



United Nations Development Programme  
Oslo Governance Centre

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A desk study of  
**NATIONAL HUMAN RIGHTS  
ACTION PLANS**

October 2003

**Disclaimer:** This desk study has been commissioned by the Oslo Governance Centre. The study has been conducted by Ewa Westman in cooperation HURIST, Oslo Governance Centre and the pilot countries. The content of this paper does not necessarily reflect the official views or politics of UNDP

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*"The World Conference on Human Rights recommends that each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights"*

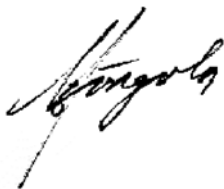
The World Conference on Human Rights , Vienna 1993

The Secretary General and the High Commissioner for Human Rights have encouraged countries to follow the recommendation of the Conference; however only a small number of countries have so far developed plans. When the joint programme between UNDP and OHCHR on Human Rights Strengthening (HURIST) was developed in 1998, two main avenues for supporting UNDP's policy on human rights were identified. One was in the area of governance and the other by mainstreaming human rights in all the activities of UNDP. In the context of governance, the development of national human rights action plans was seen as a way to establish a comprehensive overview of the systems and institutions relevant for the protection and promotion of human rights and for that reason a preferred entry point for a governance approach to improving a country's human rights situation.

Against that background, HURIST aimed at identifying at least five pilot countries ready to develop national human rights action plans. The following countries agreed to develop plans with support from HURIST: Mongolia and Nepal in Asia, Cape Verde and Mauritania in Africa, Lithuania and Moldova in Eastern Europe. Today, one of the six countries, Lithuania, has approved a NHRAP that is now under implementation.

The OGC has sponsored a study of the work in that country (see <http://www.undp.org/oslocentre/docsjuly03/TomasBaranovas.pdf>). In the other countries, the NHRAPs are at different stages of development. More information can be found on the HURIST website: <http://www.undp.org/governance/hurist.htm>.

This desk study provides the reader with an overview of the processes and challenges each country has gone through. One common observation in all countries is the great need for awareness-raising on human rights and the need to shape a culture of human rights at the national level. A relevant and nationally owned Human Rights Action Plan would respond to this need.



Georges Nzongola- Ntalaja  
Director

## Executive Summary

This study aims at giving an overview of the present situation as well as of the development so far of the National Human Rights Action Plans supported by HURIST in six pilot countries, Cape Verde, Lithuania, Mauritania, Moldova, Mongolia and Nepal. The overview of the process also endeavours to account for challenges, problems, successes and lessons learned encountered in the development of the plans. The study has been conducted as a desk study based entirely on the information and documentation provided by UNDP, OHCHR headquarters and field offices as well as on information from various websites. The study was carried out mainly during April and May and was completed in August regarding the recent development in Cape Verde. The following is a summary of key findings and recommendations.

The current **status of the NHRAP development**, in the six pilot countries is as follows:

**Cape Verde:** The Plan was approved by Government on 4 July, 2003, and will be submitted for approval to Parliament.

**Lithuania** The Draft Plan is completed and was approved by the parliament in November 2002. The implementation phase started in the beginning of 2003.

**Mauritania** The process is delayed compared to the workplan. The NHRAP is now being drafted. It is not known, however, when the Final Conference for adopting the final draft will take place.

**Moldova** The NHRAP is now being drafted. The draft is expected to be finalized and adopted by the Coordinating Committee in June 2003, after which it will be submitted to the government and the parliament for approval.

**Mongolia** The draft was submitted to the parliament in July 2002. The parliament reviewed it and requested a revision in October 2002. A new draft has now been approved by Government and submitted to Parliament for approval.

**Nepal** The NHRAP has been drafted. It will be finalized after the Second National Consultative Meeting. The government is expected to approve and launch the NHRAP in the middle of 2003.

The process of the NHRAP in all six pilot countries has been delayed, either due to **political events** or **political conflicts**, or to some extent **to lack of political commitment**. General elections to parliament and presidential elections have interfered with the time schedule *in Cape Verde, Lithuania* (no presidential elections), *Moldova* and *Mongolia*. In *Nepal* the internal political conflict including the state of emergency during ten months has had a hampering impact on the process. **Political commitment** and active participation from highest political levels of the government and the parliament in *Lithuania, Moldova* and *Mongolia* played a key role to promote the process, while seeming lack of political engagement from highest political levels as well as lack of ownership of the NHRAP process within the government seemed to have a negative impact on the process in *Mauritania* and *Nepal* and to a less extent in *Cape Verde*. Personal commitment of key persons and stakeholders was crucial in *Lithuania* and *Nepal*.

The NHRAP Baseline Study, the participatory processes and the public participation dimension have intrinsic value. As the **participatory process** was new to *Lithuania, Moldova and Mongolia*, important experiences and lessons learned were achieved on the participatory method. The processes in *Lithuania* and *Moldova* included interaction between the two countries as well as with institutions of other countries. The **exchanges of experiences** within the framework of the interaction was a valuable benefit throughout the development of the NHRAPs.

One Action Plan has been completed and approved by Parliament so far and that is **Lithuania's**. The Plan is based on the recommendations of the baseline study and the findings of public opinion surveys. Eleven of the Plan's 14 chapters are each addressing one or two human rights, provide objectives and measures along with deadlines and responsible institutions. Most actions are related to drafting new laws or drawing up amendments to existing legal acts. New policies in certain areas are also provided for, such as health rights, right of information and women's rights. New institutions are planned for as well as strengthening of existing ones, including a new institution for the coordination of the implementation of the policy on the Rights of the Child, strengthening the work of the Seimas ombudsmen institutions, the establishment of regional offices for providing information to the public and receiving complaints. Priority is also given to legal education of law enforcement officers, judges, police and prosecutors. The awareness raising of the public as well as the issue of public participation are also priorities of the Plan.

Countries that have **experienced long transition periods** like *Lithuania, Moldova* and *Mongolia* have suffered significant declines in social sectors. The Action Plans of these countries tend to focus on economic, social and cultural rights.

In most pilot countries the process seems basically to have **followed the Handbook on National Human Rights Plans of Action** with a comprehensive participatory processes including broad representation from public authorities and civil society. Baseline Studies have been conducted in *Lithuania, Moldova* and *Mongolia*. In *Nepal* the consultative process has produced a comprehensive list of problems reflecting human rights shortcomings called for in the OHCHR Guidelines on NHRAP.

**The linkages of the NHRAP to other planning instruments** are clearly planned for especially in *Mongolia* but also in *Lithuania, Moldova* and *Nepal*. The documents are not very clear, however, on the the implications of these linkages.

The NHRAP planning process in *Moldova, Mauritania* and *Nepal* gave an opportunity to the public authorities and civil society to conduct a **constructive dialogue** with each other, a dialogue that otherwise would have been more complicated to achieve. Civil society in *Moldova* saw the **process as a confidence building exercise** between NGOs and national authorities. In *Nepal* some human rights organisations felt from the start that it was easier to raise human rights issues in the context of the NHRAP than in other contexts. In *Mauritania* the NHRAP process has created a more open atmosphere between the government and civil society. In all six countries the NHRAP process has shown the **great need for awarenessraising of human rights** and to

create a culture of human rights. This refers both to the public and to the authorities on political and civil service level..

These are the recommendations to HURIST :

-UNDP and OHCHR should organise a **workshop on the experiences of the participation processes** especially in countries like Moldova Lithuania and Mongolia.

-**The interaction between Lithuania and Moldova and experience sharing with institutions of other countries** should be taken advantage of and be promoted in a systematic way.

-**The linkages between NHRAP and other planning documents** particularly economic development plans and budgets, should be explored to see how they can best be strengthened in the future.

## **Introduction**

The joint UNDP/OHCHR Human Rights Strengthening Programme, HURIST, started in 1999, had a mid term review in 2001 after which the second, 3 year-phase of the programme was initiated in 2002. One of the subprogrammes or "windows" of phase 1 was the support to the development of National Human Rights Action Plans. The countries selected for these pilot projects were Cape Verde, Lithuania, Mauritania, Moldova, Mongolia and Nepal. The processes in those countries started during 1999 – 2000. The Midterm Review recommended that HURIST in its second phase should support the projects initiated and disseminate learnings from these pilot processes.

The UNDP Oslo Governance Center decided in April to conduct a short desk study on the development of the NHRAP and the actual status or of the processes, "state of Art", in the six pilot countries.

The study is structured in accordance with the Terms of Reference and complementary guidelines (Appendix 2 and 3) as well as with discussions held with UNDP Governance Center and the HURIST Coordinator of OHCHR. The pilot countries are dealt with one by one and focus is on the NHRAP process including the preparatory and development phases as well as on specific highlighted issues including lessons learned from the baseline study and linkages to other planning documents. When assessing the NHRAP in each country due attention should be given also to the political context and events in order to comprehend the prerequisites and conditions under which the National Human Rights Action Plans are developed. Therefore the political context as well as the legal framework and the human rights situation of each country are accounted for to a limited extent. An overview of the current situation of the NHRAP processes in all countries follows the country sections. Conclusions, observations and a few recommendations are provided in the final section.

The desk study is entirely based on the documentation provided by UNDP headquarters and field offices, OHCHR, Oslo Governance Center as well as on documentation from available websites such as UNDP, OHCHR, US State Department's HR reports 2002, Human Rights Watch and Amnesty International. In addition some of the pilot countries including Lithuania, Moldova, and Nepal have developed very informative websites of the NHRAP themselves which were of great value for the study. (List of documents and websites in Appendix 1.)

