regular monitoring and the role of the European Commission to act preventively.

31.   Ms. Lim noted that, in the Human Rights Council, human rights concerns were often discussed, but less attention was drawn to good practices in different countries that could help to address the challenges identified. In her view, the workshop provided a good platform for such an exchange.

IV.   Second dialogue: designing policies with special attention to the needs of vulnerable groups

32.   The Chief of the Development and Economic Issues Branch of OHCHR opened the second dialogue, noting that the focus would be on identifying groups that needed particular attention, and on their rights be advanced and their voice brought into policymaking. He stated that a normative framework was the basis for this endeavour, and invited the panel to explore how meaning could be given to these legal obligations, so that no one would be left behind.

33.   Mohamed Boulaa, Professor at the University of Oran, Algeria, underlined the role of the State in protecting vulnerable groups in accordance with their international human rights obligations. The role required Governments to adjust their policies to guarantee rights and freedoms and to improve the status of the groups. Algeria had followed this path by ratifying all major international human rights instruments, including the conventions on the rights of children, women, migrants and persons with disabilities. While Algeria had adopted these obligations with some reservations, it had always presented alternatives to ensure full coverage and application. It had also met its obligations to report to and implement the recommendations of international human rights mechanisms, including the treaty bodies, the special procedures and the universal periodic review. Algeria had integrated its international human rights commitments into national law on the understanding that international obligations supersede national laws. New laws were drafted in accordance with international human rights standards, while existing legislation was amended to meet those requirements. Importantly, international human rights law had to be applied by judges in a consistent and uniform manner. International human rights law and international humanitarian law were also taught at Algerian universities. The constitutional amendment made in 2016 was the latest demonstration of the State's commitment to human rights, as it included articles ensuring gender equality in elected assemblies and the labour market. The Constitution forbade children under the age of 16 years from working. Algeria also had legal guarantees for the rights of persons with disabilities in their access to the job market.

34.   The Chief of the Development and Economic Issues Branch, Craig Mokhiber, thanked Mr. Boulaa for highlighting the value of basing policies on international conventions and using international mechanisms for advice and guidance.

35.   The discussant Sara Sekkenes, a partnerships adviser with UNDP Geneva, agreed with Mr. Boulaa's assessment of the recommendations made by international human rights mechanisms as valuable guidance for policymaking. She noted that a human rights-based approach was not only about integrating the contents of human rights standards and recommendations into programmes and policies; it was a reminder that, in order to mainstream human rights effectively, a principled approach was required; specifically, ensuring that efforts adhered to the principles of non-discrimination, participation and accountability. UNDP had integrated a human rights-based approach into its programmes, as had been demonstrated by the social and environmental standards approved in 2015.

36.   In South Africa, UNDP was leading coordinated United Nations support to establish a legal and policy framework compliant with the Convention on the Rights of Persons with Disabilities. The aim was to implement the provisions of the Convention with a view to reducing the vulnerability of persons with disabilities. Indigenous peoples were another often disenfranchised and excluded group, given that their livelihoods could depend heavily on their rights and access to land. UNDP had been working in innovative ways to strengthen the capacities of indigenous and Afro-descendent peoples in order to develop effective dialogues where their priorities and proposals for actions could be streamlined into national policy processes; for example, in Nicaragua, a mechanism formed at the subnational level – the Consultative Committee of Indigenous and Afro-descendant Peoples (CCPIAN) – systematically provided the United Nations country team with advice.

37.   Ms. Sekkenes noted that the 2030 Sustainable Development Agenda was firmly grounded on the norms and standards of international human rights law, and geared towards addressing inequities and inequality. Although many States had taken significant strides to lift their populations out of poverty, inequality had continued to grow. Evidence suggested that, despite economic growth, the most marginalized did not have access to the same opportunities as other social groups. For UNDP, the notion of inclusion in development was inseparable from the broader concept of human rights. The inclusive participation of all sectors of society in discussing and developing policies and programmes affecting the population was critical for the sustainability and success of such processes.

38.   UNDP was also working with many national human rights institutions around the world to ensure they had the capacity to play their important role in national systems for the promotion and protection of human rights. Ms. Sekkenes observed that national human rights institutions constituted a unique bridge between the Government, civil society and marginalized populations, and could bring the issues and rights of excluded groups to the forefront. In this context, she acknowledged the important work of the Global Alliance of National Human Rights Institutions in bringing social exclusion and human rights mainstreaming into the discussion on the implementation of the Sustainable Development Goals.

