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NATIONAL HUMAN RIGHTS ACTION PLANS: AN INVENTORY

PART 1: NORM DIFFUSION
AND STATE PRACTICE

SÉBASTIEN LORION



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NATIONAL HUMAN RIGHTS ACTION PLANS: AN INVENTORY
PART 1: NORM DIFFUSION AND STATE PRACTICE

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EXECUTIVE SUMMARY

This study investigates the global diffusion of National Human Rights Action Plans (NHRAPs) since the 1993 World Conference on Human Rights encouraged states to adopt NHRAPs. The study is part of a research agenda critically exploring the impact of institutional innovations put forward by the international community since the 1990s with a view to enhancing national human rights implementation.

The major contribution of the study is its comprehensive overview of all NHRAPs adopted since 1993. It relies on a fine-grained investigation of state practice and NHRAPs collection efforts, undertaken with former OHCHR Regional Representative, David Johnson. The resulting inventory reveals that, 30 years after the 1993 World Conference, at least 140 NHRAPs have been adopted in 75 countries, with 35 countries having adopted more than one NHRAP. As such, the diffusion of NHRAPs is far more significant than accounted for, thus correcting a prevalent misrepresentation of NHRAPs as a marginal practice.

The review of this new overview points to an apparent paradox: states limitedly adopted NHRAPs when the model was actively promoted by international organisations and supported by the issuance of guidance/soft law, but more than half the NHRAPs were adopted after 2012, at a time when they received less attention and when alternative forms of planning were on the rise. There was also no higher engagement in areas where regional organisations advocated for their member states to adopt NHRAPs. The study suggests that the accelerated uptake after 2012 is linked to the Universal Periodic Review.

The collection of plans also makes it possible to undertake desk-based documentary analysis and datamining into plans' contents, thus identifying trends across plans and comparing approaches adopted by states when localising and rolling out international methodology for NHRAPs. Findings point to a wide heterogeneity of NHRAPs' contents and approaches. These arise primarily due to local variations resulting from distinctive governance systems, political preferences, contexts, or national consultations. But variations may also be exacerbated by growing conceptual ambiguities about NHRAPs' methodology, as the 2002 UN guidance on NHRAPs has not been updated and alternative forms of planning strategies have emerged in the meantime.

Last, the study calls for a robust research agenda on NHRAPs. So far, the United Nations, academics, or states have taken outdated and fragmented data on

NHRAPs as a reference. This has proven problematic, as it entertains the perception that NHRAPs amount to a rather insignificant state practice and that their diffusion has remained marginal. As such, lessons that could be drawn from past or ongoing experiences with NHRAPs have been largely ignored. Norm entrepreneurs or human rights actors have either come up with alternative methodologies discarding NHRAPs, or have revived calls to adopt NHRAPs. In either case, these proposals lack research on past experiences that could inform them.

To promote such a research agenda, the study shows that NHRAPs are a significant practice of states that is worthy of investigation. The aim is to understand whether or not, and under what circumstances, they enhance human rights implementation. The inventory outlines a field of inquiry, providing a comprehensive mapping of plans and access to data. It may serve to identify research case studies. In its final chapter, the study suggests areas that would require further exploration, discusses the rare existing research, and shows the added value of adopting social sciences methods to empirically decrypt the conditions in which international NHRAPs' models travel and are localised.

Such accrued knowledge based on empirical research is key to informing future state practice. There are signs that NHRAPs are being revived by key actors. Nationally, national human rights institutions, such as those of Denmark and India, continue to advocate for their governments to launch NHRAP processes. Internationally, since 2017, the UN High Commissioner for Human Rights has been systematically calling on states to adopt NHRAPs in their UPR follow-up letters. Generating more understanding of NHRAPs would therefore be crucial. As 2023 will mark the 30th anniversary of the Vienna Declaration, this would be a timely intervention.

INTRODUCTION

This study is part of a research agenda critically exploring the 'domestic institutionalisation' dynamic at play in the field of human rights, especially since the 1990s.¹ This dynamic refers to consistent trends through which international organisations, state conferences, and eventually international law itself have prescribed and supported the development of institutional innovations at the national level,² as solutions to bridge the implementation gap between commitments and reality. The objective of this research agenda is to understand these trends under the prism of norm diffusion and actual impact on human rights implementation. How are institutional models created, how do they circulate, how are they adopted by states, and with what impact?

Institutional innovations promoted by the above-mentioned trends included new types of actors, and processes, but also new types of normative frameworks at the national level. National Human Rights Action Plans (NHRAPs) constitute one of the paradigmatic institutional models created and promoted internationally, yet they remain largely unaccounted for and under-researched.

NHRAPS IN INTERNATIONAL GUIDANCE

In 1993, the World Conference on Human Rights – commonly referred to by its final statement as the Vienna Declaration and Programme of Action (hereafter 'the Vienna Declaration') – encouraged states to adopt NHRAPs.³ The concept of NHRAP was then new. Adapted from public management theories, it aimed at triggering comprehensive and action-oriented dynamics of human rights implementation, grounded on national baselines and consultations identifying gaps in implementation and priorities. It was further hoped that the tool would serve as the operational backbone for the consolidation of national human rights systems. The Vienna Declaration tasked the future Office of the High Commissioner for Human Rights (OHCHR) to assist states in developing NHRAPs.⁴

The OHCHR actively promoted NHRAPs for a few years at the turn of the millennium, and in 2002 published a *Handbook on NHRAPs*.⁵ However, it swiftly deprioritised its active promotion of NHRAPs following disappointing state experiences⁶ and limited uptake by states: 10 years after the 1993 Vienna Declaration, 20 countries had adopted a NHRAP. The OHCHR and the United Nations Development Programme (UNDP) did continue targeted support to individual states developing NHRAPs, but the tool was no longer generically

encouraged. New types of planning methodologies and approaches emerged and were, over time, presented as preferable. These included thematic plans specific to human rights sub-fields, 'recommendations implementation plans' grounded on international recommendations, or mainstreaming human rights into overarching national development plans.

After years of relative indifference towards NHRAPs, the latter have recently resurged in UN guidance, with calls on states to adopt them. In 2017, the UN Secretary General hailed NHRAPs as one of the key elements of national human rights systems.⁷ Since then, the UN High Commissioner for Human Rights has been systematically calling on states to adopt NHRAPs in their Universal Periodic Reviews (UPR) follow-up letters.⁸ This revival has, however, not been accompanied by an update of the 2002 Handbook, despite calls to do so,⁹ and the information shared on the OHCHR's dedicated webpage¹⁰ – listing 51 plans in 39 countries – has not been updated in years.

Like the UN, regional organisations have alternated phases of active promotion and de-prioritisation of support for NHRAPs. In Europe, for instance, the Council of Europe (CoE)'s Commissioners for Human Rights resolutely promoted NHRAPs from roughly 2007 to 2017, but the CoE's active advocacy for such plans has weakened since then. In contrast, the European Union (EU) Agency for Fundamental Rights has recently established a dedicated working party on NHRAPs. The latter's first meeting in 2019 simultaneously recognised NHRAPs' 'potential to be a valuable tool to more systematically promote and protect fundamental rights' as well as flagged the need to learn from existing experiences and to clarify 'what defines an action plan [...] and [whether there are] alternatives to traditional NHRAPs.'¹¹ This suggests that NHRAPs keep re-appearing as attractive, yet they remain conceptually disputed, and little is known about past practices of other states.

NHRAPS AS AN EMPIRICAL, CONCEPTUAL, AND ACADEMIC PUZZLE

The corollaries of the variable interest in NHRAPs in international guidance have been: a) a lack of overall data on their use by states, b) a lack of research connecting and assessing past experiences of NHRAPs around the world, as well as c) mounting confusions over the concept of NHRAPs over time. Despite cyclically re-emerging as a solution to enhance implementation, NHRAPs remain an empirical and conceptual puzzle, with supporters finding it difficult to gather evidence on past experiences and define what NHRAPs are/should be.

In the absence of a better global overview, the data made available by the OHCHR on its dedicated webpage, as well as the 2002 Handbook, continue to serve as reference points for states, practitioners, and researchers.¹² The UN Secretary General himself repeated, in his 2017 report, the OHCHR's website's ballpark figure of 66 states having adopted a NHRAP,¹³ when in fact at that point in time already 67 states had adopted at least one NHRAP. The general reliance on old data on

NHRAPs is problematic as it entertains the perception that NHRAPs amount to a marginal state practice that faded over time, when in fact the practice is far from insignificant. This appears to have two main negative implications.

It may first explain the limited and disjointed production of knowledge on NHRAPs. Available information revolves around three types of literature:

- Occasional stock-taking exercises (e.g., workshops proceedings) and general guidance (e.g., manuals) produced by intergovernmental organisations. In the absence of sustained interest by the same organisations, these accounts rapidly get outdated.
- Reports published in connexion with individual NHRAPs (progress reports, external evaluations, or NHRIs or civil society reports). These are numerous and sometimes conducted by renowned scholars, but generally their quality is variable. They also tend to be produced in national languages and are sometimes difficult to access; as such, countries are rarely aware of such records from other experiences.¹⁴
- Academic literature. It is very rare. Key exceptions¹⁵ include Azadeh Chalabi's legal scholarship,¹⁶ a 2021 volume published by the Latin American Council of Social Sciences on experiences using NHRAPs in Latin America,¹⁷ and a recent comparative research project on NHRAPs in the world by the Centre for the Study of Human Rights at Nankai University.¹⁸

Second, the lack of updated meta-data and knowledge on NHRAPs has also led norm entrepreneurs promoting other types of human rights planning to predicate their arguments on incorrect assumptions about the diffusion of NHRAPs and to disregard the potential of past and, in fact, large pool of NHRAPs to generate empirical evidence on whether, and in what circumstances, action planning is actually useful for human rights implementation.¹⁹ As such, new planning approaches promoted by theoretical scholars or by international organisations present themselves as alternatives to the initial concept of NHRAPs, experiences of which are brushed away as insignificant.