## **Cape Verde**

### **Background**

Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared among the elected president and the prime minister and the African Party for the Independence of Cape Verde (PAICV). In February 2001, the president was elected by a slim margin of 12 votes. The PAICV won the legislative elections in January 2001 and has an absolute majority in the National Assembly. The National

Electoral Commission and the international media judged the presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The country is part of the Sahelian zone with an arid and semi-arid climate and devastating droughts. Prolonged periods of drought regularly affect the country and further accentuating the ongoing process of desertification. The lack of permanent watercourses is one of the country's major problems.

The country has a market-based economy but little industry and few exploitable natural resources. The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. The country produced food for only 15 percent of its population which resulted in heavy reliance on international food aid. About 14 per cent of the population is considered extremely poor and 30 per cent is poor, with a larger concentration of this population sector in rural areas. With the rural exodus and as a result of the slums which have sprung up near towns and in which health conditions are extremely critical, the problem is growing worse.

### **The legal framework - Human Rights**

In Cape Verde, the absence of major ethnic, linguistic, religious and regional conflict, the gradual emergence of civil society and the strengthening of political groups committed to the establishment of democracy contributed to a peaceful transition from a one-party state to a democracy regime.

The constitution provides for an independent judiciary, and the government generally respected this provision in practice. The government generally respected the human rights of its citizens. Despite government efforts to control beatings by police officers, there continued to be credible reports of police abuse. Prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems. Reporting such crimes to police is increasing. Violence against women was the subject of extensive public service media coverage in both government- and opposition-controlled media. Although the government supported legislation to correct these problems regarding violence against women, it failed to adopt, implement, and enforce policies designed to address the most critical challenges.

Cape Verde has many non-governmental organisations for the protection and promotion of the human rights of particular groups, specially women, children and disabled persons. They generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.



Cape Verde is party to the major international human right instruments, including the International Covenant on Economic, Social and Cultural Rights (1993), the International Covenant on Civil and Political Rights (1993) and its two Optional Protocols (2000), the International Convention on the Elimination of All forms of Racial Discrimination (1979), the Convention on the Elimination of all forms of Discrimination against Women (1980) (but not its Optional Protocol), the Convention on the Rights of the Child (1992) and its two Optional Protocols (2002), the Convention against Torture (1992) and the Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1997).

## **The NHRAP**

### *Preparatory phase*

The project was initiated in 1999 by a joint UNDP/OHCHR needs assessment-mission the outcome of which were two recommendations, - to develop a National Plan of Action of Human Rights and to establish a permanent National Human Rights institution. One of the main conclusions of the mission was that there was a strong support by the government and by the civil society for the creation of a national institution for the protection and promotion of human rights and for the development of a national plan of action for the protection and promotion of human rights.

### *Development phase*

#### **The Structure**

As a result of the recommendations of the needs assessment mission a National Committee for Human Rights was created in September 2001 with its members appointed in December the same year. The Committee is coordinated by Ministry of Justice and its members represent eleven ministries such as Health, Education, Culture, Youth and governmental agencies including women institution and Capeverdean Institute of Minors and eleven organisations of the civil society, such as non-governmental organisations, trade unions, political parties of the National Assembly, jurist's association, and the national Association of Municipalities. Its mandate is to develop the NHRAP, protect and promote human rights and propose and present initial and periodical reports on the international instruments adopted by Cape Verde. In addition it will study the feasibility to creating a permanent national Human Rights institution.

#### **The process**

The negotiations between the UNDP and the Government was slowed down during 2001 partly due to the general elections. In April 2002 the two parties signed an agreement on Support to the elaboration of a National Human Rights Action Plan in Cape Verde.

The project is structured in three phases of which the first is addressing the launching of the project through a 2 day work shop which also was addressing the methodology of

gathering information and assessing the needs at local level. The work shop was also planned to define a strategy for developing the NHRAP. The second phase was comprised of eleven information gathering missions covering seventeen municipalities scattered among the country's eleven islands. The missions focused on the human rights needs emerging at the local level and on full ownership of the NHRAP concept by the local participants. A national consultant is responsible for collecting all the reports from the missions and, assisted by a drafting group for putting them together in a draft NHRAP. This draft would then according to the plan be sent to the various municipalities for their review and comments to be incorporated by the consultant. The third phase will be a two-day National Conference to discuss the finalised draft NHRAP. The conference in which approximately 50 people representing the government and civil society from all over the country will participate will lead to the presentation of a finalised Plan of Action. The national consultant will have fifteen days to include in the NHRAP the conclusions and comments and submit it to the Committee for approval. Ultimately the NHRAP will be presented to the government for endorsement. After the endorsement by the government and later by the parliament the Action Plan will be publicly disseminated through massmedia. According to the work plan the first phase will take place in 2001 and the second during the year of 2002. The third phase was planned to be conducted in the beginning of 2003.

The missions of phase 2 were completed by the end of 2002. Quarterly reports from the missions have been delivered and their main conclusions are the following:

- The interest of the local authorities in Human Rights issues has been generally strong,
- People at local level feel free to talk openly,
- Interest shown by counsellors and mayors as well as civil society in general is satisfactory.
- The media has been very helpful in disseminating human rights information ,
- The Committee lacks information material through which it can distribute its mandate, tasks and composition,
- Its members involvement in the elaboration of NHRAP has been weak. They are too occupied with their primary job which leaves little or no time for their obligations to the Committee. The committee has not been significantly active having organised very few activities outside of the project. However towards the end of the year the activities slightly increased.

During the year 2002 the Committee held two meetings, the second one in December. The members of the Committee then stated that their feeble involvement was due to lack of time. Accordingly the meeting gave the following recommendations:

- increase the Committee members involvement in the elaboration of the NHRAP,
- ensure that a part of the Committee members' working time can be spent for activities organised by the Committee,
- Lobby for budget allocation for the Committee within State's funds,
- Provide the Committee with a permanent workforce that includes at least one full time human rights expert.

Chaired by the Prime Minister, a one day workshop discussed the draft of the NHRAP on 11 June, 2003. Participants in the workshop were members of Parliament, Government officials, representatives for NGOs and CSO, and representatives for local municipalities. Comments made were incorporated in a final document approved by the Cabinet on 4 July 2003. The Plan will be submitted to Parliament.

## **Lithuania**

### **Background**

Lithuania is a constitutional parliamentary democracy with an independent judiciary. After the October 2000 general elections, a coalition government was formed with the Prime Minister of the Liberal Union. However, in 2001 the coalition broke up and in July 2001 a new coalition government was formed with the Social Democratic Party (SDP) Prime Minister.

Restoration of independence in March 1990 marked a turning point in Lithuania's history and the main challenges faced by the country included ensuring national security, integrating into the democratic international community. Human rights emerged as a cross-cutting national priority. The Constitution of 1992 proclaimed the basic values of the nation, including respect for fundamental human rights and the duty of the state to protect them. These principles were subsequently infused into national legislation. In addition, Lithuania took on obligations under major international human rights treaties. Reform of the country's political and economic structure led to an invitation in December 2002 to join the European Union (EU) in May 2004.

On the way to economic growth, the people of Lithuania continue to encounter some challenges. The transition has cast a considerable part of population aside without providing them with adequate employment opportunities, even during periods of economic upswing. While opening markets of the world economy provide Lithuanians with more opportunities, the most vulnerable groups of the population, comprising of those with non-marketable professions and insufficient education, large families, the disabled, the youth and the elderly, risk to lose. The Government Poverty Reduction Strategy launched in the middle of 2000 embraces several strategic goals to reduce poverty including relative poverty (under the poverty line) to at least 13% in 2005 (from 15.8 in 1999). According to Lithuanian Human Development Report 2001, which is focusing on the youth the economic recovery in 2000 had no noticeable positive effect on the average standard of living of the population. And the effects on young people were worse than for others. The report states that in 2000 31% of children under 18 were below the poverty line.

### **The legal framework - Human Rights**

Lithuania is party to the major international human right instruments, including the International Covenant on Economic, Social and Cultural Rights (1991), the International Covenant on Civil and Political Rights (1991), the Convention against Racial Discrimination (1998), the Convention on the Elimination of All Forms of Discrimination against Women (1994), the Convention on the Rights of the Child (1992) and the Convention against Torture (1996). It is not party to the Optional Protocols of any of these instruments nor to the Convention of the Rights of Migrant Workers and Members of their Families.

Lithuania has made considerable progress in development of institutional structure for human rights. New institutions include the three ombudsman institutions, the Parliamentary Ombudsman (established in 1995), the Equal Opportunities Ombudsman (established in 1999), and the Children's Rights Ombudsman (established in 2000). There is also a Committee on Human Rights in the Seimas. A Department of National Minorities and Lithuanians Living Abroad under the Government, established in 1990, has contributed towards a culture of tolerance among different ethnic groups residing in Lithuania.

As a consequence of a rapid development of civil society, a large number of NGOs emerged, working in diverse areas such as the rights of children, women, prisoners and others. A number of domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views. The Association for the Defense of Human Rights in Lithuania, the Human Rights Association in Lithuania, and the Lithuanian Center for Human Rights are the major human rights groups. However, Lithuania still lacks an institutional entity directly responsible for human rights at the executive branch of government. Serious problems in the human rights area are violence and discrimination against women, child abuse and trafficking in women and girls for the purpose of prostitution. The latter has emerged as a new criminal phenomenon of a society in transition. Despite an Amnesty act in 2000, conditions of imprisonment as well as prolonged pretrial detention remain unsatisfactory. A decade after restoration of independence, a major challenge is to transform law into practice, resulting in people's better awareness, better protection and greater enjoyment of their rights.

### **The NHRAP**

#### *Preparatory phase*

The Chairman of the Parliament of Lithuania officially requested to include Lithuania in the HURIST programme in January 1999 which followed by a positive response from UNDP. A National Country Team was then established headed by the Chairman of the Parliamentary Committee of Human Rights, and in February 2000 a mission led by the Danish Centre for Human Rights visited Lithuania with the aim to appraise the potential for the development of a National Human Rights Action Plan. The mission resulted in several recommendations to this end.