39.   The discussant Felix Kirchmeier, Manager of Policy Studies at the Geneva Academy of International Humanitarian Law and Human Rights, pointed out that vulnerability should not be understood as a permanent state, but something that could be changed through positive action. Likewise, disability was largely a social construct. In order to address such vulnerability, it was essential to look at the origins of these issues rather than just their symptoms. In this regard, he asked Mr. Boulaa to elaborate on how vulnerable groups were able to engage in policymaking and how Algeria had addressed the intersectionality of human rights in these processes. He noted that the Special Rapporteur on the rights of persons with disabilities had issued a set of recommendations on the right to participation of disadvantaged groups. Mr. Kirchmeier also noted of the recent establishment by the Human Rights Council of the mandate of Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity. The inclusion of religious minorities was also important to keep in mind in inclusive policy making. Mr. Kirchmeier recalled that the high-level task force on the implementation of the right to development and the Working Group on the Right to Development had specifically underscored the importance of the social inclusion of vulnerable groups.

40.   Mr. Mokhiber agreed that the legitimacy of policies depended on inclusive and participatory processes that allowed all relevant rights-holders to be engaged and have a say. An important question was what was being done to facilitate the authoritative participation of vulnerable groups. Disability was a social construct, and it was the role of policymakers to dismantle barriers and obstacles to the full realization of human rights.

41.   The representative of Chile stated that, since the State's transition to democracy, international human rights treaties enjoyed constitutional status. Integrating international obligations into national law was an arduous but important challenge that Chile was facing with determination. The Government had also made progress in improving policymaking with a view to reaching those whose rights had to be defended. Participation in all stages of policy development was being improved in collaboration with civil society, including within the context of the universal periodic review process. Human rights should not be forgotten in the implementation of the 2013 Agenda for Sustainable Development. The State invited the panel to elaborate on ways to mainstream human rights and how best to address the challenges in collecting data and reporting to the international human rights mechanisms.

42.   The non-governmental organization Autistic Minority International deplored the fact that there was no person with a disability or representing a vulnerable group on the workshop panel. Inclusive education remained a challenge, and people with disabilities were still unable to benefit from quality education. This was particularly true for persons with mental impairments, who were sometimes placed in guardianship and were thus unable to participate fully in public life and decision-making. Persons with autism faced specific prejudice and discrimination.

43.   The representative of Ecuador stressed that the social inclusion of vulnerable groups required changes in the economic and social model, based on policies that promoted equality and took into account gender, age, disability and migration.

44.   The representative of the non-governmental organization International Service for Human Rights underlined the crucial role of human rights defenders in the protection of the human rights of vulnerable populations.

45.   Mr. di Robilant agreed that there was a need to make education more inclusive, also by looking at alternative forms of education and going beyond set age brackets. For example, lifelong education was important, as was ensuring that study materials were accessible for all.

46.   Mr. Boulaa stressed that Algeria was making great progress in updating legislation and applying socially inclusive policies at the national level. He also stressed the important role of the judiciary in establishing and developing jurisprudence as an added safeguard for the rights of vulnerable groups. In his view, vulnerable groups should also include persons receiving harsh sentences, including the death penalty. He pointed out the Algeria had instituted a moratorium on executions with a view to eventually abolishing capital punishment altogether.

47.   Ms. Sekkenes stressed that participatory processes were a key requirement for the successful implementation of the 2030 Agenda for Sustainable Development. To that end, there was a need for political decisions aimed at the redistribution of resources.

48.   Mr. Kirchmeier stated that individual groups at times had opposing interests and agendas, which contributed to the richness of a country. He also noted that the 2030 Agenda for Sustainable Development included reporting that would require considerable work in Geneva to bring processes together to ensure coherent data collection and analysis.

V.   Third dialogue: implementation of mechanisms for mainstreaming human rights through national policies

49.   The moderator, Gladice Pickering, pointed out that very few States – if any – were immune to the challenges of implementing laws and policies. The purpose of the current

discussion was to share these experiences and explore how to make existing mechanisms more effective.

50.   Laura-Maria Crăciunean-Tatu, a panellist, stressed that, in implementing policies and rights, both civil and political rights had to be taken into account, as well as economic, social and cultural rights. The Vienna Declaration and Programme of Action reaffirmed the universality, indivisibility and interdependency of these two categories of rights.

51.   One of the challenges that Romania had to face in its transition to democracy was the protection of minorities. Romania has 20 recognized minorities, including the Roma. Besides general rights, specific rights were recognized and guaranteed by international treaties, bilateral agreements and the Constitution.

