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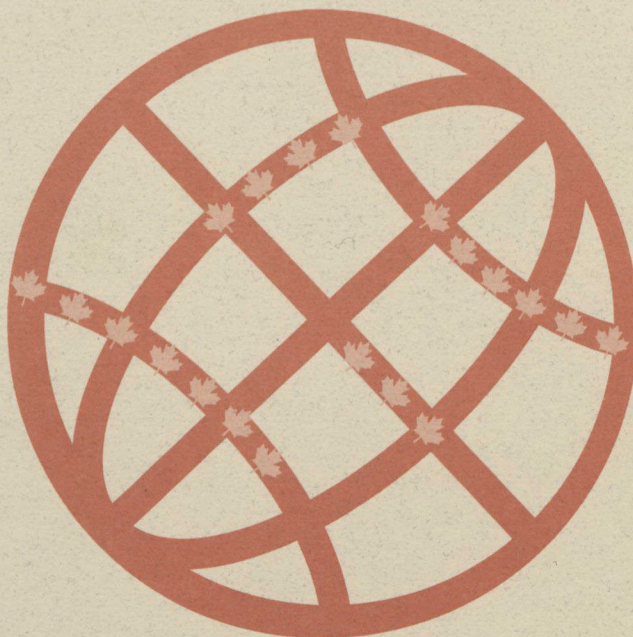
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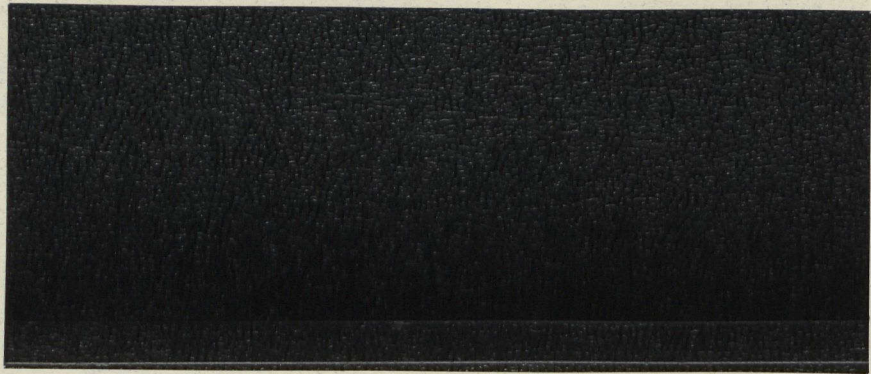
**CANADIAN HUMAN RIGHTS INSTITUTIONS OVERSEAS:
THE ROLE OF CANADIAN EXPERTISE AND RESOURCES**

Canadian Human Rights Foundation

March 1998

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Working with National Human Rights Institutions Overseas: The Role of Canadian Expertise and Resources

- Progress Report -

March 1998

Canadian Human Rights Foundation

Summary:

Despite playing important roles played in national efforts to promote and defend human rights, such as in Indonesia, Mexico and Latvia, among others, several concerns remain about independent national human rights institutions and their capacity to continue in these endeavours. Canada has been increasingly involved in supporting these institutions, for instance, by providing resources directed at strengthening their capacity. The topics discussed focused on issues arising from Canada's experiences in this regard, the variety and breadth of Canada's involvement, challenges faced by national human rights institutions, and recommendations for effective action.

Policy Recommendations:

- continuation of Canadian involvement in and support of national human rights institutions, alongside and in balance with existing efforts to strengthen the rule of law, democratic institutions and civil society;
- engage NGOs and other participants of civil society in Canada and in the target country;
- the development of criteria for working with national human rights institutions, such as mandate of the institution, its independence, and availability of Canadian resources and skills to be effective and for disengagement in the event that a national institution lose its credibility, requiring on-going evaluation of Canadian initiatives in this regard;
- development of a strategic framework by Canadian organisations/institutions involved in these endeavours
- financial commitment on behalf of the Canadian government.

WORKING WITH NATIONAL HUMAN RIGHTS INSTITUTIONS OVERSEAS: The Role of Canadian Expertise and Resources

Ottawa: 5 - 6 March 1998

Progress Report

INTRODUCTION:

On 5-6 March 1998, the Canadian Human Rights Foundation (CHRF) organized a one day-and-a-half round table meeting in Ottawa, entitled *Working with National Human Rights Institutions Overseas: The Role of Canadian Expertise and Resources*. This initiative was co-sponsored by the Canadian Centre for Foreign Policy Development (CCFPD), the International Centre for Human Rights and Democratic Development (ICHRDD), the Canadian Human Rights Commission (CHRC) and the Ontario Human Rights Commission (OHRC). It was hosted by the CHRC. The participants included representatives of Canadian human rights commissions, ombudsman offices, NGOs, universities, the Department of Foreign Affairs and International Trade (DFAIT) and the Canadian International Development Agency (CIDA), as well as three international resource people representing the regions of Africa, Asia and Latin America.