After the parliamentary elections in October 2000 and with a new leadership of the Parliamentary Committee on Human Rights several consultations between the Country Team, UNDP and the Parliamentary Committee resulted in April 2001 in an agreement on UNDP support to the development of the National Human Rights Action Plan. As an umbrella for national development strategies in the field of human rights, the NHRAP should lead to the introduction of a consistent system of monitoring human rights situation in Lithuania, including strengthened institutions, accountability to the public through regular reporting on implementation of the plan, updating the plan, and invoking national debates.

### *Development phase*

#### The Structure

The parliament had the overriding responsibility for the achievement of the results of the project, namely the approval of the NHRAP and the introduction of the system of monitoring human rights in Lithuania.

The Parliamentary Committee on Human Rights had the main political responsibility for the development of the Action Plan, the executive body of which was the National HURIST Country Team. The committee provided guidelines for the process and should oversee implementation once the Action Plan was approved. Other key actors in the development of the NHRAP was Chancellery of the Parliament, the project Manager and UNDP.

The Country Team was chaired by the Vice-Minister (later – State Secretary) of the Ministry of Justice. It included 21 members: 11 representatives of Ministries and other state agencies, 7 representatives of NGOs, 2 representatives of the academia and a representative of UNDP. The first meeting of the transformed Country Team was held in September 2001.

The primary mission of the National HURIST Country Team was to ensure the involvement of the relevant Ministries and Government agencies as well as civil society organisations in the development of the NHRAP. The main functions of the Country Team included: preparation of a list of priority issues for inclusion in the baseline study on human rights situation in Lithuania and its submission for approval to the Parliamentary Committee on Human Rights; and ensuring linkages between the NHRAP and other human rights-related national strategies.

#### The Process

The development of the Action Plan was conducted in three phases. *Firstly*, priority issues were identified through a participatory process and a baseline study on human rights in Lithuania was drafted and validated on the expert level. *Secondly*, the baseline study was validated through regional workshops and a national conference. *Thirdly*, the NHRAP was drafted based on the baseline study and the outcome of the broad process of consultations. The original duration of the project of 15 months had

to be extended to 21 months to accommodate the participatory process. The National Human Rights Action Plan was approved by a resolution of the Parliament of the Republic of Lithuania in November 2002.

The first public event of the project, was an international seminar entitled ‘The National Human Rights Action Plan in the context of the HURIST programme’ was held in October 2001. The aim of the seminar was to serve as an induction for the key stakeholders of the process, to re-affirm the high-level political support of Lithuanian authorities for the process of development of the NHRAP; to present the experience of other countries in developing a NHRAP as a relevant example; to involve the key international partners, namely the Office of the United Nations High Commissioner for Human Rights and the Danish Centre for Human Rights.

In order to proceed to the drafting of the baseline study on human rights situation in Lithuania, the Country Team identified the issues to be addressed by the NHRAP. In this process, the Country Team was guided by the following: Opinion of the public had to be taken as a basis, Protection of the rights of vulnerable groups had to be encouraged; Areas for improvement identified by international human rights organisations had to be tackled. The sources of information for selection of priority issues were representative public opinion surveys; workshops in 5 regions (Counties) and areas for improvement identified by international human rights organisations. Public opinion was adopted as the primary basis for priority issues as this was seen as objectively reflecting the concerns of the people, thereby securing a broad-based commitment to the process. The public opinion survey of November 2001 revealed that an absolute majority of the population related violations of human rights to the social and economic problems of Lithuania. On the other hand, civil and political rights were generally considered as the best protected.

The regional workshops identified the most pressing human rights issues as perceived by the people of the five regions of Lithuania. The workshops followed a common methodology of proceedings. The participants usually represented regional administrations, municipal entities, the police, non-governmental organisations, universities and schools. No restrictions of attendance were applied. The regional workshops identified different issues of concern in the area of human rights protection. The UNDP project document listed certain areas for improvement identified by international human rights organisations which also had to be tackled.

Based on the compiled information, the Country Team produced a draft list of priority issues approved by the Parliamentary Committee on Human Rights in December 2001, paving the way for the drafting of the baseline study along the chosen priorities. The baseline study drafted by a group of experts representing a wide spectrum of institutions was discussed at two roundtables in March 2002. The roundtables were attended by the members of the Committee on Human Rights of the Parliament, members of the drafting group, members of the National HURIST Country Team, representatives of many NGOs, the media, other stakeholders.

During the second phase the baseline study was verified and corrected involving broad participation of the public. A new round of regional workshops was organised in five counties of Lithuania. The baseline study was validated and finalised during a national conference held in Vilnius in June 2002.

In the third phase the NHRAP was drafted on the basis of the conclusions and recommendations of the baseline study as well as the results of the regional workshops and the national conference. The concerned Ministries were given an opportunity to comment on the draft NHRAP. Many comments reflected an obvious tension between the proposed actions of the NHRAP and the strategies developed in the course of implementation of the Government programme. This exposed a presumably objective conflict between “the voice of the people” as expressed in the Action Plan and the “regular” work of the.

#### *The Action Plan – contents and structure*

The NHRAP was deliberated in Parliamentary Committees and approved by the Parliament in November 2002. The aims of the Plan are as follows: 1) to enhance the protection of human rights, 2) to ensure the legislation is in line with international standards, 3) to develop public awareness about human rights, 4) to establish and strengthen national as well as regional human rights institutions, 5) to identify vulnerable social groups and take up effective measures to improve their position, 6) to develop activities of non-governmental organisations and their co-operation with public authorities, 7) to encourage public authorities to fulfil their obligations in the area of human rights under international universal and regional agreements.

The NHRAP does not provide a detailed description of the human rights situation in Lithuania, which was a task of the baseline study. The Plan consists of 14 chapters out of which Chapters 3-13 include actions for the implementation of human rights in specific areas. These chapters were designed taking into consideration the recommendations of the baseline study on human rights in Lithuania and the findings of the public opinion surveys. Each chapter specifies objectives and provides for measures for achieving them along with deadlines and responsible institutions. The actions will be carried out by public authorities such as ministries or parliamentary committees, many of them in co-operation with NGOs. Each chapter usually indicates two types of actions: continuous and temporary. The deadlines of the temporary actions are mainly set within 2003 – 2004. The chapters are the following: 1) Aim, purpose and preparation criteria of the national action plan, 2) Structural peculiarities, 3) Implementation of the right to work and the right to safe and healthy work conditions, 4) Implementation of the right to health protection, 5) Protection of the rights of elderly and disabled people, 6) Improving the protection of the rights of consumers, 7) Implementation of women’s rights in the context of gender opportunities, prevention of violence against women, 8) Measures for the protection of the rights of the child, 9) Actions for safeguarding the rights of the accused and the imprisoned, 10) Protection of the rights of crime victims. Prevention of trafficking in persons. 11) Actions against discrimination. Protection of the rights of sexual

minorities. Strengthening of the protection of the rights of migrants and refugees, 12) Implementation of the right to receive and disseminate information. Protection of private life. 13) Implementation of the right of citizens to participate in state governance. Strengthening of self-governance by the public, 14) Actions in relation to the implementation of the national strategy in the area of human rights protection and of the national action plan.

In accordance with the aims of the Plan regarding legislation most actions are related to drafting new laws or drawing up amendments to existing legislation on the various human rights. Some actions also relate to the development of new policies in areas including health rights, women's rights, consumer rights such as a National Policy on Health Care Policy, a Strategy for National Policy on Reproductive Health, the Strategy for the State Protection of Consumer Rights, a Programme for informing the public about functions of public institutions and their activities. Concerning capacity building of institutions some actions refer to setting up new entities such as an institution to co-ordinate the implementation of the policy of the Rights of the Child. Further an ad-hoc commission of the Seimas will be set up to develop recommendations of the introductions of the institute of public assessors, a National Scheme for Restructuring Health Care Institutions will also be developed. In order to strengthen the institutions of the judiciary, legal education of law enforcement officers, judges, police and prosecutors will be conducted. Particular attention is attached to strengthening the work of the Seimas ombudsmen institutions. In this context and with the aim to enhance the monitoring of the implementation of the plan consideration should be given to the issue of organising complaint examination in regions, larger municipalities and complex institutions such as hospitals prisons or the police as well as to establish regional information offices that would provide citizens with information and accept their complaints etc. Likewise the functions of the Ombudsman for Equal Opportunities should be expanded. In terms of advocacy and raising of public awareness of human rights the plans also provides for an information publication on national and international institutions as well as a publication on constitutional human rights and their specifics of their protection. Further on the monitoring issue a systematic evaluation of public attitudes towards the level of protection of various human rights will be conducted in accordance with stated quantitative indicators.

### *Implementation phase*

Chapter 14 provides that the implementation of the Plan will be coordinated by a National Commission which is to be composed of the representatives of public institutions and non-governmental organisations as well as UNDP. The Commission will be assisted by a National Executive Secretariat.

The implementation of the Action Plan will i a

- ensure national strategy for human rights;
- facilitate the introduction of a continuous monitoring system of human rights
- strengthen the institutions operating in the area of human rights;



- guarantee constant accountability of these institutions before the public on their activities and implementation of the Plan;
- create preconditions for on-going public debates about human rights;
- help the Lithuanian people better understand their rights, defend them more effectively, and exercise them in a wider manner.

A UNDP programme of support to the implementation of the NHRAP was signed in December 2002, with joint funding by UNDP and the Lithuania's state budget. The programme will be implemented during the period 2003 - 2005.

