



## **NHRIs and the participation of victims of human rights abuses**

Project Partner: European Network of National Human Rights Institutions

### **About ENNHRI**

[ENNHRI](#) is the European Network of National Human Rights Institutions. We bring together over 40 [National Human Rights Institutions](#) (NHRIs) across Europe to enhance the promotion and protection of human rights in the region. Our network provides a platform for collaboration and solidarity in addressing human rights challenges and a common voice for NHRIs at the European level.

NHRIs are state-mandated bodies, independent of government, with a broad constitutional or legal mandate to promote and protect human rights at the national level. They can take different forms, including ombuds institutions, human rights commissions and institutes.

At ENNHRI, we work to:

- Strengthen NHRIs by facilitating the exchange of information and good practices and organising capacity-building activities;
- Support NHRIs with their compliance with the [UN Paris Principles](#) during their [establishment](#), [accreditation](#) and when they [come under threat](#);
- Connect NHRIs to European institutions by facilitating their engagement with regional mechanisms, raising their visibility and intervening on regional legal and policy developments.

### **Project Overview**

#### *NHRIs and Participation*

Active participation enables people affected by human rights abuses to articulate the impacts of the abuses and to suggest appropriate solutions, whether in law, policy or practice. This can help to mitigate unequal policy impacts and support better decisions. It can also provide the NHRIs with a much more detailed understanding of the situation on the ground.

Participation creates a direct link between people's experiences and the accountability which human rights law demands. It can be difficult, even for NHRIs, because it challenges traditional assumptions about where knowledge and power about human rights reside, and shifts the balance of power, mobilising the NHRIs' knowledge and skill to amplify the voices of people affected.

[The UN Paris Principles, adopted by the UN General Assembly in 1993](#), set out the functions of NHRIs with respect to promoting and protecting human rights. They also provide a basis for NHRIs to support meaningful participation in their work. For instance, NHRIs can ensure



that people who are most affected by human rights abuses or concerns have the opportunity to shape and direct policy in a meaningful way, while being supported to understand and make use of human rights law. NHRIs can also act as forums to participate, develop and maintain networks and processes to enable people affected by human rights abuses to understand and participate in the international human rights system, including treaty-body monitoring and the Universal Periodic Review.

Beyond the practical and political benefits that inclusion of victims of human rights abuses brings, the right to active, free and meaningful participation is an established human rights principle and might be considered a human right on its own. NHRIs need to implement procedural and substantive obligations flowing from the right to participation in their work.

#### *Building on existing examples*

European NHRIs have indicated a necessity to develop their capacity and experience in implementing participatory approaches and directly involve people affected by human rights abuses in their activities. Few NHRIs in Europe have been integrating participatory approaches in their work and identified lessons learned and success stories that can be of inspiration to others.

For example, participation work of the Scottish Human Rights Commission has included supporting people living a small community to challenge poor housing conditions. The Commission supported a reference group of people with lived experience of poverty, enabled them to participate in both UN Special Procedures and Treaty Monitoring processes, and included people in policy processes, for example in the incorporation of the right to food in Scots law.

Similarly, the Belgian Combat Poverty Service has a long experience in organising dialogue processes with people living in poverty and other stakeholders to evaluate their human rights situation. The Service has been designing human rights indicators based on people's lived experience of poverty and homelessness.

Several NHRIs have established ad-hoc or permanent advisory bodies to guide their work on monitoring, promoting and protecting the rights of persons with disabilities. The UN CRPD and related NHRI practices may be the most consolidated example of participation of people affected by human rights abuses.

#### *The objective*

The objective of the project is to advise NHRIs on how to support participation of people affected by human rights abuses.



The project will collect and analyse existing practices (such as the above) and identify success factors, lessons learned and specific groups that NHRIs engaged. ENNHRI materials related to the topic such as a [capacity building activity for NHRIs and NEBs how to engage Disabled Person's Organisation](#), [the Capacity building workshop in Mostar on economic and social rights in situations of \(post-\)conflict with PPR project](#), the [Guide on HRBA to poverty reduction and measurement](#) and recent [Checklist for NHRIs to engage with Older persons organisations](#) will serve as a point for departure.

Based on the analysis of NHRIs' practices, other participatory approach and NHRI mandates, the project will formulate a clear set of recommendations and steps on how NHRIs can facilitate meaningful participation of people affected by human rights concerns and abuses while avoiding token representation. The recommendations will be used at ENNHRI across all its thematic areas to reinforce NHRIs' role as essential actors to deliver tailored and impactful change on the ground.

## **Project Output**

The main project output will be a 25-30 page report (plus annexes if any) submitted to ENNHRI at the end of the research. While the report will briefly explain and analyse participation as a concept and right, it will provide an overview of existing NHRIs practices and formulate practical tips and guidance to NHRIs.

ENNHRI and the Human Rights Centre Clinic will use the report as a basis for '*A guide for NHRIs how to enable meaningful participation of victims of human rights abuses* with recommendations and suggestions, always subject to quality assurance.