This has generated marked conceptual confusions in regard to the articulation of new planning strategies with the NHRAPs methodology put forward by the 2002 OHCHR Handbook. To take one example: while the UN Secretary General sets out in detail how NHRAPs and recommendations implementation plans are 'fundamentally different',²⁰ the two types of plans are regularly presented as enmeshed and easily combinable tools by other actors, including by groups of states.²¹ Yet, how the radical difference of these planning methodologies can be reconciled has not been resolved, and leaves states dubitative as to what NHRAPs are and how they should be developed.²² These questions could be usefully tackled in an update of the 2002 OHCHR Handbook. Nonetheless, while the Secretary General announced in 2017 that the publication of this update was imminent,²³ it still has not been issued.

In short, the general lack of research and knowledge on NHRAPs, the fluctuating attention of international organisations to NHRAPs, and the development in abstract of new planning models without analysing past guidance and experience of NHRAPs, all contribute to confusion as to what NHRAPs are. They set proposals for new planning methodologies on fragile grounds. There is therefore a need to map and cross-analyse existing guidance as well as to correct the record to make apparent the conceptual and practical evolutions of NHRAPs.

OBJECTIVES OF THE STUDY

The first aim of this study is to set the record straight in regard to the actual diffusion of NHRAPs across states. It is hoped that this updated and exhaustive inventory of all NHRAPs can be made accessible and maintained, ideally on the OHCHR's dedicated webpage as it is still used by many as the authoritative source of information.²⁴ By showing that NHRAPs are a far more significant phenomenon than accounted for, the study aims to generate further academic investigations into NHRAPs. To do so, the NHRAPs inventory offers a stepping-stone: it delineates the field of research, offers a complete dataset enabling large-N comparisons, and maps potential cases for enquiries.

The second main objective of the study is to trace and analyse the development and diffusion of NHRAPs as an institutional solution to enhance human rights implementation. How are models created, evolve over time, and go through cyclical de- and re-prioritisation? To answer this, two types of analysis are needed. One is to look at the influence of concepts and ideas on the development of models, in particular how legal arguments and public administration theories are relied upon to elaborate new guidance. The other one captures the intentionality behind the promotion of new models – and the interplay between guidance development, channels of diffusion, and practice. Like other institutional blueprints promoted by international actors, the development of NHRAPs' methodologies is performative: NHRAPs emerge as a technique put forward to bridge implementation gaps. As such, in-country experimentations lead international actors to revisit models and guidance. This interplay is rendered more complex by the fact that the processes through which models are transported impact how NHRAPs' models play out in reality.

It is important to underline that the study does not seek to prescribe what the legal status or correct methodologies for planning should be. In that sense, it departs from the existing scholarship on planning which has been primarily intended to assess whether there is, and should be, a legal obligation to adopt NHRAPs,²⁵ and whether NHRAPs' methodologies are valid in light of selected public management theories.²⁶ Instead, the legal and conceptual findings presented in this study aim to clarify the evolution of guidance on NHRAPs, and how legal and theoretical arguments have been called in as authoritative (yet malleable) reference points for the creation and diffusion of models.

This study is an exploratory and analytical research piece, and a contribution to structure a research agenda on NHRAPs. It is neither a prescriptive document advocating for or against NHRAPs, nor a toolkit for their development and implementation. Arguing that NHRAPs are a significant phenomenon in human rights institutionalisation trends, worthy of a robust and critical investigation, is not to be understood as advocating that NHRAPs should be universally adopted.

RESEARCH METHODOLOGY

The research underpinning this study spanned over six years and adopted a new legal realist methodology.²⁷ This approach brings together insights and research methods from both law and social sciences. Amongst the latter, neo-institutionalist studies on norm diffusion were particularly well-suited.²⁸ They include accounts of how public management concepts²⁹ and legal norms³⁰ come into play in shaping the creation and diffusion of institutional models. They also decrypt bureaucratic dynamics framing the ways in which blueprints emerge internationally,³¹ travel, and are received nationally by state administrations.³²

In line with this approach, distinct research methods were selected for their potential to respond to the different objectives of the study. They ranged from desk-based legal doctrinal and conceptual analyses to on-site ethnographic inquiries and interviews with international and national officials working with NHRAPs. Research methods are distinctively described in each part of the study.

OVERVIEW OF THE STUDY

The study is published in two parts, each responding to one of the two above-mentioned objectives. Part 1 (present publication) is devoted to the presentation of the original and comprehensive data on the diffusion of NHRAPs around the world. It unearths and reviews state practice in terms of adopting NHRAPs. Doing so, it delineates a field of inquiry for future investigation of NHRAPs. Part 2 (forthcoming 2022) is devoted to international and regional guidance on NHRAPs. It decrypts phases of promotion and de-prioritisation, and points to the theoretical and legal evolutions of international guidance on NHRAPs over time. It discusses the emergence of alternative planning methodologies and seeks to understand their impact on NHRAPs' methodologies. Last, it shows the iterative back-and-forth between the creation of guidance, norm diffusion, and state practice as a key factor explaining guidance evolutions.

The present Part 1 is organised as follows:

- Chapter 1 presents a comprehensive inventory of all NHRAPs adopted around the world since the 1993 Vienna Declaration. It explains the methodology used to collect and validate this unique dataset, and acknowledges choices made in the process, flagging borderline cases either excluded or included in the dataset.
- Chapter 2 analyses the trends that emerge from this new meta-data, in terms of NHRAPs' diffusion around the world. It notably engages with the paradox that this overview puts to the fore, namely the desynchronisation between periods of promotion of the NHRAPs by international actors and periods of adoption by states.
- Chapter 3 demonstrates how this data can be used to generate a more fine-grained understanding of the NHRAP phenomenon. Showcasing this potential through datamining into a selection of NHRAPs features, the chapter points a certain degree of heterogeneity in certain practices, and key differences that may in practice traverse the collection of NHRAPs.
- Chapter 4 suggests areas for additional research into the NHRAPs inventory, and pleads for a complementary research agenda that not only performs desk-based documentary analysis, but also adopts neo-institutional research methods. These serve to delve into the conditions of reception, adaptation, and implementation of NHRAPs at the national level. Such insight is necessary to fully understand the processes of norm diffusion fully, and the potential for NHRAPs to fulfil their intended objective of enhancing human rights implementation.

CHAPTER 1

INVENTORY OF NATIONAL HUMAN RIGHTS ACTION PLANS

This chapter presents the inventory of all NHRAPs adopted since the introduction of the concept in 1993, up until December 2021. Section 1 introduces the methodology used to collect NHRAPs and the criteria for including them in the dataset. Section 2 presents the list of NHRAPs, categorised by countries. Section 3 acknowledges grey zones and choices made in the consolidation of this inventory.

1.1 DEFINITION, SCOPE, AND METHODS

The original inventory of NHRAPs presented in this study finds its roots in an intensive data collection effort, initiated by David Johnson, former OHCHR Regional Representative to Southern Africa and UNDP-commissioned expert for the implementation of several NHRAPs around the world. We joined efforts in 2018 to systematically collect information on NHRAPs.

Building on partial databases made available by the OHCHR, the Council of Europe³³ and other sources,³⁴ we completed the information through our own direct involvement in various NHRAPs. We undertook a meticulous desk-based review of all countries, including publicly available information as well as official documentation produced at the occasion of UPR and other human rights reviews. A further crucial step has been to mobilise our contacts, through networks of current and former colleagues and partner organisations. Many governmental bodies, NHRIs, and UN officials have provided us with valuable information – for which we are deeply thankful. This helped to complete and triangulate information. Doing so, we also collected many NHRAPs in both original and translated versions, when they were not available online.

While collecting NHRAPs, we took extra care to verify whether they were officially adopted/valid. This information is not always easily accessible – and requires investigating official journals, contacting governments, etc. To make this verification step manageable, a two-tier strategy was adopted. For NHRAPs already featured in official UN and CoE lists, usually older plans for which less online information is publicly available on government sites, it was assumed that their validity had been ascertained. For others (the majority), extra care was devoted to ascertaining their status. Indeed, a plethora of countries or their supporting international agencies have produced draft plans over the last three decades, but those have not been officially adopted by states.

Given these efforts, the inventory can now be shared with high level of accuracy. Having said that, reaching exhaustivity is a daunting task, and it can be that information has still escaped our review, or needs adjustment. As such, the publication of this study also constitutes an invitation for readers to share information (see how in Box 1).

BOX 1: HELP MAINTAINING THE INVENTORY OF NHRAPS

One of the ambitions behind this study is to maintain and make available an exhaustive inventory of all NHRAPs adopted by states, as a first step to better inform practice and to generate empirical and critical research on NHRAPs.

While relentless efforts have gone into finding and verifying data, achieving exhaustivity is difficult. You are therefore invited to reach out to the author (at selo@humanrights.dk) and share any information that you find missing or in need of adjustment in the list presented in Annex.

You are also more than welcome to share resources (research, reports, evaluations, guidance, etc.) on NHRAPs in general or country-specific NHRAPs that could help feed knowledge-sharing.

As a second key step, I conducted a desk-based documentary analyses of collected plans.³⁵ This included a qualitative review of each plan aimed at ascertaining that the document was a NHRAP. A primary criterion used for identifying NHRAPs was self-identification as a NHRAP and the intention set forth by the governments in adopting the plan. A clear and direct reference to the 1993 Vienna Declaration appears in many plans, which helps to assert the conceptual and political referential framework intended for the plan. Except for gross mislabelling as NHRAP (see example below), such policy documents feature in the inventory. In other cases, the collected documents bore another title (e.g., ‘program’ or ‘roadmap’ of actions), and required more fine-grained review before deciding to include the document in the inventory of NHRAPs. Collected documents were assessed against the key NHRAPs’ features identified in international guidance. Documents that clearly did not meet the key principles of NHRAPs were excluded from the database.