### **Lessons learned**

- The leading role of the Parliamentary Committee on Human Rights ensured broad involvement of the public, The process benefited from personal involvement and commitment of the Chairman of the Parliament. Thus this national political commitment at the highest level was a prerequisite for a successful process.
- Choosing public opinion as a primary basis for identifying priority human rights issues ensured a broad-based public involvement in the process of development of the NHRAP.
- Networking with international partners, especially Sweden and Moldova, significantly facilitated the process of development of the NHRAP.
- The pursued linkage with other national development strategies, *inter alia* through the transformed National HURIST Country Team, proved to be effective in integrating a human rights approach to other national strategies as well as addressing specific human rights issues. However, an objective tension between “the voice of the people” as expressed in the Action Plan and the “regular” work of the Ministries had to be dealt with.
- Personal commitment of stakeholders played a key role. The development of the NHRAP was facilitated by the genuine dedication of many people

## **Mauritania**

### **Background**

Mauritania is a highly centralized Islamic Republic dominated by a strong presidency. The 1991 Constitution provides for a civilian government composed of a dominant executive branch, a senate, and a national assembly. President Maaouya Ould Sid'Ahmed Taya has governed since 1984, was reelected in 1997, receiving over 90 percent of the vote. This election was widely regarded as fraudulent like the country's first multiparty elections to the National Assembly in 1996. The Constitution provides for an independent judiciary; however, the judiciary is subject to significant pressure from the executive through its ability to influence judges.

Mauritania, has a generally market-oriented economy based on fishing, mining, subsistence farming, herding, and a small commercial sector. Drought, desertification, and insect infestation have contributed to rapid urbanization, extensive unemployment, pervasive poverty, and a burdensome foreign debt. The concentration of much of the country's wealth in the hands of a small elite, including the President's tribe and related Moor tribes, as well as a lack of transparency and accountability in certain areas of governance, also impedes economic growth.

### **Legal frame-work - Human Rights**

The government's human rights record remains poor although there have been some evident improvements during the last few years. Among the most serious abuses of human rights is the discrimination of minorities, ethnic and social groups. Societal discrimination against women continues, and female genital mutilation has remained a serious problem despite government efforts to halt the practice. Ethnic tensions continued to ease, but the largely southern-based ethnic groups, remained underrepresented in political life. Child labor in the informal sector is common.

Although officially outlawed slavery and voluntary servitude persist with many former slaves continuing to work for their former masters. The formal abolition of slavery in 1981 has not led to real and effective abolition including lack of legislation to ensure its implementation. According to Amnesty International's Special report on Slavery of November 2002, the eradication of slavery and discrimination linked to slavery also requires extensive retraining of the judiciary and a human rights education and general public information program especially in rural areas. The Committee on the Rights of the Child in its 28<sup>th</sup> session of September 2001 expressed concern of the persistence of discrimination especially against children belonging to minorities and therefore urged the Government of Mauritania to make concerted efforts at all levels to address discrimination, through a review and reorientation of policies, including increased budgetary allocations. The African Commission recommended in May 2000 the Government of Mauritania to carry out an assessment of the status of slavery related practices and called for a strategy for their definitive eradication. No follow up on that recommendation has taken place as yet.

Mauritania is party to some of the major international human rights instruments including the International Convention on the Elimination of All Forms of Racial Discrimination, (1988), Convention on the Elimination of All Forms of Discrimination Against Women (2001) and Convention of the Rights of the Child, (1991). Mauritania is not a party to the International Covenant on Political and Civil Rights, the International Covenant on Economic, Social and Cultural Rights, Convention against Torture nor to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

During the last few years some steps have been taken by the government to improve the general human rights situation in terms of national law and practical policies i e

regarding children and juvenile justice such as the approval of the National Plan to Combat Poverty and a Good Governance Program in 2001.

Another measure taken was the establishment of a ministry-level Commission for Human Rights, Poverty Alleviation, and Integration created in 1998. While some of the NGOs admit the commission has facilitated their work others express deep concern regarding its high dependence of the government and the prime ministers total power over the commission. The relation between the government and the civil society is tense and there is a lack of thrust as the governments tends to view the civil society, advocating human rights as undermining and hostile to the government. Dialogue between the government and the human rights advocates had rarely occurred butressing mutually negative views on each side In 2001 however, there seemed to be a great need as well as a well timed opportunity for an opening of a dialogue, in depth, frequent and respectful discussions on human rights issues between the government and the human rights NGOs.

The general situation of civil society especially HR advocacy organisations is characterized by their thirst to be heard and to express their views and to feel part of the process. Organized civil society is young and has great enthusiasm energy and creativity. These groups are however, quite small, often lacking structure and organisation. The local NGOs general lack professional skills in fundraising and management and advocacy. Some organisations managed though to join forces in fund-raising and have received support from external donors.

## **NHRAP**

### *Preparatory phase*

A joint UNDP-OHCHR mission visited Mauritania in April 2000 with the aim to define the phases of the elaboration of an action plan within the field of Human Rights. A project document was drafted within the HURIST-programme but the government did not approve the project document until in August 2001 after a revision of the document. The revision and the approval was apparently facilitated by a special UNDP mission in Mauritania in June 2001.

The observations and conclusion of the special mission who met with a whole range of representatives from ministries and NGOs were i a

- The government's recognition of the economic, social and cultural rights provides an entrée to discussion the more sensitive questions of civil and political rights.
- The Ministries of Culture and Ministry of Women's Affairs should play a key role in the planning and implementation of the NHRAP as their constructive and dedicated approach of advocating human rights in Mauritania seems to be fruitful. These two institutions try to root human right issues in authentic Mauritanian culture and values which is the surest way to obtain both acceptance an a sustainable strategy to promote and protect human rights.

- A broad participation of civil society in the preparations of the NHRAP is of great importance.
- The discussions of the workshops should be conducted in a very constructive and pedagogical atmosphere and should not leave to the government to characterize every critic as a subversive or hostile act of opponents to the government.
- It is of great importance that some of the government's harshest local critics be involved in order to give the process greater legitimacy and to forge a constructiv dialogue between these parties.

### *Development phase*

#### The Structure

The overriding responsibility for the development of the NHRAP lies within the Commission of Human Rights, Poverty Alleviation and Social Integration while the direct mandate of the development of the NHRAP is within the Project Committee (Comité de Pilotage), which was formally established in June 2002. The Project Committee which is integrated in the Commission has 26 members, representatives of ministries, civil society, university, media as well as independent individuals. The committee meets regularly and should provide the UNDP and OHCHR with monthly reports of the work including problems and hindrances for the implementation of the work plan,

#### The Process

The project started in February 2002 and in March a workshop was held including two days of sensitisation for ca 60 representatives of the government and civil society on the importance of the NHRAP and the key role of the participation of civil society. The workshop was followed by six thematic work shops, each one with a broad participation from civil society, government and local administration of about 50 persons at each work shop.

The work shops held in various cities and towns of the country at various times contained the following themes in order 1)The Economic, Social and Cultural Rights, 2) The technique of writing human rights periodical reports of the State, 3)Promotion and protection of Civil and Political Rights, 4) The Reform of the Judiciary, 5) The Rights of women and children, and 6) Education of Human Rights. Every workshop produced a wide range of recommendations with the purpose to be integrated in the draft NHRAP. The workshop on Education on Human Rights was not planned at the start but was added during the process as it was assessed a much needed part of the Action Plan. An international expert was recruited in the beginning of 2002 for supporting the process. The final workshop took place in the beginning of 2003. At the moment two national consultants are drafting the NHRAP. According to the workplan the draft will then be reviewed by ministries involved and followed by a Final National Conference which is expected to adopt the draft NHRAP. This should have taken place in theend of 2002. Today there are no clear time limits regarding the finalization of the draft.

After the activities been carried out a joint UNDP-OHCHR mission should, according to the work plan, be invited for an independent evaluation of the performance and result of the activities.

### **The justification for NHRAP**

The conclusions and observations from the UNDP-mission in June 2001 as well as of others indicate the following justification for a NHRAP

- the Governments approval of a National Plan to Combat Poverty and a Good Governance Program during 2001 marks important change of attitude of the Government towards sensitive issues like Human Rights,
- Recognizing economic, social and cultural rights in a place as poor as Mauritania provides an entrée to discussing the more sensitive questions of civil and political rights,
- The process itself of designing a NHRAP is a fantastic opportunity to raise awareness on HR-issues, do some public education of Governmental officials, and society alike and to build confidence between authorities and civil society,
- One by-product of the process of creating a NHRAP would be to demystify human rights for the authorities,
- The National Commission on HR said repeatedly to the mission that the country as a whole needed a "sensitisation" towards Human Rights and the NHRAP was an ideal vehicle for that job.

## **Moldova**

### **Background**

Moldova became an independent State in 1991. In 1994 parliament passed the Constitution of the Republic of Moldova that declared that the Republic is a sovereign, independent, unitary and indivisible State. The constitution provides for a multiparty representative government with power divided among a president, cabinet, parliament, and judiciary. Parliament amended the constitution in July 2000 transforming the country into a parliamentary republic and changing the presidential election from a popular to a parliamentary vote. In December 2000, after several tries, the parliament was unable to elect a president, and the parliament was then dismissed by the president. In February 2001 parliamentary elections were held, which resulted in a new communist-majority parliament and government. International observers considered the parliamentary elections to be generally free and fair; however, authorities in the separatist Transnistria region interfered with the ability of residents there to vote. In April 2001, the parliament elected Communist Party leader as President.

This lasting political conflict with the separatist Transnistria is not resolved yet in spite of hard negotiations being undertaken with the participation of the OSCE. In practical terms, the Government of Moldova does not control Transnistria.