52.   The State's current Roma strategy for 2015-2020 made reference to important human rights principles, including the active participation of the Roma population in the design and implementation of policies concerning them, and the principles of transparency, non-discrimination human dignity. It was mainly focused on the delivery of education, health care, housing and social services. In 2001, the National Council for Combating Discrimination was established as an autonomous and independent body with quasi-judicial competence. Most of the decisions made by the National Council referred to acts of discrimination against Roma, including hate speech.

53.   Ms. Crăciunean-Tatu stated that, in the case of Romania, the presence of a strong national human rights institution was crucial for the effective implementation of anti-discrimination measures. The National Council for Combating Discrimination had improved the general understanding and awareness of the specific challenges faced by the Roma minority, and its work had helped to ensure the mainstreaming of human rights in public policies.

54.   The discussant Luis Espinosa-Salas, Councillor at the Permanent Mission of Ecuador to the United Nations Office at Geneva, posed the question of whether anyone present had ever been asked about the initiatives of and the discussions held by the Human Rights Council, and whether these deliberations had any purpose. The question to be answered was what impact the decisions of the Council had on the daily lives of ordinary people. At each session, the Council adopted an average of 30 resolutions; around 900 resolutions had therefore been adopted since the Council replaced the Commission on Human Rights 10 years earlier. This observation had motivated Romania, Algeria, Ecuador and Italy to question the added value that discussions on human rights by the Council had for the international community.

55.   According to Mr. Espinosa-Salas, many States suffered from a compliance gap: they commit to a number of human rights undertakings but are overwhelmed when it came to putting them into practice. All States that fell into the compliance gap; if it were not the case, the sessions of the Working Group on the Universal Periodic Review would be totally different. No State had been exempt from recommendations on the implementation of human rights. Mr. Espinosa-Salas observed that the situation of the Roma was not unique to Romania, but was a matter of concern throughout Europe.

56.   Mr. Espinosa-Salas agreed with Ms. Crăciunean-Tatu that economic, social and cultural rights and civil and political rights had to be viewed on an equal footing. They should not be separated when human rights were being mainstreamed. To that end, a good diagnosis and accurate indicators were necessary. The voices of affected groups also had to be heard; for example, when Ecuador was exploring ways to address economic and social inequalities, it produced, as a first step a human rights atlas, which clearly identified the areas where improvements were needed in providing goods and services, such as housing, health, food and education. It also showed the areas where human rights were at risk. Mr. Espinosa-Salas observed that, while human rights are universal, the distinctive features of

each country receiving technical cooperation ought to be borne in mind. He pointed out that both political will and technical cooperation were vital elements of successful human rights implementation, and that civil society had a crucial role to play in putting pressure on Governments. The need for adequate resources, however, had to be recognized as a key prerequisite for effective human rights policy implementation.

57.   The representative of Algeria explained that the State had been able to verify, by means of a number of studies and reports issued by United Nations bodies, that there was a close link between acute poverty and human rights. The representative asked the panellists to elaborate on experiences on how developed countries had translated their human rights obligations into a commitment to spend 0.7 per cent of their GDP on development aid.

58.   The representative of Italy explained that, in Italy, two parliamentary committees worked closely with the Government with a specific mandate to monitor human rights, to collect information, to raise awareness and to enhance dialogue among stakeholders. Italy was striving to integrate asylum seekers by means of a protection system for asylum seekers and refugees (referred to as SPRAR), by which the central Government would transfer more powers to the local authorities to address the needs of asylum seekers and facilitate their integration. Civil society was deeply involved in the management of the system.

59.   Lin Lim, a member of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, observed that, while the role of civil society was much discussed, who was actually being discussed was less clear. She noted that vulnerable groups were often represented by non-governmental organizations that did not always actually include representatives of the groups. It was important to be clear on how these groups were able to participate in decision-making in a genuine and meaningful way.

60.   Mr. Boulaa asked whether Ms. Crăciunean-Tatu could provide some illustrations of policies implemented in Romania for Roma people in the country and at the European Union level, noting that Romania had obligations at both the national and European levels.

61.   Ms. Crăciunean-Tatu recalled that, according to the International Covenant on Economic, Social and Cultural Rights, lack of resources could not be used as an excuse for not implementing those rights, given that resources could come not only from the State itself but also through international cooperation. With regard to national and European Union policies, in Romania, the strategy for Roma inclusion took relevant European Union laws and policies into full account.