The definition of NHRAPs used as a yardstick principally emanates from the 1993 Vienna Declaration and the 2002 OHCHR Handbook on NHRAPs. The 1993 Vienna Declaration identified NHRAPs as being, by definition, national and action-oriented. They shall ‘identify [...] steps whereby [a] State would improve the promotion and protection of human rights’,³⁶ as well as be ‘coherent and comprehensive’.³⁷ The 2002 Handbook foresaw that, while NHRAPs’ contents may depend on countries’ circumstances, ‘some general principles [...] apply to all national action plans’.

The Handbook's general principles for NHRAPs included the following:

- Process and outcome are equally important
- There should be a broad and intensive consultation process with civil society and the general public
- The plan should be a national undertaking, involving all elements of society
- The plan should be a public document
- The plan should incorporate a commitment to universal human rights standards and set out how these standards will be effectively implemented
- The plan should be comprehensive in scope, reflecting the interdependence and indivisibility of human rights
- The plan should be action-oriented
- Effective monitoring and review of implementation is essential
- The national action plan process should be continuous, with the conclusion of one plan leading to the commencement of another
- National Action Plans have international dimensions.³⁸

Taking these definitions and key principles as a conceptual compass for the documentary analysis of collected plans led to filtering out from the inventory certain documents mislabelled as NHRAPs, or other types of policy documents sharing some similarities with NHRAPs but not meeting some of their key principles. Here follow examples of documents bearing similarities with NHRAPs but not meeting the above key features defining them.

The essential criteria spelled out by the 1993 Vienna Declaration entails that a NHRAP commits the state to take actions to improve human rights nationally. While some NHRAPs commit only the executive, and others a wider range of actors, they must always include activities to be implemented *by the government* to enhance human rights *nationally*. This means that documents entitled NHRAPs but that do not commit the government or are only spelling out international activities should not be part of the list. As such, the 'National Human Rights Action Plan 1999-2009' of Zambia was not included, as a review of it revealed that it is merely the internal strategy of the National Human Rights Commission of Zambia, and has no ambition to produce effect on other actors, let alone the executive branch. Purely international NHRAPs (for instance New Zealand's 'International Human Rights Action Plan 2019-2023' or Estonia's '2021 Human Rights Diplomacy Action Plan') were also excluded.

The inventory does not include national human rights strategies – unless they include an action plan. Strategies are foundational policy documents presenting a situation analysis and a broad vision of priorities, and possibly objectives. They do not list actions. NHRAPs are more precise and spell out a set of actions, and ideally distribute responsibilities for implementation, set time frames and indicators, and so forth. In that sense, the inventory presented in the present research is conceptually more conservative than that of e.g., the Council of Europe and the EU Fundamental Rights Agency; both their lists include the national

human rights strategies of Sweden and Slovakia. As Sweden clearly spells out in its 2016 Strategy, the Swedish 2002 and 2006 policies were action plans because they coordinated the work at all state levels and included ‘concrete measures in a number of specific areas of rights, [whereas the 2016] strategy is limited to addressing overarching and structural issues.’³⁹ Strategies are therefore of another nature than action plans.

Furthermore, thematic or rights-specific plans are not included. NHRAPs are ‘comprehensive’ in scope, according to the 1993 World Conference that also reaffirmed the indivisibility and interdependence of rights.⁴⁰ While thematic or rights-specific action plans are propagating, and the way they articulate with NHRAPs is relevant to analyse (see Part 2 of this study), they are not NHRAPs in the sense of the Vienna Declaration. This conceptual approach is aligned with the one adopted by Yao Xu at the Centre for the Study of Human Rights at Nankai University⁴¹ and by the Latin American Council of Social Sciences.⁴² But it is stricter than other scholarships that have embraced a variety of plans under the umbrella terminology of NHRAPs.⁴³ Keeping a focus on NHRAPs as comprehensive plans is not only aligned with the Vienna Declaration, but is also useful to build a field of inquiry focusing on the specificity of NHRAPs. Indeed, comprehensiveness in scope poses unique challenges not experienced by thematic plans, e.g., in terms of focus, efficiency, institutional anchorage, etc.

A last type of plans not included in our definition of NHRAPs are the so-called ‘recommendations implementation plans’, which have been adopted by numerous states to follow-up on recommendations of international or regional human rights bodies. In that sense, the research follows the UN Secretary General, who in 2017 concisely captured the key conceptual differences that distinguish NHRAPs from recommendations implementation plans as follows:

The development of a national human rights action plan is a national undertaking, and the quality of the process towards its development ultimately determines the political support for the plan, the recognition and buy-in by the public and civil society, as well as the effectiveness of the monitoring of its implementation.⁴⁴

Recommendation implementation plans are [...] fundamentally different from national human rights action plans in terms of process, coverage (such plans focus on and contain only human rights mechanism recommendations), flexibility, timespan and format. The development of recommendation implementation plans could include some sort of consultations with stakeholders, in particular, civil society organizations, but ultimately, the scope of such consultations will not mirror the scope of those on the development of the national human rights action plans.⁴⁵

As will be acknowledged in Section 1.3 below, it is challenging to apply some of these distinctive concepts to reality and state practice. What is more, there have recently been debates amongst human rights actors in Geneva around the last-mentioned distinction, which I cover and discuss in Part 2 of the study.

1.2 LIST OF NHRAPS ADOPTED FROM 1993 TO 2021

The resulting inventory of NHRAPs is presented in this section. It includes 140 NHRAPs adopted since the concept emerged at the 1993 World Conference – the first NHRAP was adopted by Australia in January 1994⁴⁶ – up until December 2021. NHRAPs are organised in alphabetical order, by countries. The list includes subsequent NHRAPs adopted by the same country. When possible, hyperlinks redirect readers to the plan. Other plans on file with the author will be made available on a dedicated webpage. Details and modes of adoption/validation are provided in the Annex to this study.

Angola:	<u>National Human Rights Strategy and its Implementation Plan (2020-2025)</u>
Argentina:	<u>First National Plan of Action on Human Rights 2017-2020</u>
Armenia:	<u>Plan of Action for the National Strategy on Human Rights Protection 2014-2016</u> <u>Action Plan Based on National Strategy of Human Rights Protection 2017-2019</u> <u>Action Plan for 2020-2022 deriving from National Strategy for Human Rights Protection of the Republic of Armenia</u>
Australia:	<u>National Action Plan (1994)</u> <u>Australia's National Framework for Human Rights: National Action Plan (2004)</u> <u>Australia's National Human Rights Action Plan, 2012</u>
Azerbaijan:	<u>National Action Plan on Protection of Human Rights (2006-2011)</u> <u>National Program for Action to Raise Effectiveness of the Protection of Human Rights and Freedoms 2012-2015</u>
Belarus:	<u>Interagency Action Plan for 2016-2019</u>
Bolivia:	<u>National Plan of Action for the Promotion and Protection of Human Rights, 1999</u> <u>Human Rights Action Plan 2006-2010</u> <u>National Human Rights Action Plan 2009-2013</u> <u>National Human Rights Action Plan 2014-2018</u>
Brazil:	<u>National Plan of Action for the Promotion and Protection of Human Rights, 1996</u> <u>National Programme for Human Rights (PNDH II)</u> <u>National Programme for Human Rights (PNDH III)</u>
Burundi:	<u>Action Plan for the Implementation of the National Human Rights Policy 2012-2017</u>
Cabo Verde:	<u>National Plan of Action for Human Rights and Citizenship (2003)</u> <u>National Plan of Action for Human Rights and Citizenship 2017-2022</u>
Cameroon:	<u>National Action Plan for the Promotion and Protection of Human Rights 2015-2019</u>
Chad:	<u>National Action Plan for the Promotion and Protection of Human Rights 2012-2015</u>

Chile:	<u><i>First National Human Rights Action Plan 2018-2021</i></u>
China:	<u><i>National Human Rights Action Plan 2009-2010</i></u> <u><i>National Human Rights Action Plan 2012-2015</i></u> <u><i>National Human Rights Action Plan 2016-2020</i></u> <u><i>Human Rights Action Plan 2021-2025</i></u>
Colombia:	<u><i>National Plan of Action in Human Rights 2018-2022</i></u>
Croatia:	<u><i>National Programme for the Protection and Promotion of Human Rights 2008-2011</i></u> <u><i>National Programme for the Protection and Promotion of Human Rights 2013-2016</i></u>
D.R. Congo:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights 2000-2002</i></u>
Dominican Rep.:	<u><i>National Human Rights Plan 2018-2022</i></u>
Ecuador:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights, 1998</i></u>
Ethiopia:	<u><i>National Human Rights Action Plan 2013-2015</i></u> <u><i>The Ethiopian National Human Rights Action Plan 2016-2020</i></u>
Finland:	<u><i>National Action Plan on Fundamental and Human Rights 2012-2013</i></u> <u><i>National Action Plan on Fundamental and Human Rights 2017-2019</i></u> <u><i>National Action Plan on Fundamental and Human Rights 2020-2023</i></u>
Gambia:	<u><i>National Human Rights Policy and Action Plan 2021-2025</i></u>
Georgia:	<u><i>Action Plan of the Government of Georgia on the Protection of Human Rights 2014-2016</i></u> <u><i>Action Plan of the Government of Georgia on the Protection of Human Rights for 2016-2017</i></u> <u><i>Governmental Action Plan on Human Rights 2018-2020</i></u>
Germany:	<u><i>Human Rights Action Plan of the Federal Government 2005-2006</i></u> <u><i>Human Rights Action Plan of the Federal Government 2008-2010</i></u> <u><i>Human Rights Action Plan of the Federal Government 2010-2012</i></u> <u><i>Human Rights Action Plan of the Federal Government 2012-2014</i></u> <u><i>Human Rights Action Plan of the Federal Government 2014-2016</i></u> <u><i>Human Rights Action Plan of the Federal Government 2017-2018</i></u> <u><i>Human Rights Action Plan of the Federal Government 2019-2020</i></u> <u><i>Human Rights Action Plan of the Federal Government 2021-2022</i></u>
Greece:	<u><i>Human Rights National Action Plan 2014-2016</i></u>
Guatemala:	<u><i>National Plan of Action for Human Rights 2007-2017</i></u>
Honduras:	<u><i>First Public Policy on Human Rights and National Plan of Action on Human Rights 2013-2022</i></u>
Indonesia:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights 1998-2003</i></u> <u><i>National Plan of Action on Human Rights 2004-2009</i></u> <u><i>National Plan of Action on Human Rights 2011-2014</i></u>