Since gaining independence and the proclamation of the Republic of Moldova in 1991, the country has grappled with the challenges of transition. While basic achievements have been seen in economic and political freedoms, in terms of opening of the country, democratisation of public life, liberalisation of prices, enterprise operations and trade, the social costs of transition have been very high. Moldova finds itself today as one of the poorest countries in the CIS region. Over the past 10 years, there has been a dramatic reduction of resources toward education and health, a sharp rise in income discrepancies, spread of poverty, growth in corruption and organised crime. The failure to ensure respect for human rights, coupled with a general lack of awareness of rights, is undermining sustainable development.

According to Moldova Human Development Report 2000 both critics and experts agree that “one of the most plausible explanations of failure of the transition period lies in the weakening of the role of the state, lack of consistency and co-ordination among different political, economic and legal institutions” Further, the difficulties are said to have been worsened by “objective circumstances” such as the deep social-economic crisis, the presence of a very high level of criminality, the weakening of the democratic educational system and the worsening of the demographic profile and health of the population.

### **The legal framework – Human Rights**

The constitution provides for an independent judiciary; however, observers reported that judges remained subject to outside influence and corruption. In July 2002, the parliament passed a salary increase for all judges and prosecutors that went into effect in November.

The constitution stipulates that it, in conjunction with other national laws, grants citizens their rights and freedoms, and also lays down their duties, which should be understood and implemented in accordance with the Universal Declaration of Human Rights and other treaties endorsed by the Republic. While some of constitutional provisions on human rights are developed, detailed and given concrete expression in acting law, some others do not, as, for example, rights of minorities.

Moldova is party to the major international human right instruments, including the International Covenant on Economic, Social and Cultural Rights (1993), the International Covenant on Civil and Political Rights (1993), the Convention on the Elimination of All Forms of Racial Discrimination (1993), the Convention on the Elimination of All Forms of Discrimination against Women (1994), the Convention on the Rights of the Child (1993) and the Convention against Torture (1995). It is not party to the Optional Protocols of any of these instruments nor the Convention of the Rights of Migrant Workers and Members of their Families

Despite the established legal frameworks guaranteeing human rights, translation into national law has met with mixed success and implementation is weak. A national ombudsman-type institution - Centre for Human Rights - is an independent state body

composed of three Parliamentary Advocates appointed by the Parliament for a 5-year term. The Parliamentary Advocates shall contribute to the observance and protection of human rights through complaints' examination, the investigation of cases of human rights violations, legal analysis and advice provided to the Government, and through the promotion of human rights. Annually the Center for Human Rights submits to the Parliament a Report on the Human Rights Situation in the country that is published in the Official Monitor. The Center does not seem to have played a key role in the development process of NHRAP.

In Moldova there are now more than 1,400 NGOs; the main fields of their activities are human rights, education, ecology. A smaller number of NGOs focus their activity on the political or economic problems. The state and NGOs are ready to cooperate, but still do not have a clear idea of how this cooperation should work. Moreover, both from one side and another, elements of mutual suspicion can sometimes be traced. The League for the Defence of Human Rights in Moldova has even initiated and elaborated “The National Strategy about Defending and Promotion Human Rights in Moldova” as a framework policy document addressed to both public authorities and the human rights NGO community. It is focused mainly on economic and social rights.

### **The NHRAP**

#### *The preparatory phase*

At the request of the parliament and the government of Moldova for support to the formulation of NHRAP in 1999 UNDP offered to assist under the Human Rights Strengthening (HURIST) project. The first HURIST mission to Moldavia, however, could not take place until May 2001 due to political changes such as the general elections and the appointment of a new president

The HURIST mission found unanimous support for the proposal that Moldova develops a national human rights action plan through a participatory and comprehensive process. Both national authorities and civil society representatives agreed that a national action plan could be an important tool to identify and address human rights priorities. The mission resulted in several recommendations including the scope, the principles, methodology, organisation and timetable of the NHRAP.

The first National Workshop on NHRAP was conducted by the parliament in October 2001 to discuss issues such as structure, strategy and methodology and the time frame of developing the NHRAP. 75 representatives of the parliament, government, ministries, trade unions, mass media, NGOs, international organizations, donor countries and independent experts participated. It was agreed: that a wide range of people and organisations in support of human rights activity should take part in the formulation of the NHRAP; that this work would stimulate a more comprehensive assessment of needs in the country and, by making plans explicit both to the government itself and to the general public, it can generate a commitment to achievement that would not otherwise be there. It was further agreed that the most

appropriate focal point for the process should be the Parliament Committee on Human Rights and Ethnic Minorities and that a Coordination Committee should be composed on the basis of a large representation of the government and non-government sectors.

### *The development phase*

#### The structure

The Parliament decided in December 2001 to establish the National Coordinating Committee (NCC) for the Development and Implementation of the NHRAP, consisting of 23 members from the Government, civil society and the media. The NCC determines its own Terms of Reference and work methodologies, and forms Working Groups for conducting a baseline study and drafting of the plan. A National Co-ordination Office was established as well as a Management Support Unit. Executing agency and the lead role of the process is the Parliament Commission on Human Rights and National Minorities (PCHR).

#### The process

In January 2002 the Co-ordinating Committee held its first session including approval of commissions membership and action plan. The launch of the project also took place in January. From February to April the commissions prepared information on the HR situation of the country. From May to August an expert group prepared the the Baseline Study or HR Status Report and developed priority directions to be included in the NHRAP. During this time a web-site was developed to reflect the process. From then to March 2003 the Baseline Study and its recommendations were discussed by the Co-ordinating Committee and regional and sector meetings, round tables workshops were held as well as The Second National Conference. Special working groups have been elaborating local and sectoral human rights plans. A large range of representatives of the state sector, civil society, trade unions, mass media, academics, and the private sector have been involved in the development and discussion of the draft Baseline Study. In March the draft Baseline Study was presented at the Second Workshop with participation of representatives of the parliament, ministries, civil society as well as international experts.

The Baseline Study contains 13 chapters: The Right to life, physical and physical integrity, The Right to information, the freedom of opinion and expression, The Right to work and the protection of labor, The Right to education, The Right to social protection, The Right to health, The Right to a healthy environment, The Rights of the child and family, Women's rights in the context of equal opportunities, The Rights of national minorities, The Rights of sexual minorities, The Rights of detainees, The Rights of refugees and migrants. Each chapter contains an analysis of the compliance of the national legal acts with the international human rights standards, identifies the problems existing and evaluates the level of protection of the rights in Moldova, as well as suggests some actions to be included into the NHRAP.



According to latest information from UNDP the NHRAP is now being drafted and is expected to be reviewed and adopted by the Co-ordinating Committee in June. One of the main challenges today is the mobilisation of resources for the implementation phase.

### **Justification for a NHRAP and linkages to other planning instruments of the Government**

It was clear at the preparing stage that a national human rights action plan could be an important tool to identify and address human rights priorities. In particular, it was widely hoped a participatory approach to the national human rights action plan would improve inter-sector co-ordination and collaboration on cross cutting issues relating to human rights. The national human rights action plan was seen as an opportunity to build and strengthen the relationship between various branches of Government, as well as between the authorities and civil society. The representatives of civil society expressed support for the initiative to develop a plan as a confidence building exercise between themselves and the national authorities on human rights issues.

During the consultations at the preparation phase, various approaches to human rights planning were discussed, for example: whether human rights should be integrated into the existing planning initiatives under formulation; whether a human rights "strategy" should be elaborated as a first step toward an action plan; and whether a full national human rights action plan should be developed. The consultations revealed support for the development of a full national human rights action plan. The pressing need for concrete, realistic and practical activities that focus specifically on human rights improvement was underscored. Other planning processes will contribute to human rights protection, but they do not envisage a direct focus on all human rights priorities. Priority issues such as justice, the judiciary, minorities, freedom of expression and access to media, could be targeted for improvement in a national human rights action plan.

## **Mongolia**

### **Background**

The political transition of the early 1990s in Mongolia was accomplished peacefully and has been followed by 10 years of democratic governance and the strengthening of democratic institutions. A new constitution was ratified in 1992 and parliamentary elections were held without incident in 1992, 1996 and 2000. The mass media have been liberalized, many NGOs have been formed, and Mongolia has deepened its ties with the global community. In 2000 the Mongolian People's Revolutionary Party (MPRP) won the parliamentary elections, with 83 per cent of the electorate turning out. In 2001 the MPRP's presidential candidate was elected to his second and constitutionally limited final term. The transition to the new Government occurred in accordance with constitutional procedures, and international observers characterized the elections as free and fair.

### **The legal frame work - human rights**

Recognizing the essential role of democratic pluralism, market economics and broad participation in national development, the MPRP-dominated government has made “good governance for human security” the centerpiece of its national program. The Government’s umbrella Programme on Good Governance for Human Security, approved by the government in 2000, encourages involving the private sector, mass media, academia and NGOs in meeting the country’s aspirations. A number of national and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views. An independent national human rights commission was established in 2001. The judiciary is constitutionally independent, but low salaries make it vulnerable to corruption. The multiparty system and the strong role of Parliament in society create an enabling political environment for the genuine promotion of human rights as one of the critical values of democracy. Capacities to promote, protect and realize human rights, however, are weak in most institutions and sectors.

What is of most concern regarding human rights relates to human development costs resulting from the transition process. Transition has brought enormous human development costs, with a disproportionate effect on women and children. According to the 1998 Living Standards Measurement Survey 36% of Mongolians live in poverty. Budgetary constraints have forced the Government to decrease real per capita expenditure on health care and education.

The status of women in Mongolia has deteriorated since 1990 despite a generally high level of education. Women have been disproportionately affected by unemployment, poverty and decline in health status. Violence is becoming an increasing concern for women, both on the streets and in the family. About 50 percent of the poor are made up of children and adolescents. Urban areas have experienced a visible rise of the number of street children. After many years of government and societal denial, there has been recently an increasing public and media discussion of domestic violence, including spousal and child abuse.