THE RATIONALE:

During the last 10 years, national human rights institutions have emerged as important actors in the struggle to promote and protect human rights in a number of countries. Examples come from regions, cultural traditions and historical backgrounds as diverse as the Philippines, Indonesia, India, South Africa, Cameroon, Mexico and Latvia. Often working under severe constraints, such as shortage of resources and technical expertise, experience has shown that an independent national human rights institution can play an important role in national efforts to promote and defend human rights.

The spread of national institutions has received strong support at the international level, including the United Nations Commission on Human Rights. The concerns about national institutions which been expressed by a number of national, regional and international NGOs should, however, should be taken into consideration.

Canada has played an active role in supporting this process, through multilateral channels, by responding to the specific needs of individual institutions. The CHRC, a number of provincial human rights commissions and ombudsman offices, NGOs and universities have become engaged internationally by drawing upon their experience, to help set-up new institutions and by providing resources to strengthen the capacity of these institutions. Such involvement has received support from the DFAIT and CIDA. A second group of stakeholders includes organizations and individuals who are not engaged directly in work with national institutions, but who are concerned about the promotion and protection of human rights overseas.

Given that Canadian involvement in this area is increasing, the CHRF organized this meeting so that the interested Canadian stakeholders would have the opportunity to discuss Canada's involvement in supporting national human rights institutions overseas. The roundtable offered the first opportunity for many of these stakeholders to come together as a group to examine Canada's experience with national institutions. The collective experience of the participants provided an excellent opportunity to contribute to the development of Canada's foreign policy in this new area of the international struggle for human rights.

SPECIFIC OBJECTIVES:

The specific objectives of the round table were:

1. To promote a joint reflection on the capacity of national human rights institutions to promote and protect human rights in developing countries.
2. To provide a forum for Canadian NGOs, human rights institutions and government agencies to share their experiences in working with national human rights institutions in developing countries.
3. To draw lessons which can help shape future Canadian involvement in this area, both in terms of policy development and actual programme interventions.

DESCRIPTION OF ACTIVITY:

The round table took place on 5 and 6 March 1998 in the boardroom of the OHRC. During the course of the day-and-a-half, there were over thirty participants (see Annex A for list of participants).

The Opening Session included welcoming remarks from Ms. Ruth Selwyn, Executive Director of the CHRF and Ms. Michelle Falardeau-Ramsay, Chief Commissioner of the CHRC. Mr. Steve Lee, Director of the CCFPD, thanked the organizers and explained how he hoped the results of the meeting would contribute to the process of formulating Canadian foreign policy on human rights. As the last speaker during the opening session, Mr. Ian Hamilton, Director of the CHRF's National Institutions Programme, provided an overview of the objectives and agenda for the meeting.

During Session 1 entitled, *Issues of Concern to Canadians*, the participants explored some of the issues which are crucial in working with national institutions from the Canadian perspective. The session was chaired by Ms. Pearl Eliadis, Director of Policy at the OHRC. Papers were presented by Mr. Yves Lafontaine, President of the CHRF, and Ms. Iris Almeida, Director of Programmes at the ICHRDD. These papers raised a number of issues, including the importance of assessing national institutions and their needs before engaging with them, the need to provide appropriate assistance and the crucial role that civil society can play in ensuring the success of these initiatives.

Session 2, chaired by Ms. Eliadis, was entitled *Challenges Facing National Institutions Overseas*, and was also chaired by Ms. Eliadis. The session began with presentations

by each of the international guests. Ms. Irene Aguillar, Program Officer for the Ombudsman and Human Rights Program of the Inter-American Institute for Human Rights (IIDH), began with a presentation on the evolution of and challenges facing national institutions in Latin America, focusing in particular on the creation and strengthening of ombudsman offices in a number of Central and South American countries. Ms. Anne Routier, Commissioner of the South African Human Rights Commission (SAHRC), followed with an examination of the challenges facing the SAHRC and other national institutions in Africa. Finally, Mr. Ravi Nair, Executive Director of the South Asia Human Rights Documentation Centre (SAHRDC) and member of the Steering Committee for the Asia-Pacific Human Rights NGOs Facilitating Team, examined the strengths and weaknesses of national institutions in Asia. The presentations were followed by a group discussion to clarify issues which should be explored during the remainder of the meeting. A number of issues emerged from the discussion which became the basis for the sessions on Thursday afternoon and Friday morning, including:

- establishing criteria for Canadian engagement (both in terms of assessing a potential partner institution's credibility as well as the availability of appropriate Canadian resources and skills) and disengagement;
- relations civil society (in Canada and the country in question) in initiatives with national institutions;
- relations with government agencies;
- implementing recommendations and decisions;
- budgetary constraints;
- building the capacity of appointees and staff of national institutions;
- fulfilling their mandates in the area of human rights complaints, human rights education/promotion, alternative dispute resolution, and monitoring.