The main project outcome will be enhanced knowledge of European NHRIs how to support meaningful participation of people affected by human rights concerns and abuses in their work. NHRIs will learn how to include their knowledge, skills and experience on a more systematic basis alongside NHRI staff to positively influence change in relevant public policies, practices and outcomes.

## **Project Outline**

Phase 1: November-December 2020

- Draft a research design: reading, reflect on use of terminology when referring to the groups (victims of human rights abuses, rights-holders at risk, or other alternatives), discussing the project's aims and outcomes, deciding on focus and research methodology, developing research/report outline.
- Detailed timeline of the project.
- Induction call with ENNHRI to get to know each other (November)
- Identifying a list of experts for interviews. Some examples below:
  - NHRIs/ ENNHRI Members



- Scottish Human Rights Commission
- Network of people with lived experience working with the Scottish Human Rights Commission.
- German Institute for Human Rights
- Combat Poverty Service Belgium
- Other experts (optional)
  - European Anti-Poverty Network
  - OHCHR
  - ECRE, on supporting refugee-led initiatives (if migration angle included)
- Mapping of cases, bibliography and literature review. The outline and bibliography to be submitted to ENNHRI in mid-December for comments.
- Seeking internal ethical approval for the interviews with NHRI staff and experts, and potentially with people with lived experience of human rights violations.

#### Phase 2: January-March 2021

- Drafting a short survey and dissemination to NHRIs to identify good practices they have.
- Carrying out the interviews online or via telephone.
- Research and data gathering.
- Report writing (first draft).
- Submission of the first full draft (25-30 pages, plus annexes if any) to ENNHRI.

#### Phase 3: April-June 2021

- Presentation of preliminary findings at the ENNHRI Webinar
- Revision and finalising the research based on ENNHRI's input.
- Blog article at ENNHRI website to introduce findings.

### Essential readings

#### *NHRI Mandate*

- UN Paris Principles, 1993, [here](#)
- GANHRI SCA General Observations, [here \(specifically: General Observation 1.7 on Ensuring Pluralism of the NHRI\)](#)
- NHRI Accreditation at Glance [here](#)

#### *On Participation, Human Rights and NHRIs*

#### ENNHRI/ NHRIs Publications

- Belgian Combat Poverty Service, Sustainability and poverty. Contribution to political debate and action. Biennial report 2018-2019 [here](#) (and others)



- Danish Institute for Human Rights, NHRIs and Public Participation, DIHR [here](#)
- ENNHRI, Applying a HRBA to Poverty: Guide for NHRIs [here](#)
- ENNHRI, How can NHRIs meaningfully cooperate with older persons and their representative organisations to promote and protect their rights? [here](#)
- Scottish Human Rights Commission: Housing Rights in Practice Lessons learned from Leith [here](#)
- Scottish Human Rights Commission: Participation Strategy review ( not finalised and to be delivered soon)

#### *Guidance for human rights practitioners*

- ATD Fourth World, BRAY R., DE LAAT M., GODINOT X., UGARTE A., WALKER R. (2019) The Hidden Dimensions of Poverty, International Movement, Pierrelaye: [here](#)
- CRPD Committee, General Observation on Article 4.3 and 33.3: Participation with persons with disabilities in the implementation and monitoring of the Convention, [here](#)
- EAPN, Breaking Barriers– Driving Change: case studies of building participation of people experiencing poverty [here](#)
- EAPN, Small steps – big changes: Building Participation of People Experiencing Poverty [here](#)
- ECRE, Refugee-led organisations in Europe: policy contributions, opportunities and challenges, [here](#).
- FEANTSA, Participation Toolkit, [here](#)
- UN Guidelines on the right to participate in public affairs [here](#)
- UN Special Rapporteur on the human right to safe drinking water and sanitation to the General Assembly, Participation in the realization of the human rights to water and sanitation, 31 July 2014, A/69/213, [here](#)

#### *Academic literature*

- Patrick, R. (2017) Wither Social Citizenship? Lived Experiences of Citizenship In/Exclusion for Recipients of Out-of-Work Benefits Social Policy & Society, 16(2): 293-304.
- Destrooper T, 'Uprooting the curious grapevine?: The transformative potential of reverse standard-setting in the field of human rights' (2016) 14(3) Journal of Human Rights 1.
- Mutua M, 'Standard Setting in Human Rights: Critique and Prognosis' (2007) 29(3) Human Rights Quarterly 547.

#### **Focal points in ENNHRI:**

- Nina Panikova, ENNHRI Secretariat: [Nina.Panikova@ennhri.org](mailto:Nina.Panikova@ennhri.org)



- Chloë Trew, Scottish Human Rights Commission: [Chloe.Trew@scottishhumanrights.com](mailto:Chloe.Trew@scottishhumanrights.com)
- Gabriel Almeida: ENNHRI Secretariat: [Gabriel.Almeida@ennhri.org](mailto:Gabriel.Almeida@ennhri.org)
- Lê Phan-Warnke, German Institute for Human Rights: [phan-warnke@dimr.de](mailto:phan-warnke@dimr.de)  
(during interviews)