The negative consequences of the transition process have been addressed by the Committee on Economic, Social and Cultural Rights in its session in February 2000. In its concluding observations the committee expressed its concern about the rise of domestic violence which is estimated to affect a third of the country’s women and about the fact that the Mongolian Government has not been able to mitigate the adverse effects of poverty on children.

The independent National Commission on Human Rights, published reports in October 2001 and September 2002, in which the government was criticized for abuses and the parliament and the courts were faulted for failure to fully protect human rights. The Commission reports directly to the parliament.

Major international human rights instruments have been ratified by the Parliament. In total, Mongolia is party to 30 human rights international treaties, significant ones being: The International Covenant on Economic, Social and Cultural Right (1974); The International Covenant on Civil and Political Rights (1974) and its Optional Protocol no 1 (1991); The Convention on the Elimination of All Forms of Racial Discrimination (1969); The Convention on the Elimination of All Forms of Discrimination Against Women (1981) and its Optional Protocol (2002); The Convention on the Rights of the Child (1990), (but not its two Optional Protocols); The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2002). Mongolia is not party to the Convention of the Rights of the Migrant Workers and Members of their Families.

## **The NHRAP**

### *Preparatory phase*

The Government of Mongolia decided to take part in HURIST in 2000 following the recommendations from the OHCHR Asia-Pacific Regional Workshop on National Human Rights Action Plan (NHRAP) in Bangkok in July 1999.

### *Development phase*

#### The Structure

The Government decided to follow a consultative and participatory process for the drafting of the Program on the basis of the Bangkok workshop guidelines, and in this regard a first-ever national *Conference on Human Rights* was held in December 2000. The conference gathered more than 400 delegates from the legislative, judiciary, and executive branches of government as well as civil society, including the press, academics, NGOs and representatives of the private sector. The conference officially launched the development of the NHRAP and also established a National Consultative Forum for the NHRAP. The National Consultative Forum consists of 242 delegates with an 18-member National Coordinating Committee with equal representation from Government and civil society, participation of all powers of the State, including the active participation of the National Human Rights Commission, representatives of public sector institutions, from vulnerable or disadvantaged groups, and taking into consideration gender equality in its composition. The project document on the Development of the National Human Rights Action Program was signed between the Government of Mongolia and UNDP during the conference. The Ministry of Justice is in charge for the development and implementation of the project

#### The process

A nationwide Human Rights Baseline Study was conducted from May to September 2001. The Study was the first comprehensive assessment of all human rights in Mongolia, conducted through a team of 23 national UN Volunteers, one situated in each province, and national expertise. The project's central team consists of the

National Project Director (the State Secretary in the Ministry of Justice), Coordinator (no longer part of the project since the conclusion of the baseline study), researcher, an expert National Adviser, one administrative assistant and two UNVs.

The UN Volunteers were employed nationally, twenty-one located in the Aimags (regions) and two in the capital, Ulaanbaatar. The study covered 22 Aimags, 127 Soums, 314 Bagas and Khoro, independent surveys and face-to-face interviews were taken from 57, 579 respondents, 8, 822 households, 579 businesses and organizations, illustrating the enormous amount of work, resources and dedicated given to this particular exercise. The report on the baseline study collected and presented information in numerous ways and forms, as follows: Current state of an issue in concern, Related legislation; Statistics (tables and charts); Anecdotal evidence; Explanatory notes and conceptual background, and Historical overview.

Beyond the individual UNV surveys for each Aimag, the survey was supplemented by analysis from a total of five thematic groups, each containing 5-6 members. The five groups were: a methodology group and four groups as per the thematic structure of the baseline study itself (i.e. personal rights and freedoms; political rights; economic human rights; and social and cultural rights). The broadly-constituted National Coordinating Committee (NCC) played a role in selecting members of the thematic teams. It was also decided that there should be one member or staff member of the National Human Rights Commission of Mongolia on each thematic group, in order to promote national ownership of the NHRAP by the NCC.

As to the methodology for the aimag surveys: In May 2001 a 3-day seminar was conducted in Ulaanbaatar, at which all the 23 UNVs participated. A total of 13 lectures were given. A booklet of 50 pages or so was produced summarizing the proceedings and providing an outline of the desired parameters for the survey work. Most UNV's had no expertise or experience with survey-related work, and most needed to carry out their survey activities on a part-time basis. In June 2001 select members of the central team and NCC traveled to the provinces to follow up on the various surveys, and ensure continuation of momentum at the level of Governors' administrations. This turned into a valuable learning exercise for the NCC representatives themselves.

In August 2001, the project assembled all 23 UNVs in Ulaanbaatar for a period of 5 days, in order to critically review all questionnaires and reports (with the aid of the methodology team). While a certain number of the survey results for particular aimags were not especially useful; others were rigorous, insightful and comprehensive. Had the methodology group been established in a more timely manner, it could have served the additional useful function of advising the other thematic. In other respects the quality of inputs into the UNV surveys, and the likely quality and effectiveness of follow-through and implementation on the results, varies in accordance the quality and commitment of the various local administrations.

In September 2001, five regional seminars (each of 3 days duration) were conducted by select members of the central team. Invitees included representatives from the private sector, aimag-level citizens groups, and Governors' administrative officers. The seminars discussed the results of the baseline study in each province, and prepared an initial draft of the NHRAP, along with the development of draft local (aimag) plans. These provincial Mid-Term Human Rights Action Plans were developed in all provinces, now being implemented with assistance of a network of the local experts.

The final stage of the process was the formation of a special group which synthesized the whole process, and produced a final draft of the NHRAP. The draft was endorsed by the NCC and submitted to parliament in July 2002. Parliament reviewed it in October 2002 and requested certain revisions. Today the draft is in the late stages of revision by the Ministry of Justice and Home Affairs. The plan is for the ministry to have it ready for submission to cabinet and parliament in time for adoption at its spring 2003 session. The draft has not yet been translated into English.

### **Links to other development plans**

Strong links with other national development plans and sector programs are envisaged under the Government's umbrella *Programme on Good Governance for Human Security* (GGHS). This comprehensive program prioritizes the Government's key objectives and creates a participatory and consultative framework for achieving them. The Programme contains eleven priorities, including that of developing a democratic civil society with strong ethics and which secures citizens' basic rights, fundamental freedoms and democratic principles by facilitating independence of judiciary and freedom of mass media. Under GGHS, there is an Action Plan on Sound Governance that concentrates on the establishment of the National Human Rights Commission (in addition to the Judicial Reform Programme and the NHRAP).

The HURIST project document assessed that the socio-economic problems, if not addressed in a timely and effective manner, might seriously undermine the country's overall achievements in respect of human rights. Mongolia would therefore in this regard benefit from the United Nations assistance through gaining experience in applying a human rights approach to developmental programming. More specifically, Mongolia according to the document, will benefit greatly from support on how to mainstream human rights in developmental programmes and planning. One of the preliminary conclusions of the mission to Mongolia in April 2002 carried out by the OHCHR Coordinator for HURIST was that the need for a NHRAP should be considered against other viable alternatives for integrating or mainstreaming human rights directly within national development policy and planning processes. Another conclusion of the mission stressed that a decision to develop and implement a NHRAP may assist significantly in raising the profile of human rights issues in national policy debates and at community level, contributing to the emergence of a human rights culture in societies where this is lacking, and affording a comprehensive and coherent basis for national human rights planning.

### **Role of National Human Rights Commission**

A strong partner role in the consultative process for the development and implementation of the NHRAP was envisaged for the National Human Rights Commission (NHRC). While it was important that the overall ownership and responsibility for the Program lay with the government, the Commission would play a key supporting role. The Commission was guiding the conduct of the human rights base-line study which would form the basis of the NHRAP. The NHRC would assist in increasing public awareness of international human rights standards and norms, help to enhance the understanding amongst policy makers and implementing agents on the key role to be played by the NHRAP and the human rights approach to human development. In addition, the NHRC would assist with monitoring and evaluating the implementation of the Program. Because of the Commission's regular contact with individual citizens and NGOs, it would also play an important role in ensuring that the NHRAP will accord adequate priority to vulnerable or disadvantaged groups. To what extent these plans for the National Human Rights Commission have been realized during the development of the NHRAP has not yet been accounted for. An independent review of the baseline study, conducted by a member of National Coordinating Committee, assessed, however, that the Commission as an independent organization should have managed the base-line study in stead of the team group led by the Ministry of Justice. The baseline Study might then according to this review have been done more thoroughly and objectively especially the chapter on political rights.

### **Preliminary lessons learned and views from baseline study process**

The mission of the OHCHR Coordinator for HURIST to Mongolia in 2002 mentioned above presented also some tentative lessons learned from the baseline study experience

Firstly, the study constitutes a dedicated, focused and thorough attempt to establish for the first time in Mongolia's history a comprehensive baseline for progressive realisation and monitoring people's internationally recognised human rights entitlements. Secondly, the methodology team should reflect a balanced composition of legal, statistical, sociological and policy expertise, and should have been established at a sufficiently early stage. Thirdly, great care is required in terms of selection of survey questions, especially having regard to widespread lack of human rights knowledge at local level. Building upon and fostering organic connections between international human rights norms and local values and experiences is vital.

The draft independent review of the baseline mentioned above stressed that the study should also have raised issues of collective rights which the author regarded as more

important for a small country as Mongolia, rights such as environmental pollution (air and water), land usage and desertification.

### **Preliminary lessons learned on NHRAP process**

Further, the OHCHR Coordinator made some more general preliminary lessons learned on the whole NHRAP development process in addition to those already mentioned.

Among those the following can be noted.