	<u>National Plan of Action on Human Rights 2015-2019</u>
	<u>National Plan of Action on Human Rights 2021-2025</u>
Iraq:	<u>National Human Rights Plan 2012-2014</u>
	<u>Human Rights National Action Plan (2021-2025)</u>
Jordan:	<u>Comprehensive National Plan for Human Rights 2016-2025</u>
Kazakhstan:	<u>National Human Rights Action Plan 2009-2012</u>
	<u>Plan of Priority Measures on Human Rights (2021)</u>
Kenya:	<u>National Policy and Action Plan on Human Rights</u>
Kosovo:	<u>Strategy and Action Plan on Human Rights 2009-2011</u>
	<u>Action Plan (2021-2023) for the implementation of the Program for the Protection and Promotion of human rights and fundamental freedoms (2021-2025)</u>
Kyrgyzstan:	<u>Human Rights Action Plan for 2019-2021</u>
Latvia:	<u>National Plan of Action for the Promotion and Protection of Human Rights, 1995</u>
Lebanon:	<u>The National Action Plan for Human Rights 2014-2019</u>
Liberia:	<u>National Human Rights Action Plan 2013-2018</u>
	<u>National Human Rights Action Plan 2019-2024</u>
Lithuania:	<u>National Plan of Action for the Promotion and Protection of Human Rights 2002-2004</u>
Malawi:	<u>National Plan of Action for the Promotion and Protection of Human Rights 1995-1996</u>
	<u>National Plan of Action for the Promotion and Protection of Human Rights 2004-2011</u>
Malaysia:	<u>National Human Rights Action Plan, 2018</u>
Mali:	<u>Action Plan of the National Human Rights Policy 2017-2021</u>
Mauritania:	<u>National Plan of Action for the Promotion and Protection of Human Rights, 2003</u>
Mauritius:	<u>National Human Rights Action Plan 2012-2020</u>
Mexico:	<u>National Human Rights Programme, 1998</u>
	<u>National Program for the Promotion and Protection of Human Rights 2004-2006</u>
	<u>National Human Rights Program 2008-2012</u>
	<u>National Human Rights Program 2014-2018</u>
	<u>National Human Rights Program 2020-2024</u>
Moldova:	<u>National Human Rights Action Plan 2004-2008</u>
	<u>National Human Rights Action Plan 2011-2014</u>
	<u>National Human Rights Action Plan 2018-2022</u>
Mongolia:	<u>National Human Rights Action Plan 2003-2006</u>
Morocco:	<u>National Action Plan for Democracy and Human Rights 2018-2021</u>
Namibia:	<u>National Human Rights Action Plan 2015-2019</u>
Nepal:	<u>National Human Rights Action Plan 2004-2008</u>
	<u>National Human Rights Action Plan 2007-2010</u>
	<u>National Human Rights Action Plan 2010-2013</u>
	<u>Fourth National Plan of Actions on Human Rights 2014-2018</u>
	<u>Fifth National Plan of Actions on Human Rights 2020-2025</u>

Netherlands:	<u><i>National Action Plan on Human Rights: The Protection and Promotion of Human Rights in the Netherlands</i></u> (2014) <u><i>National Action Plan on Human Rights: Access to Services</i></u> (2020)
New Zealand:	<u><i>The New Zealand Action Plan for Human Rights, 2005-2010</i></u> <u><i>National Plan of Action, 2015-2019</i></u>
Nigeria:	<u><i>National Action Plan for the Promotion and Protection of Human Rights, 2006</i></u> <u><i>National Action Plan for the Promotion and Protection of Human Rights 2009-2013</i></u>
Norway:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights 2000-2005</i></u>
Pakistan:	<u><i>Action Plan for Human Rights</i></u> (2016)
Palestine:	<u><i>National Plan of Action for Human Rights 1999-2003</i></u>
Peru:	<u><i>National Plan for Human Rights 2006-2010</i></u> <u><i>National Plan for Human Rights 2014-2016</i></u> <u><i>National Plan for Human Rights 2018-2021</i></u>
Philippines:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights 1996-2000</i></u> <u><i>Second National Human Rights Action Plan 2010-2014</i></u> <u><i>The Philippine Human Rights Plan, 2018-2022: An Agenda for Protecting Human Lives, Uplifting Human Dignity, and Advancing People's Progress</i></u>
Rep. of Korea:	<u><i>National Action Plan for the Promotion and Protection of Human Rights 2007-2011</i></u> <u><i>National Action Plan for the Promotion and Protection of Human Rights 2012-2016</i></u> <u><i>National Action Plan for the Promotion and Protection of Human Rights 2018-2022</i></u>
Rwanda:	<u><i>National Human Rights Action Plan 2017-2020</i></u>
Seychelles:	<u><i>National Action Plan for Human Rights 2015-2020</i></u>
Somalia:	<u><i>Action Plan for the Implementation of the Human Rights Roadmap 2015-2016</i></u>
South Africa:	<u><i>National Plan of Action for the Promotion and Protection of Human Rights, 1998</i></u>
Spain:	<u><i>Human Rights Plan 2009-2012</i></u>
Sri Lanka:	<u><i>National Action Plan for the Protection and Promotion of Human Rights 2011-2016</i></u> <u><i>National Action Plan for the Protection and Promotion of Human Rights 2017-2021</i></u>
Sudan:	<u><i>National Action Plan for the Protection and Promotion of Human Rights 2013-2023</i></u>
Sweden:	<u><i>A National Human Rights Action Plan 2002-2004</i></u> <u><i>National Action Plan for Human Rights 2006-2009</i></u>
Tanzania:	<u><i>National Human Rights Action Plan 2013-2017</i></u>
Thailand:	<u><i>First National Human Rights Plan 2001-2005</i></u> <u><i>Second National Human Rights Plan 2009-2013</i></u>

	<u>Third National Human Rights Plan 2014-2018</u>
	<u>Fourth National Human Rights Plan 2019-2022</u>
Turkey:	<u>Action Plan on Prevention of ECHR Violations</u> (2014-2019)
	<u>Action Plan on Human Rights: Free Individual, Strong Society; More Democratic Turkey</u> (2021)
Turkmenistan:	<u>National Human Rights Action Plan for 2016-2020</u>
	<u>National Human Rights Action Plan for 2021-2025</u>
Tuvalu:	<u>National Human Rights Action Plan 2016-2020</u>
Ukraine:	<u>Action Plan on Implementation of the National Strategy in the Area of Human Rights for the Period until 2020</u> (2015)
	<u>Action Plan for the Implementation of the National Strategy for Human Rights 2021-2023</u>
Uzbekistan:	<u>Roadmap for the Implementation of the National Strategy on Human Rights</u> (2020)
United Kingdom:	
• Scotland:	<u>National Action Plan for Human Rights 2013-2017</u>
• St-Helena:	<u>Human Rights Action Plan; Priorities for Action 2012-2015</u>
Venezuela:	<u>National Plan for Human Rights 1999-2004</u>
	<u>National Human Rights Plan 2016-2019</u>

1.3 CHOICES AND BORDERLINE CASES

While remaining conceptually stringent in deciding what was excluded or included in the inventory, and indeed taking, in certain instances, a more conservative approach in comparison to earlier datasets (see above section 1.1), some cases were undeniably challenging, or lay at the boundaries of the conceptual principles used to define NHRAPs. This section explains choices made, as well as acknowledges issues encountered and borderline cases.

1.3.1 SELF-CHARACTERISATION OF NHRAPS

As mentioned in Section 1.1, a primary criterion used for identifying NHRAPs was their self-characterisation as a ‘national human rights action plan’, regularly complemented with a direct reference to the Vienna Declaration. One mischaracterised ‘NHRAP’ was excluded from the inventory – the strategic plan of the Zambian NHRI. In contrast, there were also cases in which plans were labelled differently, but were in essence akin to NHRAPs, just using a different terminology. In line with OHCHR’s and other international actors’ take on the matter,⁴⁷ plans called ‘National Programmes’ were included in the inventory, such as in the cases of Azerbaijan, Brazil, Croatia, and Mexico. There, the intention and methodology were similar to those of NHRAPs. The same was true for implementation ‘roadmaps’ (e.g., Uzbekistan) as long as they included action points.

One borderline case that was included in the inventory is the 2021 ‘Plan of Priority Measures on Human Rights’ of Kazakhstan, also referred to – by the decree establishing it – as the ‘action plan of the government in the field of human rights’. It bears similarities to NHRAPs, setting 26 concrete actions with time frames, distribution of responsibilities to line ministries, a reporting system, etc. However,

it is clearly another format than the earlier NHRAP of the country (2009-2012). For instance, there are no narrative segments about human rights issues, and the plan's development process is unclear. It is worthwhile noting that the country had finalised a second full-fledged NHRAP for 2017-2021, but the latter was never officially adopted (and therefore does not feature in the inventory). The 'plan of priority measures' adopted by decree by the government upon order of the president is more direct and specific, with short time frames synchronised with the new government's agenda. This innovative approach might have higher potential for implementation, but appears top-down and may undermine diligent consultation processes.