After the lunch break, Session 3, entitled *Existing Initiatives and Lessons Learned*, began with a presentation by Mr. John Hucker, Secretary General of the CHRF on the Experiences of the CHRC. Mr. Hamilton followed with a presentation of the results of a survey conducted by the CHRF of Canadian initiatives involving national institutions. The session was chaired by Mr. René Plaetevoet, Director of the CHRF's Asia Programme. The presentations provided a picture of the variety and breadth of Canadian involvement. Following a question period, the participants were divided into three groups to work with facilitators to explore these Canadian experiences and identify some lessons learned. Before the end of the day, each group reported back to the plenary and the Chair led a discussion of the lessons learned.

The second day of the roundtable began with a recap of the previous day's deliberations by Mr. Plaetevoet.

Session 4, entitled *Formulating Recommendations for Effective Action*, was chaired by Mr. Lafontaine. The participants were again divided into their groups from Session 3 and asked to consider four questions:

1. To what extent should support for national institutions become a priority for Canadian involvement in human rights promotion overseas?
2. What are the Canadian resources available?
3. How can we make the most effective use of these resources?

4. What are the implications of involving civil society in these initiatives? Why, when, how?

After reports from small groups, the international resource people commented on the outcomes of the exercise. Mr. Hamilton reviewed some of the suggestions which had emerged during Session 4.

During the discussion of follow-up it was suggested that the CHRF use the results of the meeting to prepare a set of draft recommendations for Canadian stakeholders. These have been circulated to the participants for their comments. Once the comments have been received and considered, the recommendations will be included in the final report of the meeting.

Before the Chair closed the meeting, Ms. Selwyn thanked the sponsors, the resource people and the staff of the CHRC and CHRF for their contributions to the success of the meeting.

Conclusions of the Round Table:

There was a broad consensus amongst the participants that Canada should continue its engagement with national institutions and that these activities should become a priority alongside existing efforts to strengthen the rule of law, democratic institutions and civil society. There was recognition that, despite the enormous potential of national institutions, they were only one part of the solution to improving human rights protection. It was noted that to be effective national institutions require a flourishing civil society, and strong non-governmental human rights organizations in particular. Canadian stakeholders, and the DFAIT and CIDA in particular, should develop policies which balance the need to support national institutions with other ongoing initiatives to support and strengthen human rights. It should be also noted that Canadian involvement overseas will also provide experiences which can be applied to improve our own human rights promotion and protection machinery.

Working with national institutions can also provide opportunities to bridge the gap which often exists between civil society and the government. Wherever possible, the participants agreed that it was advisable to involve civil society in initiatives with national institutions. While it is not always possible to include NGOs in every aspect of a programme, Canadian stakeholders should develop contacts with NGOs in Canada and in the country in question who can contribute to the success of these initiatives. While the involvement of civil society can sometimes complicate activities, more often, it is likely to contribute to the success of such initiatives.

Because it was acknowledged that national institutions are sometimes created by governments to distract international attention from serious violations, it was suggested that the Canadian government and other stakeholders develop criteria for engagement with national institutions. Such criteria should take into account the mandate of the institution, its independence and effectiveness as well as the availability of appropriate Canadian resources and skills. Similarly, since the nature of a national institution can evolve with changes in appointees, it is also important to have criteria for disengagement and be prepared to disengage should a national institution lose its

domestic credibility. The participants, therefore, emphasized the need for an ongoing evaluation of all initiatives involving national institutions. Whereas the possibility of disengagement should be acknowledged, the Canadian stakeholders should still view their engagement as a long term commitment to a relationship with the partner institution. The vision must extend beyond the typical 3-year project cycle.

It was also recognized that existing initiatives have developed in an ad hoc manner, responding to a number of stimuli, including formal requests from partner institutions, bilateral exchanges and visits between institutions and missions by Canadian officials abroad. Because, these requests appear to be on the increase, participants acknowledged the danger of overburdening the limited resources of the Canadian partners involved.

To permit a more effective engagement, it was suggested that a more strategic approach was needed. A strategic framework for engagement with national institutions could be developed by each organization/institution. Such a strategic framework would articulate, amongst other things: the organization/institution's objectives in engaging with national institutions; criteria for engagement and disengagement and an inventory of the relevant expertise and resources available in organizations/institutions. A broader national framework could bring together all the interested Canadian stakeholders. Such an exercise would not only help each organization/institutions develop a strategic focus for its work, but also help our partners better understand what Canada has to offer. In this light, some form of directory of Canadian experience and resources available to support national institutions could be very useful. This strategic thinking should also extend to the international arena where all the stakeholders could benefit from more coordination and less competition.

Finally, it was acknowledged that there needs to be a commitment of financial resources if national institutions are to become a priority and Canada's involvement is to be effective. Considerable success has been achieved with the very limited resources that have been made available. However, to consolidate these gains and to develop the strategic interventions which are necessary to have an impact, there is a need for more secure long term funding to support these initiatives.

CHRF
20 March 1998

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