- 1) The prerequisites for successful NHRAPs development processes include a thorough and genuinely participatory development phase for the NHRAP (including the initial ‘baseline human rights survey’ on which the Plan is based), and a high degree of political commitment at all stages of the process.
- 2) Objectives within the Plan should be prioritised, action-oriented, monitorable, properly funded, and firmly grounded in principles derived from international and national human rights law. Human rights of all kinds – economic, civil, social, cultural and political – must be covered in the baseline human rights survey, prioritized for action as appropriate.
- 3) High-level political representation is necessary on the coordinating bodies overseeing NHRAP development and implementation. Active participation of key line ministries, is vital to ensure political support for targeted planning and action, policy coordination and proper prioritization, and resources for meaningful implementation.
- 4) Effective monitoring of the implementation of the NHRAP rests to a significant degree upon the existence of an active civil society, and an independent, strong and well-resourced National Human Rights Commission (NHRC).

## **Nepal**

### **Background**

Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 a new constitution was adopted and political parties were legalized. In 1999 the country's third national parliamentary elections were held, which international observers considered to be generally free and fair.

The killing of the royal family in June 2001 provoked a period of political instability but there was a marked improvement from July when both sides maintained a cease-fire. However, the human rights situation deteriorated sharply in November the same year after the CPN-Maoist broke the cease-fire and a state of emergency was declared and the army was deployed to combat the CPN-Maoist. Under the emergency, the King suspended several constitutional rights, which were restored after the expiration of the emergency in August 2002. Impunity remained a concern. The constitution provides for an independent judiciary; however, the courts often were inefficient and susceptible to political pressure and corruption.

Nepal ranks as one of the world's poorest countries . About 42 per cent of the population are estimated to live under the poverty line. Feminization of poverty is a striking characteristic of the overall poverty situation. Unequal practices, primarily related to property rights and access to resources, health and education, have led to greater poverty among women. Nepal is one of only two countries in the world where women have a lower life expectancy than men. The maternal mortality is one of the highest in the world. One of the major causes of ill health is the malnutrition that pervades most parts of the country. New epidemiological data on HIV/AIDS suggest that Nepal has entered the stage of a "concentrated epidemic". While these figures underscore the enormous challenges faced by Nepal, significant advances have also been made in promoting human development in the last decade.

More people have access to education and health now than a decade ago. The road network has doubled, enabling a large number of towns and villages in peripheral areas to participate more fully in the country's economic and social life

### **The legal framework – Human Rights**

A particularly noteworthy feature of Nepal's political, economic and social policy-making is its constitution, which guarantees "basic human rights to every citizen of Nepal". It sets economic objectives that emphasize growth with equity and calls for "wider participation" and "the protection and promotion of human rights". Nepal is therefore committed to a pattern of development that is non-discriminatory, participatory and broadly shared and that secures the provision of improved human development. The tenth plan (2002-2006), has adopted poverty reduction as its primary objective.

The government has taken several initiatives in the area of human rights. It has ratified 17 human rights instruments, more than any other country in South Asia and the national Human Rights Commission was established in 2000. The role of the Commission seems to be rather weak though and according to Amnesty International there is a lack of cooperation extended to the Commission from the government, civil service and the security forces. Nepal is a relatively young democracy in which the advances made so far need to be consolidated. Governance remains weak.

Transparency and accountability within the machinery of government need further improvement. A critical aspect of governance and development is to upgrade the effectiveness of local government institutions so that decentralized power can be effectively used.

Recent years have witnessed an upsurge of violence and conflict in several areas of the country. Conflict mitigation has to be viewed as a part of a holistic set of solutions to these conflicts that also take into account the economic, social and environmental context. Local people are often the victims of violations of civil and political rights. By the end of October 2002, according to figures made public by the Ministry of Home Affairs and the Royal Nepal Army, the number of people killed in the conflict had reached 4,366. The vast majority of the victims were civilians targeted for their real or perceived support to the CPN (Maoist); others were Maoists deliberately killed.



Human rights abuses by the Maoists have included deliberate killings of an estimated 800 civilians considered "enemies of the revolution", hostage-taking for ransom, torture of people taken captive and deliberate killings of captured members of the security forces.

Major international human rights instruments have been ratified by the Parliament. In total, Nepal is a party to 17 human rights international treaties, significant ones being: The International Covenant on Economic, Social and Cultural Right (1991), The International Covenant on Civil and Political Rights (1991) and its Optional Protocol no 1 (1991), and no 2 (1998); The Convention on the Elimination of All Forms of Racial Discrimination (1971), The Convention on the Elimination of All Forms of Discrimination Against Women (1991) and its Optional Protocol (2001), The Convention on the Rights of the Child (1990) but not its two Optional Protocols; The Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1991).

### **The NHRAP**

#### *Preparatory phase*

In mid 1999 following a UN-sponsored workshop NHRAPs, the Ministry of Foreign Affairs proposed a National Human Rights Action Plan (NHRAP) to be formulated in order to identify steps whereby Nepal will improve the respect, promotion, protection and fulfillment of human rights in a systematic way. The Ministry of Foreign Affairs announced Nepal's decision to proceed with such a project at the UN Commission on Human Rights in Geneva in April 2000. United Nations Development Programme (UNDP) offered in 1999 to assist with its formulation under the programme of Human Rights Strengthening, (HURIST).

In December 1999 an international consultant was engaged by the Hurist project for the preparatory work and, together with a staff members from the Office of the High Commissioner for Human Rights, he conducted a preliminary mission to gauge the extent of support for the proposal to formulate a national human rights action plan and to identify the process if this support was found to exist.

A wide cross section of government and civil society organizations consulted expressed support for the proposal. However, it was clear that there was little understanding among government officials about the nature of Human Rights Action Plans and no expectation that national resources would be allocated for the process or for implementation of the Plan.

A consultative meeting was held in March 2000 which brought together representatives from the government and civil society. The meeting agreed on a process of consultations and on the establishment of a steering committee consisting of a wide-cross section of the Nepalese community as well as various ministries. One key conclusion of the meeting was the call for the NHRAP to be seen as complementary

to the 10<sup>th</sup> 5-year National Development Plan which was scheduled to be finalized by the end of 2001. The further development of the NHRAP during 2000 was slow caused by i a lacking political commitment, political changes within the government as well as the unavailability of key government personnel. Nevertheless, a dialogue continued between the Resident Representative and the Chief Secretary, a former Secretary of the Ministry of Law and Justice who had been a key person from the very start.

### *The development phase*

A break through was achieved in November 2000 when it became possible to convene a national meeting of senior Government officials and representative NGOs to finalize the composition of the steering committee and its terms of reference. The objective of the Committee is to oversee the drafting of the Plan and the extensive participation of both government and non-government participation in the Committee.

#### The structure

The Steering Committee is chaired by the Chief Secretary who also is the focal point of the Committee. The Steering Committee includes representatives from the Ministries of Foreign Affairs, Home Affairs, Women, Children and Social Welfare, Law and Justice, Labour, Education and The National Planning Commission, The National Human Rights Commission and representatives from civil society like the Bar Association, the Journalists' Association the Dalit Federation, the Children's Federation and some NGOs. An advisory group was established with representatives from a wide cross section of the society including parliamentary committees and HRC. Eventually a project team was established consisting of a National Project Director, a national consultant responsible for coordinating the work, two support staff and another consultant, the former Chief Secretary.

The consultative meeting also made a range of recommendations for the consultations and needs assessment process. The requirements for a successful Plan were: the establishment of a coordinating structure, an analysis of the human rights situation in the country, developing priorities and strategies, drafting the plan implementation, monitoring and evaluation and revision. In the analysis of the HR situation open consultations should be facilitated with sectoral interests, geographical spread and community based as well as involving the hardest to reach. In the developing priorities and strategies it is emphasised that people should be informed about their rights, realistic assessment of resources and people should have a say in what affects them directly and government should have the final say. In drafting the Plan there should be a product of the analysis, sectoral interests should be represented the coordinating structure and finally government oversight.

#### The process

Some of the NGOs began at this stage a consultation process at the regional level to identify issues that should be featured in the Plan. The importance of gaining support from civil society organizations became apparent early on. There was understandably

suspicion about the government's ability to deliver on the Plan but a willingness to participate in the process and to facilitate national community debate. The consensual nature of the process enabled a dialogue to begin between NGO and government. For example, some women's organizations felt that it would be easier to raise women's rights in the context of the NHRAP than was possible in other contexts.

The work plan had the following components:

- Collect relevant background information.
- Collect background information on each Thematic Group.
- Form Thematic Groups.
- National workshop for Thematic Groups.
- District and Regional level consultations.
- Concept paper back from the Districts and Region, organize the material.
- Write a draft action plan.
- First national consultation.
- Distribute draft for hearings at different venues.
- Responses and revise the draft.
- For discussion at the various ministries.
- Incorporate changes.
- Second national consultation.
- Finalize draft.
- Give for approval / signature by Cabinet.
- Launch the NHRAP on March 2003.

From the National Thematic workshops which took place in Kathmandu May 2002, while the state of emergency still was going on, the resource person made the following conclusions regarding the proceedings of the workshops

- The twofold objective of the NHRAP to be comprehensive and the same time concrete and action-oriented presents a formidable challenge for project and process design. Human rights constitute an all-encompassing framework, and the biggest challenge for the NHRAPs is to break down lofty goals and principles into prioritized implementable and monitorable actions.
- While there are many development professionals and practitioners and many others conversant with human rights, it is difficult to find a combination of both skills.
- As was expressed by several participants the process helped them to specify priority actions for themselves and their organizations. Therefore, besides the production of the NHRAP, the process succeeded in its objective to strongly sensitize some 130 participants, many of them key players in the development scene.
- While the process was very participatory, NGO representatives were present in bigger numbers and were more active than government representatives. The challenge remains to transfer true ownership to the Government.
- One of the worries at the outset of the workshops was that the present Maoist conflict and emergency situation would dominate the deliberations and that dwelling on external constraints would hamper the outcome of the workshop. This

did not happen. The plenary sessions were very important in this respect as they set the stage and provided the opportunity for participants to express their doubts and frustration of the current situation. The fact that the conflict did not come up as a major subject in the working groups also suggests that the HR implications of the conflict are not clear.