Two borderline cases that were, on the contrary, excluded, were the two 'Action Plans of the Executive Branch's Human Rights Network of Paraguay', adopted in 2010⁴⁸ and 2017,⁴⁹ respectively. These plans play an important role for the governmental action in the field of human rights: Paraguay explained in its 2010 report to the UPR that the 2010 plan 'sets forth the State's firm determination to fulfil its obligations in this sphere by ensuring full respect for fundamental rights. The Plan is the outcome of inter-institutional cooperation which has resulted in the definition of priorities for action.'⁵⁰ However, the activities they contain are a list of actions for the Executive Branch's Human Rights Network to organise its work: thus it is rather an organisational strategic plan for the newly established network. In fact, one action of the 2010-2011 plan is precisely the development of a 'National Human Rights Plan' in line with the 1993 Vienna Declaration.⁵¹ These Network's plans are therefore not NHRAPs, and are excluded from the inventory. This decision is conceptually stricter than Xu's review – which included those plans,⁵² but aligned with the Latin American Council of Social Sciences' overview of NHRAPs in Latin American countries.⁵³

Action plans implementing national policies or strategies for human rights were included. In many cases, the documents were both a strategy/policy and an action plan (e.g., Chad and Kenya). However, strategies alone were not included, taking a stricter interpretation than the CoE and the EU Fundamental Rights Agency. Had the inventory included strategies, many more countries would feature in it. To take but one example, Egypt adopted in 2021 a National Human Rights Strategy for 2021-2026, with numerous target results. It is nonetheless intended to be completed with an Action Plan – which would spell out time frames, actions, and responsibilities.

Relying in part on self-characterisation of NHRAPs has one implication which should be acknowledged. As I will show in Chapter 3, the contents of NHRAPs vary a lot. Those in the inventory adhere *prima facie* to the key criteria and principles of NHRAPs, but a more in-depth investigation beyond the key principles may reveal that they do not necessarily abide by rigorous methodologies – e.g., they do not always clearly identify actions. This means that some plans labelled as NHRAPs, which explicitly refer to the 1993 Vienna Declaration and/or the 2002 Handbook,

may in practice be more general than, e.g., the Egyptian Strategy. This points to a grey zone at the boundaries of the inventory, where strategies and action plans may be more akin in practice even if they are conceptually distinct.

1.3.2 OFFICIAL ADOPTION

A criterion for inclusion in the inventory was that NHRAPs were officially adopted. To verify this, a two-tier strategy, described in Section 1.1, was employed. This verification was more complex than it may at first appear. Many documents presented as NHRAPs, the final draft of which can be easily obtainable, lack official adoption. What is even more challenging is that these draft plans are not infrequently applauded in international fora as if they were in fact adopted, especially by other states during UPR reviews. To mention but one of many examples, no less than six countries⁵⁴ wrongly welcomed the adoption of a NHRAP in 2014 by Uganda, during the 2016 UPR review of the country, and called on the country to move onto the implementation of the plan. In fact, as of March 2022, the plan was still not adopted.⁵⁵

Two exceptions were made and included in the inventory. The second and third NHRAPs of the Philippines (covering 2010-2014 and 2018-2022, respectively) were not formally adopted due to changes of political leadership, yet they have received some degree of validation and have served as reference for line ministries. This was confirmed through communication with the NHRI of the Philippines, and, through it, by the Presidential Human Rights Committee. According to the latter:

There was no formal executive adoption of the Philippines Human Rights Plan (PHRP) 2 and PHRP 3. The PHRP 3 was crafted during the administration of President Macapagal-Arroyo and was supposed to have been officially adopted by the successor-administration of President Benigno Aquino III. While this did not happen for reasons that were highly political, the PHRP-2 was informed by individual endorsements from the treaty-led agencies which ensured its implementation.

In the meantime, PHRP-3 which was implemented in the administration of President Duterte followed the same track as the PHRP-2. In the same manner, executive agencies concerned expressed support and reiterated commitment to developing their assigned thematic chapters, as well as implementing the various programs, activities, and projects in line with the PHRP-3 thematic objectives. Moreover, in the “Ugnayang Bayan” (community consultation) mid-term assessment of the PHRP-3, no less than the president expressed his strong support for the efforts aligned with the PHRP-3.⁵⁶

As proof of the fact that these plans are considered as active roadmaps for human rights action, the government has carried out implementation reviews and plans, and is now laying the ground for what would be the ‘fourth NHRAP’. The decision to include these two NHRAPs in the present inventory is on par with other partial lists of NHRAPs.⁵⁷

This example interestingly shows that support from concerned ministries and the administration is decisive too, and may suffice for ensuring some type of implementation, especially when a governmental human rights focal point structure exists and can track implementation. The case of the Philippines also illustrates the difficulty of ensuring a formal political validation of NHRAPs, especially when development processes drag on for years, running the risk of a governmental change occurring in the meantime. However, reverse examples exist when a ministerial change has accelerated the adoption of a NHRAP. The Moroccan NHRAP is a case-in-point. The development of the Moroccan NHRAP was decided in 2008, as a result of a national debate on democracy and human rights. A committee was created to develop it, and a final draft plan for 2011-2016 was finalised. However, following changing political dynamics reflected in the adoption of the new Constitution in 2011, the draft was not adopted. It was updated to cover new constitutional and political commitments and adjusted to cover the period 2018-2021, but adoption was still delayed. It was finally adopted by the government on 21 December 2017,⁵⁸ just nine months after the position of Human Rights Minister was created at the occasion of a change of government, with the new Minister making the adoption of the Plan a priority.

A last, related point is that, not infrequently, NHRAPs are officially approved years after their development. While in the case of Morocco the initial contents of the draft plan were updated, delayed adoptions create the risk that plans developed for a specific time frame and corresponding to a certain situation may be outdated by the time they are officially adopted.

1.3.3 INCLUSION OF ACTIONS AT THE NATIONAL LEVEL

As indicated in Section 1.1, plans that only pertained to international human rights actions were excluded from the inventory. Plans that included both national and international action points were included. But one case flirts with the boundaries of this criteria and is worthy of acknowledgement. It pertains to the Human Rights Action Plans of the Federal Government of Germany.

There have been eight subsequent plans adopted by Germany, which are sometimes included in existing lists of NHRAPs – the EU Fundamental Rights Agency's list mentions the latest German NHRAPs,⁵⁹ but sometimes not – e.g., the CoE's lists do not mention them. These plans are called human rights action plans, and point to intended actions by the federal government over periods of two or three years. The practice of adopting such plans was initiated at the request of Germany's federal parliament, through a 2003 resolution requesting the federal government to accompany its regular human rights situation reports with an action plan. The resolution explicitly referred to the 1993 World Conference's NHRAP concept,⁶⁰ and the German NHRI similarly promoted the adoption of a NHRAP in line with the Vienna Declaration.⁶¹ However, the resulting plans were issued by the Ministry of Foreign Affairs and primarily oriented towards the international action of Germany. Furthermore, they recalled human rights objectives already agreed upon

in the coalition agreements/political agenda of the federal government, rather than set new action points to be implemented by federal line ministries. Since the plans include at least some forward-looking national commitments, they were included in the inventory. The balance between national and international actions has also improved over time. They nonetheless remain a borderline case, and some authors have debated whether they deserve to call themselves plans, or actually include action points.⁶²

1.3.4 NHRAPS AND RECOMMENDATIONS IMPLEMENTATION PLANS

While the conceptual distinctiveness between NHRAPs and recommendations implementation plans was clearly recalled by the UN Secretary General in 2017 (see Section 1.1), there have been recent proposals by norm entrepreneurs in Geneva to play down the ‘fundamental difference’ between the two types of plans and find ways to integrate methodologies. These conceptual debates are discussed in Part 2 of the study. In the practice of states, some grey zones are observed and worthy of mention, pointing to increasing challenges in dissociating NHRAPs from recommendations implementation plans.

On one hand, many states continue to clearly distinguish the two approaches. A number of countries have adopted recommendations implementation plans that have no ambition to be presented as NHRAPs. To give but one example, Burkina Faso has developed a series of recommendations implementation plans⁶³ with extensive narrative and methodological sections, never mentioning a NHRAP’s concept and methodology. Interviews conducted with officials in charge of those plans confirmed that the two types of methodologies are clearly distinguished and that recommendations implementation plans are not intended to serve, or be presented as, the country’s NHRAP. Similarly, Nepal has had a consistent practice of adopting both and distinct NHRAPs and UPR recommendations implementation plans, distinguishing the two approaches.⁶⁴

On the other hand, several states have started to present, as NHRAPs, plans that are in fact recommendations implementation plans. The Belarusian, Turkish, (2014-2019) and New-Zealander (2015-2019) plans are excellent examples. The first is only focused on following up on UPR recommendations, the second on the implementation of European Court of Human Rights decisions, and the third is based on all UPR and treaty bodies’ recommendations as well as SDGs’ commitments. The three countries actively presented those plans as their NHRAPs, even if the plans themselves are not technically called NHRAPs. For instance, Belarus President Alexander Lukashenko, referring to the country’s UPR follow-up plan at the OSCE Parliamentary Assembly on 5 July 2017, stated that ‘the elaboration of the first in the history of independent Belarus National Human Rights Action Plan has become the most important element of systemic ensuring of the entire complex of citizens’ rights and freedoms’.⁶⁵ Those plans are accepted as NHRAPs by the international community,⁶⁶ and the plan of New Zealand is often mentioned as a good example of a NHRAP. Turkey actually changed the name

of its subsequent plan adopted 2021 into 'Action Plan on Human Rights'. For this inventory, recommendations implementation plans were included only when there were sustained governmental claims to present them as a NHRAP. This covered the above mentioned three countries.