VI. Fourth dialogue: mechanisms and tools for monitoring the implementation of national policies and follow-up

62.   Shahrzad Tadjbakhsh, the Chief of the Universal Periodic Review Branch of OHCHR, stated that the human rights monitoring bodies, including the treaty bodies, the special procedures and the universal periodic review, were key resources in the design of and follow-up on national policies. Participatory and accountable policies helped to ensure better ownership and more sustained impact. Successful human rights mainstreaming required effective interministerial coordination, good planning, accurate data and precise indicators.

63.   José Antonio Burneo Labrin, Professor at the Catholic University of Peru, gave an overview of his experiences in national policymaking in Peru and his personal engagement in the development of the State's two national plans of action on human rights. The monitoring of and follow-up on the implementation of human rights obligations should not be the sole duty of one central institution, but involve a plurality of State actors. Ministries

and other agencies had their specific competencies and responsibilities with regard to policy, such as health, education, labour, women's rights, children's rights, migrants and vulnerable groups. These bodies developed their own sector-specific work plans to discharge their mandates. To be effective, policy implementation had to be intersectoral, taking into account local, regional and national specificities. This work also had to be informed by the recommendations made by the international human rights mechanisms. Mr. Burneo pointed out the importance of involving not only the executive branch of the Government in the implementation of human rights, given the growing interest in human rights among, for example, the judiciary. This could be an important focus area for technical assistance.

64.   Mr. Burneo stressed that inclusive policymaking depended on human rights being reaffirmed through national legal and constitutional guarantees that were compliant with the State's international obligations. Of equal importance was that the State had a clear political will and commitment to translate legal obligations into positive change. For this to happen, effective institutions responsible for coordinating government action were necessary. Effective policymaking and implementation also depended on full respect for the principle of non-discrimination and meaningful participation of civil society and representatives of vulnerable groups in all stages of the process. State institutions responsible for monitoring and follow-up needed to have at their disposal reliable information and human rights indicators that show the extent of State compliance with its international obligations. Mr. Burneo underlined the importance of the OHCHR technical cooperation programme as a source of guidance and advice in the development of national policies in the field of human rights. In this regard, OHCHR had an important role to play in systematizing the recommendations of the treaty bodies, the special procedures and the universal periodic review so that information was more readily accessible to Governments and other actors.

65.   In her intervention, Judith Robertson, Chairperson of the Scottish Human Rights Commission, emphasized the role of national plans of action on human rights as a means for embedding rights in the implementation of national policy agendas, as recognized and set out in Vienna Declaration and Programme of Action, adopted by consensus at the World Conference on Human Rights in 1993.

66.   Ms. Robertson explained that Scotland's National Action Plan for Human Rights (SNAP), launched in 2013, was a road map for collective action across Scotland to make human rights a reality for everyone. Based on evidence and broad participation, the plan had been developed by a drafting group whose members came from the public and voluntary sectors. An advisory council, whose members reflected the diversity of Scottish civic life, oversaw the process.

67.   SNAP was not a traditional plan of action, but rather a transformative programme of action that included agreed outcomes, priorities and an implementation process for 2013-2017. It had fostered coordinated action by a wide range of public bodies and voluntary organizations aimed at achieving the vision of a Scotland where everyone could live with human dignity, and where social justice, equality and empowerment were the hallmarks of society.

68.   The overall vision of SNAP could not be achieved quickly, although it was what drove everything that takes place through its implementation. The first iteration of SNAP was a four-year plan, but the first stage of a longer process. The change that SNAP sought was a sustainable human rights culture in all areas of life. This cultural change was being facilitated by public bodies and organizations that took a human rights-based approach to their work. SNAP drew on international human rights standards and the principles of a human rights-based approach.

69.   The National Performance Framework was a mechanism used by the Government of Scotland that allowed everyone to judge for themselves how Scotland was performing on the basis of a wide range of indicators. The indicators provided a broad measure of national and social well-being, incorporating a range of economic, social and environmental indicators and targets that were updated as soon as data became available. Ms. Robertson observed that, to be effective, a monitoring mechanism had to be tailored to the national experience and reflect how a given nation measured its own progress. Early in the development of the evidence base for SNAP, the decision was taken to explore the fulfilment of rights in Scotland thematically; for example, one theme explored the impact of "where we live". In practical terms, this section focused on issues relating to the right to adequate housing, evictions and the discrimination that people faced in their access to a range of services (such as health care and education). The integration of human rights into local and national monitoring mechanisms would support the monitoring of future iterations of SNAP, and thereby help Scotland to fulfil its reporting obligations under all the international human rights treaties of which it was party and the Sustainable Development Goals.