In the process of the formulation of the draft NHRAP, there has been regular contact with the National Planning Commission (NPC). In these discussions the Project Team became progressively convinced that the draft should take the form of a series of log frames to parallel the model used by the NPC. This would make consultations easier, the components of the Plan clearer to the average reader and provide relevant indicators for implementation.

At the First scheduled National Consultative Meetings which took place in January 2003 the first draft was discussed. The draft was divided into twelve chapters: Children, Education/Culture, Environment/Development, Health, Judiciary, Labour, Law/Legislation, Minorities/Disadvantaged, Prison, Women, Conflict Management and Institutional strengthening. Each chapter contained the background to the chapter, a narrative discussion of the current human rights situation for the theme of the chapter and a list of problems identified in the consultative process. The narrative section concluded with broad objectives to address the problems. This was followed by the log frame with seven columns: main program, objectives, implementing organization(s), implementation period, method of measuring the state of implementation, risk factor and related international instruments.

The draft Plan is now being discussed at various hearings, and at many ministries and will be dealt with at the Second National Consultative Meeting after which the draft Plan will be finalized. The Cabinet is expected to approve and launch the NHRAP in the middle of 2003.

### **Conclusions from the First National Consultative Meeting drawn by the project's international consultant**

-It is important to note that the consultative process has produced a comprehensive list of problems and if these are reflected in the Plan endorsed by the Government, then this will go a long way to accord with the call for frankness over human rights shortcomings called for in the OHCHR Guidelines on NHRAPs

-One of the positive achievements since the inception of the NHRAP project has been the acceptance by HMG/Nepal that the NHRAP should be seen as complementary to the Tenth Development Plan (since this is in fact a Poverty Reduction Strategy Paper as envisaged by the World Bank, the NHRAP is in fact complementary to the PRSP). While it was hoped that this complementarity would be spelt out very precisely in the Tenth Plan, this was not accepted and human rights and the NHRAP are only referred to in a chapter 31 of the Tenth Plan entitled "Governance, Development Administration and Human Rights".

-Further review of the draft Plan should be done in order to make the plan more consistent and clear in terms of priorities and relevance to human rights..

-The draft is not taking into account how to quantify the resources required or identifying from where they may be available. The Government should demonstrate its commitment to implementation by making some – no matter how token – allocation to the implementation of the Plan.

-The unfortunate events surrounding the killing of the former King and the Maoist insurgency have contributed to delays. The latter has meant that the consultative process which originally envisaged local level discussions in all districts has been less extensive than proposed. Nevertheless, the draft Plan does reflect the aspirations of the majority of Nepalese. It could even become an international model of its kind providing that HMG/Nepal is in a position to implement the Plan.

## **Overview of the current status of the NHRAP development**

**Cape Verde** The development of NHRAP - delayed by some months - has now completed the information gathering missions in 17 municipalities on the eleven islands of the country. The mission reports should now according to the workplan be put together to a draft Plan. The delay is due to a lack of engagement from the National Committee for Human Rights (NCHR), the Coordinating unit for the developing process. The participation by the members in the work of the Committee has been rather weak. In addition there is a need for a fulltime paid executive officer. It is unclear when the two-day National Conference will be held at which the finalized draft will be discussed. After the Conference the draft is expected to be revised and approved by the NCHR and later submitted to the government.

**Lithuania** The Draft Plan is completed and was approved by the parliament in November 2002. A two year agreement between the government and UNDP for support to the implementation phase was signed in December 2002 and the implementation phase started in the beginning of 2003. According to information in April there is a lack of funds for this phase.

**Mauritania** The process is delayed compared to the workplan. A number of workshops with broad participation from governmental authorities and civil society have been held. Based on the recommendations from the workshops the NHRAP is now being drafted by two national consultants. It is not known, however, when the Final Conference for adopting the final draft will take place.

**Moldova** The Baseline Study was finalized in March 2003. Based on the priorities of the Study the NHRAP is now being drafted. The draft is expected to be finalized and adopted by the Coordinating Committee in June 2003, after which it will be submitted to the government and the parliament for approval.

**Mongolia** The draft NHRAP was endorsed by the National Coordinating Committee and submitted to the parliament in July 2002. The parliament reviewed it in October 2002 and requested a revision. A new draft has now been approved by Government and submitted to Parliament for approval.

**Nepal** The NHRAP has been drafted and is now being discussed at various hearings and at many ministries. The review should according to the international consultant make the draft Plan more consistent and clear in terms of priorities and relevance to human rights. The draft will be dealt with at the Second National Consultative Meeting after which the draft Plan will be finalized. The government is now planned to approve and launch the NHRAP in the middle of 2003.

## Findings and conclusions

1) The planning process of the NHRAP in all six pilot countries has been delayed, either due to **political events** or **political conflicts**, or to some extent to **lack of political commitment**. General elections to Parliament and elections of President have been held during 2002 and 2001 in *Cape Verde, Lithuania* (no president elections), *Moldova* and *Mongolia*. In *Mauritania* and *Nepal* the process was initially slow because of lack of political commitment and lack of ownership of the NHRAP process within the government. In *Nepal* the internal political conflict including the state of emergency during 10 months in 2001-2002 has had a hampering impact on the process, i a the consultations over the country had to be more limited than originally envisaged.

2) The **political commitment** and active participation from highest political levels of the government and the parliament was of vital importance to the success of the NHRAP planning process. Political commitment in countries such as *Lithuania* *Moldova* and *Mongolia* played a key role, while apparent lack of political engagement and support from highest political levels seemed to have had a negative impact on the process in *Mauritania* and *Nepal* and to a less extent in *Cape Verde*. Personal commitment of key persons and stakeholders was crucial for the development process in some countries including *Lithuania* and *Nepal*.

3) The Baseline Study of the NHRAP, the NHRAP development processes and public participation dimensions have intrinsic value As the **participatory process, inter-sector coordination and cooperation** were new to *Lithuania, Moldova* and *Mongolia*, important experiences and lessons learned were achieved which should be of great value to other countries with the same background and same challenges.

4) The process in *Lithuania* and *Moldova* included networking except between the two countries also with institutions in other countries. Main partners were the Danish center of Human Rights and Sweden's Ministry of Justice. The support and the **exchanges of experiences** with these institutions in conducting a NHRAP process was an important factor throughout the development of the NHRAP in Lithuania.

5) Those countries which have **experienced long transition periods** like *Lithuania*, *Moldova* and *Mongolia* have suffered significant declines in social sectors. The Action Plans tend to reflect this as focus seems to be on economic, social and cultural rights.

6) In most pilot countries the process seems basically to have **followed the Handbook on National Human Rights Plans of Action** with a comprehensive participatory processes including broad representation from public authorities and civil society. Baseline Studies have been conducted in *Lithuania*, *Moldova* and *Mongolia*. In *Nepal* the consultative process has produced a comprehensive list of problems and if they will be reflected in the final Plan this will go a long way to accord with the call for frankness over human rights shortcomings called for in the OHCHR Guidelines on NHRAP.

7) Although very clearly referred to and emphasised in documents **the linkages of the NHRAP to other planning instruments** the implications of which have not been accounted for in any concrete ways. The linkages are clearly planned for especially in *Mongolia* but also in *Lithuania*, *Moldova* and *Nepal*.

8) The NHRAP planning process in *Moldova*, *Mauritania* and *Nepal* gave an opportunity to the public authorities and civil society **to conduct a constructive dialogue** with each other, a dialogue that otherwise would have been more complicated to achieve. To this end in *Moldova* the process enabled the ministries to improve the inter-sector coordination and collaboration. The NHRAP was seen as an opportunity to build and strengthen the relationship between various branches of the government. The civil society in *Moldova* saw the **process as a confidence building exercise** between NGOs and national authorities. In *Nepal* some women's organisations felt from the start that it would be easier to raise women's rights in the context of the NHRAP than was possible in other contexts. In *Mauritania* the public authorities have earlier shown suspicion against and an obvious reluctance to meeting with the NGOs in a constructive dialogue on human rights. Also the NGOs have been criticizing the government vigorously. The NHRAP process seems to **have created a more open atmosphere** between the two parties. Likewise the political commitment of the government of the plan might have grown during the process.

9) In all six countries the NHRAP process has shown the **great need for awarenessraising of human rights** and to create a culture of human rights. This refers both to the public and to the authorities on political and civil service level. As it seems the process in all countries have **underscored the justification of the NHRAP**. In the same time some voices have been raised, in *Mongolia*, on the need

for a human rights based approach to be applied in all of the government's planning instruments.

## **Recommendations**

-UNDP and OHCHR should organise a workshop on the experiences and lessons learned of the participation process in countries like *Moldova*, *Lithuania* and *Mongolia* as this process was entirely new to the participants in consultations and baseline studies processes. The purpose of the workshops would be to share lessons learned with other countries facing the same challenges.

-The processes in *Lithuania* and *Moldova* regarding interaction and experience sharing with institutions in other countries should be taken advantage of, developed and followed by others in a more systematic way. The networking system might be developed into cooperation development schemes with so called sparring partners – institutions from other countries.

-The linkages between NHRAP and other planning documents particularly the government's overriding economic development plan which in some countries is the same as the PRSP (Poverty Reduction Strategy Paper) should be strengthen in the future. A step forward to this end are the efforts made within the framework of UNDAF. Of great importance is the linkage of NHRAP to the budget processes and the central planning authority. Accordingly, the Ministry of Finance and the Planning Commission should play an active role in the development of NHRAP. An interesting experience in this context can be noticed from the process in *Nepal*.



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