The conceptual boundary between NHRAPs and recommendations implementation plans may in the future be increasingly porous. Pressed to adopt recommendations implementation plans but also NHRAPs, states take a hybrid approach. The standard text used by the UN High Commissioners for Human Rights in their UPR follow-up letters attempts to combine the ambition to anchor plans on international recommendations, while preserving the participatory process characteristic of NHRAPs. Letters encourage states to develop a NHRAP 'in order to achieve concrete results in the areas contained in the annex [i.e. clustered UPR recommendations] and to facilitate [the country's] preparation for the [next] cycle of the UPR. The development of the [NHRAP] should include consultations with all stakeholders, in particular the NHRI and civil society organisations.'⁶⁷ How to do this in practice might be challenging for states – as the case studies presented in Section 4.2 point out. The emergence of digitalised, online plans updated on a rolling basis may encourage and facilitate the addition of action points corresponding to new international recommendations. However, this may serve to shortcut the foundations expected from NHRAPs, which are to be based on broad national consultative processes. The delayed publication of a revised version of the 2002 Handbook on NHRAPs may be a sign that integration of both methodologies is challenging and that there are still some unresolved conceptual issues. This deserves attention, and is discussed in more detail in Part 2 of the study.

1.3.5 COUNTRY CLASSIFICATION

A last, terminological clarification pertains to what is 'national'. It is worthwhile to note that the inventory includes: a) sub-national plans for the United Kingdom: Scotland and Saint-Helena, and b) plans adopted by countries with disputed international status: Kosovo and Palestine. The first point is on par with the Council of Europe, EU Fundamental Rights Agency, and OHCHR's approaches, since their list of NHRAPs all include Scotland, and, by analogy, with the practice of the Global Alliance of NHRIs for accreditation purposes – which accredits several 'national' human rights institutions for the United Kingdom. As a result, countries that have adopted several NHRAPs include 35 countries which have had several subsequent NHRAPs over time, and one country (the United Kingdom) where NHRAPs have been adopted in parallel by subnational entities. The second point – namely the inclusion of countries with disputed status – is aligned with the CoE's approach, since its list of NHRAPs includes Kosovo.

CHAPTER 2

TRENDS IN GLOBAL DIFFUSION OF NHRAPS

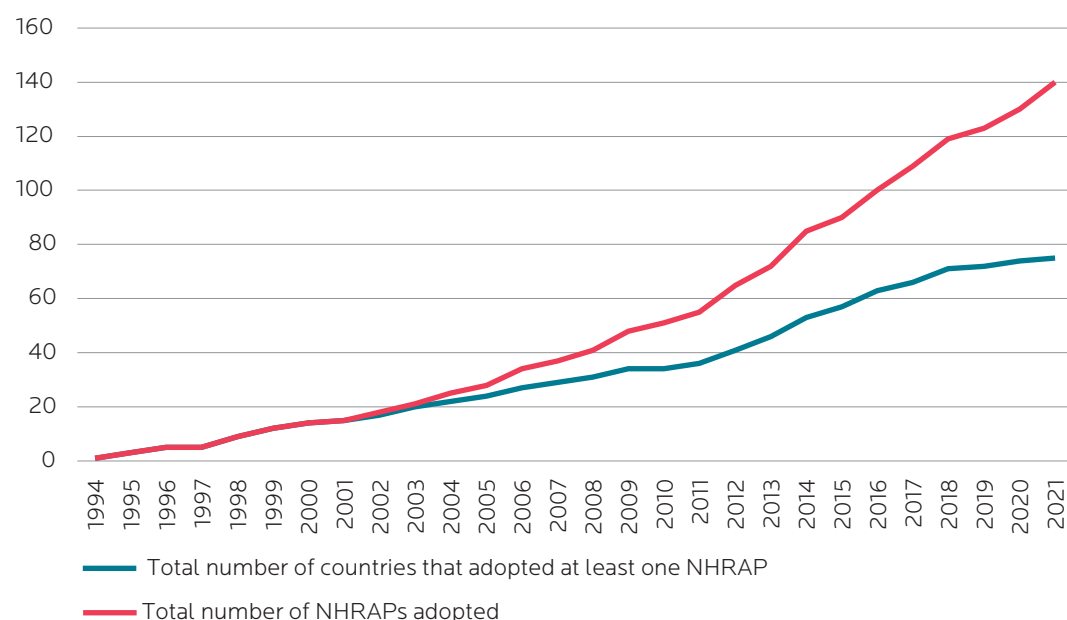
This chapter analyses overall trends pertaining to the diffusion of NHRAPs around the world, that the comprehensive inventory of NHRAPs enables one to identify. Section 2.1 discusses overall figures of adopted plans. It shows that the diffusion of NHRAPs is far more significant than accounted for until now. Section 2.2 analyses the engagement of states with NHRAPs over time. It points to an apparent paradox in terms of norm diffusion, which is that a majority of NHRAPs were adopted after the promotion of NHRAPs was deprioritised by most international human rights bodies. Section 2.3 reviews the patterns of institutionalisation of NHRAPs by states, looking at countries' practices of adopting subsequent NHRAPs. Finally, Section 2.4 discusses the geographical distribution of NHRAPs.

2.1 OVERALL DIFFUSION: A SIGNIFICANT ENGAGEMENT OF STATES WITH NHRAPS

The inventory shows that 140 NHRAPs were adopted between the emergence of the concept at the 1993 Vienna Declaration up until December 2021. These 140 NHRAPs have been adopted in 75 countries, with 35 countries having adopted more than one NHRAP. This new account contrasts with outdated figures that continue to be referred to by recent plans themselves, scholarship, and international UN accounts.⁶⁸ There are now almost three times more plans, adopted by twice the number of countries, than what is accounted for on the OHCHR's webpage on NHRAPs – which lists 51 plans in 39 countries.

Chart 1 below offers a graphic visualisation of the accumulation of NHRAPs and of countries that adopted them since 1993. The blue line represents the total number of countries having adopted at least one NHRAP, and the pink line represents the total number of NHRAPs – including subsequent NHRAPs adopted by the same countries.

CHART 1: CUMULATIVE NUMBER OF NHRAPS ADOPTED AND OF COUNTRIES WITH AT LEAST ONE NHRAP



In order to fully grasp the extent of states' engagement with NHRAPs, it is important to note that engagement with NHRAPs is more than a point in time – namely the year of formal adoption. Each NHRAP's implementation period spans several years – sometimes a decade. As such, while in 2021, 10 plans were adopted, there were at least 34 NHRAPs ongoing in December 2021. This figure is based on the official duration anticipated in NHRAPs themselves, but in many cases, plans tend to be extended for another few years. In other cases, plans may actually be disregarded after a few years; for instance, after a change of government. Last, some plans are open-ended, which can make it difficult to assess if they are still ongoing.⁶⁹

Furthermore, engagement with NHRAPs starts well before the adoption and implementation phases. The period leading up to the adoption can entail extensive processes, which are indeed recommended as a premise in the 2002 OHCHR's Handbook methodology. The latter affirms that preparation and development processes are as important as a plan's implementation. In many cases, such engagement has, however, lingered for many years, if not for over a decade. To take but one of many examples, the Malaysian NHRI, SUKHAM, has been advocating for the development of a NHRAP in Malaysia since 2002.⁷⁰ The development of a NHRAP was approved by the government in 2012, leading to consultation processes with stakeholders.⁷¹ The plan was ultimately launched on the 1st of March 2018.⁷²

Adding to the 140 plans in the inventory, many NHRAPs were in development or close to adoption in December 2021 (the cut-off date for the inventory). Future updates of the inventory could show a continuous increase in NHRAPs, if these plans are formally adopted. A cursory review of different sources shows that there are at least 24 additional NHRAPs reported to be at advanced development phases at the time of writing,⁷³ including in 14 countries for which it would be the first NHRAP. This includes:

- NHRAPs adopted early 2022, for instance, in Bahrain⁷⁴ (first plan).
- draft NHRAPs about to be formally adopted: imminent adoption has been announced by Botswana,⁷⁵ Guinea Bissau,⁷⁶ Haiti,⁷⁷ Ivory Coast,⁷⁸ Qatar,⁷⁹ Taiwan,⁸⁰ Tajikistan,⁸¹ Uganda⁸² (first plans), as well as Burundi,⁸³ Ethiopia,⁸⁴ Nigeria,⁸⁵ and Tanzania⁸⁶ (subsequent plans).
- NHRAPs' development reportedly well under way, for instance, in India,⁸⁷ Kuwait,⁸⁸ the Maldives,⁸⁹ Paraguay,⁹⁰ the United Arab Emirates⁹¹ (first plans) as well as in Belarus,⁹² Chile,⁹³ Lebanon,⁹⁴ Malawi,⁹⁵ Scotland,⁹⁶ and Spain⁹⁷ (subsequent plans).

Adding to these potential 24 NHRAPs, many other countries have indicated their intention to develop NHRAPs, such as: Egypt,⁹⁸ Guyana,⁹⁹ Portugal,¹⁰⁰ Saudi Arabia,¹⁰¹ Sierra Leone¹⁰² (first plans), and Croatia¹⁰³ (subsequent plan).

Last, the research unearthed evidence of multiple planning processes that did not result in the adoption of a plan, for various reasons. For instance, the government of Austria, with the support of the Ombudsman Board of Austria, initiated a comprehensive NHRAP development process in 2014, with a range of consultations completed, inputs from various stakeholders received, and drafts circulated. However, the project was abandoned at the end of 2016,¹⁰⁴ and no longer featured in the government's work programme for 2017-2022. Amnesty International found that 'Austria failed to develop and adopt a national human rights action plan due to a lack of political commitment and an unwillingness to meaningfully engage with civil society'.¹⁰⁵ The government's work programme for 2020-2024 nonetheless again features a mention of the development of a NHRAP.¹⁰⁶ While the story of inconclusive planning processes remains to be written and is beyond the scope of the present publication, it is likely that such processes are far from anecdotal, and would be also worthy of investigation. Indeed, the development and drafting of NHRAPs may temporarily structure some aspects of human rights public policies or debates, and possibly impact human rights nationally in various ways – e.g., either diverting from accountability efforts or, on the contrary, offering avenues for dialogue and socialisation.