70.   The Chief of the Universal Periodic Review Branch highlighted the importance of a lead agency to ensure coherence in policy implementation. A national coordination body was also essential for effective follow-up to recommendations made by the international human rights mechanism.

71.   Mr. di Robilant shared his experience from the work of the Agency for Fundamental Rights, where data on specific issues was collected from individual States. The implementation of human rights remained fragmented within and between countries, and there was a need for coordinated data collection. He emphasized the importance of independent institutions as redress mechanisms.

72.   The representative of Portugal stated that, in 2010, the State had established the national human rights committee, a coordinating mechanism chaired by the Ministry of Foreign Affairs, with focal points in all ministries. The mandate of the committee was to promote an integrated approach to the implementation of the State's international human rights obligations. It also coordinated the State's reports to the Working Group on the Universal Periodic Review and the implementation of recommendations made by international human rights mechanisms.

73.   The representative of the International Disability Alliance stated that, while policies were in some places developed in an inclusive manner, this was not always the case when it came to monitoring their implementation. The speaker asked the panel to share views on how the inclusion of vulnerable groups in monitoring and follow-up could be strengthened.

74.   Ms. Lim stressed that monitoring had to include the monitoring of budgets and of how resources were allocated. Many developing countries drew up five-year development plans and national plans of action on human rights. The challenge was to integrate these two streams so that human rights were mainstreamed into the national development process.

75.   Mr. Boulaa stated that Algeria had good experiences to share from its ratification of the Convention relating to the Status of Refugees, which had been successfully reflected in national policies, including in the context of the Syrian refugee crisis.

76.   Ms. Robinson asked for views on how the role of civil society in monitoring could be strengthened. Effective implementation depended on political will, in addition to initiatives from civil society. Even though the capacity of civil society to take an active role in monitoring had increased, there was still a need to raise awareness of international processes among non-governmental organizations. National human rights institutions played an important role in building such capacities. She added that, while Scotland had a

strong civil society, there were still gaps and weaknesses in their ability to use indicators and other performance frameworks. She noted that the practice of monitoring budgets was still weak in Scotland, although work was under way in that area. There was also some resistance to bringing human rights into budget assessment, so that also remained a work in progress.

77.   Mr. Burneo observed that, in Peru, every sector of Government had its own plan of action, but very few of them were human rights-based at this stage. The best idea was not to replace sector-specific plans of action with a "super plan", but rather to ensure that human rights are mainstreamed. He suggested that the treaty bodies could consider developing joint general comments to overcome what he saw as a fragmented system of reporting and follow-up.

VII.   Closing session: analysis of results, and final reflections on the way forward

78.   During the closing session, panellists and discussants made a number of final remarks and observations that could serve as useful guidance to States as they strive to mainstream human rights into national policies process.

79.   There was growing awareness and recognition of human rights as the basis for a peaceful international order. The international community was facing new situations relating to the protection of vulnerable groups, including migrants, which in themselves presented both challenges and opportunities. These were urgent issues for which both immediate and long-term strategies and engagement were needed. The 2030 Agenda for Sustainable Development offered entry points for inclusive and participatory implementation of human rights-based plans and policies. The development and consolidation of effective accountability mechanisms at the national and international levels were essential for such progress. Governments, civil society organizations and the United Nations had to find a common approach to achieve these shared objectives.

80.   The implementation of human rights ought to be understood as the beginning and the end of good governance, and a yardstick against which Governments should measure their own performance. Leaving no one behind should be a key principle in the design and implementation of national policies. This required full and meaningful participation by vulnerable and marginalized groups in the design of policies for equity and social inclusion.

81.   The rights of vulnerable groups also had to be integrated into the implementation of national development plans. The requirement of free and prior informed consent in public decision-making was particularly important in matters concerning indigenous peoples. Central to these communities was also the right to self-determination. The rights of migrants also required urgent attention, especially in the light of developments in Europe in recent years.

82.   The implementation of human rights went beyond legislation. It encompassed the generation of political will and the systematic mainstreaming of human rights into national policies through practical and meaningful participation. Therefore, it was also important to recognize the equal importance of civil and political rights, as well as economic, social and cultural rights, throughout the entire policymaking process. The judiciary also had a crucial role to play in ensuring respect for human rights and in developing robust jurisprudence. There was a need for awareness-raising in schools, universities and the media as part of efforts to strengthen national implementation of human rights.

83.   Even though political will was important, implementation was only possible if the resources required were available. For this reason, a human rights-based approach to

budgets was of critical importance and could not be disassociated from policy formulation and implementation.

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