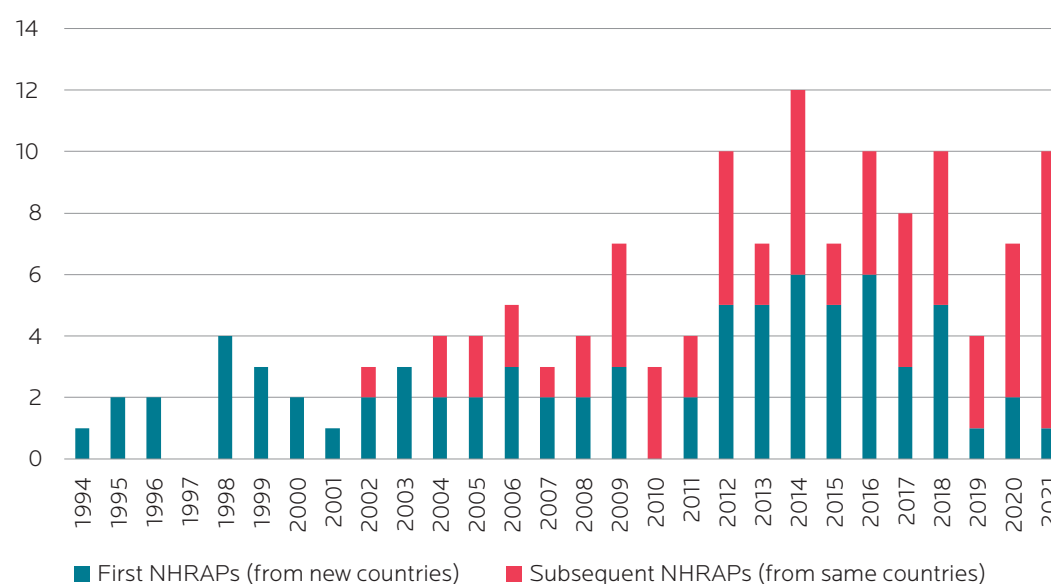
In short, while the new inventory of NHRAPs in itself shows a far more significant diffusion in state practice than what has so far been accounted for, many more than the 75 countries featured in the inventory have engaged with NHRAPs, without having (yet) adopted one. All in all, it is estimated that about half of the

world's countries have engaged with NHRAPs at some point, and a quarter of the world's countries are currently involved in implementing or developing a NHRAP. These findings demonstrate that there is a wide array of past or present NHRAP experiences that exist, and which could be reviewed to assess the contribution of NHRAPs, and planning in general, to human rights implementation. The rarity of scholarship empirically assessing past NHRAPs is therefore deafening, especially given that it would crucially inform practices as well as the development of new planning models by international organs and norm entrepreneurs.

2.2 TRENDS OVER TIME: VARIABLE RHYTHM AND INTENSITY OF STATES' ENGAGEMENT WITH NHRAPS

While the overall picture is that of a significant engagement of states with NHRAPs, another clear finding emerges from the sequencing of NHRAPs by years of adoption: the rhythm at which NHRAPs have diffused around the world has not been constant. Chart 2 shows the number of NHRAPs adopted each year since the 1993 Vienna Declaration. In blue are the number of plans adopted by a country for the first time, and in pink, subsequent plans.

CHART 2: NUMBER OF FIRST AND SUBSEQUENT NHRAPS ADOPTED PER YEAR



This breakdown confirms that adoption of NHRAPs was limited until 2022 – and this created a long-lasting narrative about NHRAPs' diffusion. A first qualitative evolution nonetheless occurred in 2002, when some countries started to adopt subsequent plans. The year 2012 constituted another key rupture point, after which the rhythm of NHRAPs' adoption sharply accelerated. More than half of all NHRAPs were adopted in the past decade only. The number of *new* countries adopting plans also drastically

increased after 2012. From 1994 to 2012, an average of two new countries adopted a NHRAP every year. This figure rose to almost four after 2012.

In other words, it is possible to sequence the evolution of state practice and diffusion of NHRAPs worldwide into three periods of time:

- 1994 to 2001: Limited diffusion and engagement. By 2001, only 15 countries had adopted such a plan. This marginal embrace by states contrasted with the drastic uptake in regard to the other key institutional innovation also promoted by the 1993 Vienna Declaration; namely, the establishment of NHRIs. The number of NHRIs rose from 28 existing in the early 1990s to 92 in the early 2000s,¹⁰⁷ thus they were a much higher feature of state practice than the adoption of NHRAPs.
- 2002 to 2011: While the pace of new countries engaging with NHRAPs remained low, several countries started to institutionalise NHRAPs by adopting subsequent plans. This points to a process of routinisation and internalisation of the tool (more on this in the next section).
- Since 2012: A qualitative leap was observed with a much higher number of countries both adopting their first plans and institutionalising NHRAPs. Arguably, the tallies for 2019-2021 appear to show a stagnation in terms of new countries engaging with NHRAPs, but it is too early to say if a new trend/phase is emerging. Indeed, at least 13 new countries have announced the imminent adoption of their first NHRAP (see Section 2.1).

Identifying a roughly similar sequencing based on his review of 78 plans, Yao Xu fittingly calls the three periods of time: 'the Exploration Stage (1994-2000), the Stabilization Stage (2001-2010) and the Leap Stage (Post-2011)'.¹⁰⁸

This data, when compared to the periods of time when NHRAPs were strongly promoted by the UN and regional human actors, points to a striking conclusion in terms of norm diffusion and the role of international actors and guidance therein. Indeed, a paradox emerges: there was no significant engagement by states with NHRAPs after the 1993 Vienna Declaration – which encouraged states to adopt them, nor at the time when the OHCHR and UNDP (roughly 1999 to 2002) invested in supporting NHRAPs and issued guidance. Human rights treaty bodies that tried to advance a legal argument to encourage NHRAPs' adoption, such as the Committee on Economic, Social and Cultural Rights, only did so until 2010.¹⁰⁹ In contrast, there was a surge in adoption of NHRAPs over the past 10 years, in a period of deprioritisation of NHRAPs by international human rights actors. While there may be a range of reasons explaining why adopting NHRAPs was not prioritised in the 1990s and 2000s, and while it may be argued that even fewer states would have adopted NHRAPs in the absence of international promotion of the instrument, there is a striking desynchronisation between the promotion of the model and the issuance of guidance and soft law on the one side and, on the other side, its actual use by states.

How then can one explain the surge in engagement with NHRAPs after 2012? One strong hypothesis, also evoked by the UN Secretary General,¹¹⁰ is that the increasing adoption of NHRAPs is connected with the Universal Periodic Review. Timewise, the UPR reviews started in 2008, which – taking into consideration that not all states are reviewed at once and that preparation of NHRAPs takes a few years – corresponds to an uptake in NHRAPs after 2012. In addition, the UPR instilled a new form of process in that comments and recommendations are formulated by other states, and not by experts or international human rights bodies. In the very first UPR cycle, many state delegates recommended that reviewed states should adopt general human rights policies. It was not always clear whether these referred to Vienna Declaration-based NHRAPs; however, it called further attention of states to encompassing policies. Some countries with NHRAPs have been more specific and have consistently recommended to other states to emulate this practice. Indonesia is a case-in-point: out of the 1,029 recommendations it issued over the three cycles of the UPR (until May 2022), 56 recommendations requested reviewed states to adopt a NHRAP or, on some occasions, to improve existing ones. All reviewed states except six – interestingly including five Western countries – accepted such recommendations.¹¹¹ Some countries explicitly connect the NHRAP development process with UPR recommendations. The NHRI of India, for instance, indicated in 2020 that ‘in the light of the persistent recommendations across the three cycles to adopt a National Action Plan on Human Rights (NAPHR), the Commission constituted a Task Force on NAPHR with representation from various Union Ministries’.¹¹² Besides NHRAPs having been triggered by recommendations from other states, several NHRAPs have reportedly been undertaken as a result of voluntary pledges taken by states at the Human Rights Council or during UPR reviews.¹¹³ Commitments to enhance or adopt NHRAPs appear in UPR pledges of 20 countries.¹¹⁴

In other words, while international organisations became increasingly sceptical of NHRAPs’ usefulness, deprioritised their promotion, and turned to other forms of planning methodologies, states have found it appropriate to encourage each other to adopt NHRAPs. The UPR offered states a platform to express support, and states possibly noticed the relatively easy reputational gains that could result from the adoption of NHRAPs in fora such as the UN Human Rights Council. Yao Xu’s review¹¹⁵ of comments made by states during the first three cycles of the UPR¹¹⁶ to countries having adopted NHRAPs confirms this hypothesis. Xu analyses whether comments received are: a) neutral – noticing the fact that a NHRAP exists (so-called ‘attention comments’), or b) congratulatory – commending the adoption of the NHRAP as a positive initiative (‘laudatory comments’) or c) critical – requesting the state to enhance implementation (‘expectation comments’). Xu finds that 40 countries received comments for their NHRAP,¹¹⁷ with a total of no less than 740 comments issued. This is an important number showing that NHRAPs are a point emphasised by other states. Receiving comments is more likely when states adopt their first NHRAP,¹¹⁸ and especially when the states in question are developing

countries.¹¹⁹ These 740 comments included 105 attention comments, 421 laudatory comments, and 214 expectation comments. In other terms, countries on average receive far more gratifying comments on their NHRAPs than critical ones. Only nine countries received fewer laudatory comments than expectations comments.¹²⁰

For Xu, the number and nature of comments lead to two main conclusions:

- First, 'the UPR mechanism has played a significant role in promoting countries to improve their human rights status by developing and implementing [NHRAPs]'.¹²¹ Xu goes as far as concluding that it 'shows that the formulation and implementation of [NHRAPs] is a human rights policy initiative of universal concern to the international community'.¹²²
- Second, the widely positive treatment of NHRAPs at the UPR leads to countries expecting international credit when adopting NHRAPs. For Xu, NHRAPs 'are moves that are widely recognized by the international community, which to some extent also reflects the common understanding of different countries of developing human rights action plans as a means to improve their human rights image, as well as the "foreign publicity" function of human rights action plans. It also encourages more countries to develop new [NHRAPs] aimed at improving their international human rights image'.¹²³

It therefore does not come as a surprise that the revival of OHCHR's references and promotion of NHRAPs – after 15 years of normative silence on NHRAPs – occurred in relation with the UPR. Since 2017, the UN High Commissioners for Human Rights have systematically recommended, in their follow-up letters to the reviewed states, to develop or better implement NHRAPs.¹²⁴

2.3 INSTITUTIONALISATION OF NHRAPS

States started to adopt subsequent plans in 2002. As time passes and an increasing number of states in the world have had at least one NHRAP, the proportion of subsequent plans in annual tallies of NHRAPs logically increases. In 2021, nine out of the 10 adopted NHRAPs were subsequent ones. Table 1 (below) categorises all countries in the inventory by the total number of NHRAPs they each adopted.

While there are clear signs of institutionalisation of NHRAP practice in some countries, the overall picture is mixed. Out of the 75 countries that have adopted NHRAPs, 35 adopted at least one subsequent plan.¹²⁵ A majority of countries with NHRAPs have not institutionalised the practice – especially African countries, which have adopted at best two NHRAPs, and predominantly only just one. These may include countries that are still rolling out or evaluating their first plans. As seen in Section 2.1, many states have indicated their intention to adopt subsequent plans, so the figures could rise in the future.

TABLE 1: NUMBER AND NAMES OF COUNTRIES BY NUMBER OF NHRAPS ADOPTED

Total number of NHRAPs	Adopted in	Countries
Eight plans	One country	Germany
Five plans	Three countries	Indonesia, Mexico, Nepal
Four plans	Three countries	Bolivia, China, Thailand
Three plans	Nine countries	Armenia, Australia, Brazil, Finland, Georgia, Moldova, Peru, the Philippines, Republic of Korea
Two plans	19 countries	Azerbaijan, Cabo Verde, Croatia, Ethiopia, Iraq, Kazakhstan, Kosovo, Liberia, Malawi, the Netherlands, New Zealand, Nigeria, Sri Lanka, Sweden, Turkey, Turkmenistan, United Kingdom (St. Helena and Scotland), Ukraine, Venezuela
One plan	40 countries	Angola, Argentina, Belarus, Burundi, Cameroon, Chad, Chile, Colombia, Democratic Republic of Congo, Dominican Republic, Ecuador, the Gambia, Greece, Guatemala, Honduras, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lithuania, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Namibia, Norway, Pakistan, Palestine, Rwanda, the Seychelles, Somalia, South Africa, Spain, Sudan, Tanzania, Tuvalu, Uzbekistan

Adoption of successive NHRAPs appears to be routinised in a fair number of countries, including Armenia, Bolivia, China, Finland, Georgia, Germany, Indonesia, Mexico, Moldova, Nepal, Peru, the Republic of Korea, and Thailand. These countries have had three plans or more, adopted very soon after the end of the previous ones, and appear to be continuing with the practice. Some countries with two plans also seem ready to move towards the institutionalisation of the practice (e.g., Liberia, Ethiopia, Turkey, the Netherlands, Sri Lanka, etc.).

Adopting several plans is, however, not in itself a guarantee or a sign of sustainable institutionalisation. Two notes of caution are in order. First, there might be long time gaps between two plans. The review of intervals between first and second plans in the 35 countries that adopted more than one NHRAP shows that 17 countries¹²⁶ had their first plans either back-to-back or with a one- or two- years

gap in between, but 10 countries¹²⁷ had a time gap of three to 11 years.¹²⁸ Such long periods of discontinuation put into question the routinisation of NHRAP practice within government. Second, there are a few examples of countries that, after adopting several NHRAPs, explicitly decided not to reconduct NHRAP experiences. This might be due to e.g., government or policy changes – as is reportedly the explanation for why Australia stopped adopting NHRAPs,¹²⁹ or a strategic turn to other forms of human rights policies and planning methodologies, as was the case in Sweden.

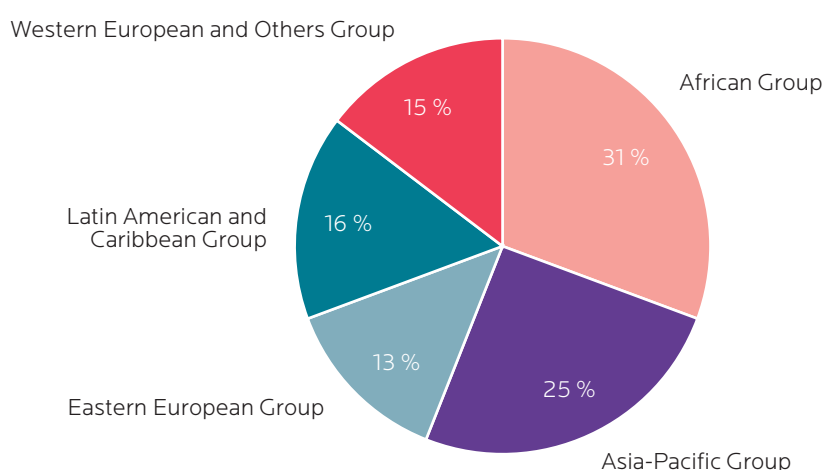
Overall, the institutionalisation of NHRAPs seems to be underway in several countries, yet it remains early to draw general conclusions about the prospects of systemic institutionalisation of NHRAPs worldwide, given that a majority of first plans were adopted in the last decade.

2.4 GEOGRAPHICAL DISTRIBUTION OF NHRAPS

A last dimension of norm diffusion that the inventory of NHRAPs allows one to explore is the question of emulation between states in the same region to adopt NHRAPs – referred to by social scientists as isomorphism.¹³⁰ Are there regions where countries are generally more engaged with NHRAPs?

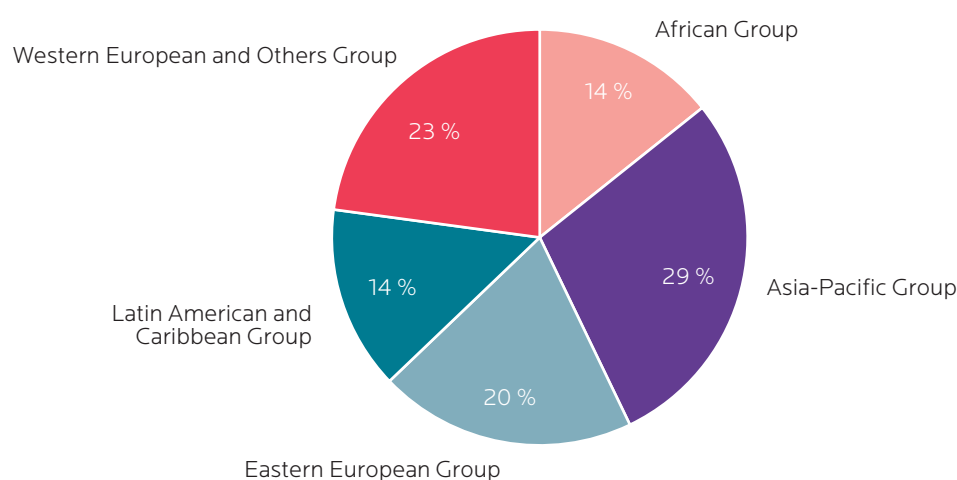
Chart 3 shows the geographical distribution of all countries having adopted NHRAPs. The latter takes the UN regional groups classification, with minor adjustments,¹³¹ as a reference point.

CHART 3: DISTRIBUTION OF COUNTRIES THAT ADOPTED AT LEAST ONE NHRAP BY UN REGIONAL GROUPINGS



This data shows that the distribution of adopted NHRAPs spans across all geographical zones/regional groupings. At first glance, the usage of NHRAPs also does not depend on the countries' level of development. Two additional ways of presenting the data offer a more fine-grained understanding of their state of play. As pointed out in the previous section, the chart would change if one considered the number of countries having adopted at least two NHRAPs. In that case, as Chart 4 illustrates, the share of African countries significantly diminishes.

CHART 4: DISTRIBUTION OF COUNTRIES THAT ADOPTED AT LEAST TWO NHRAPS BY UN REGIONAL GROUPINGS



In addition, the data presented in Chart 3 does not take into consideration the fact that two regions – Africa and Asia-Pacific – are composed of 20+ more states than any other regions. As a corrective, Table 2 (below) presents the share of countries within each regional group that have adopted at least one plan.

Table 2 shows that the degree of engagement with NHRAPs is roughly similar and consistent across regions. But this approach also casts light on nuances. Most notably, countries in the Asia-Pacific region are in fact slightly less engaged overall than other regions, which is not immediately apparent when one considers absolute numbers.¹³²

TABLE 2: SHARE OF COUNTRIES HAVING ADOPTED AT LEAST ONE NHRAP IN EACH REGION

Region	Number of countries in the region	Number of countries with a NHRAP	Share
Africa	54	23	42.59%
Asia-Pacific	55	19	34.54%
Eastern Europe	24	10	41.66%
Latin American and Caribbean	33	12	36.36%
Western European and Others	29	11	37.93%
Total	195	75	38.46%

A last variable relevant to decrypt processes of norm diffusion and the role of supranational organisations in creating and promoting institutional models is to consider whether more NHRAPs have been adopted in the regions where the tool was more systematically advocated for by regional organisations. Most notably, the CoE has consistently invested in NHRAPs from 2009 to 2017, by *inter alia* convening practitioners' workshops, producing guidance, and actively calling on states to adopt such plans. The data presented in this research, however, shows that the number of plans adopted in CoE member states is not higher than elsewhere: 17 out of 46 member states have adopted at least one plan,¹³³ which is in fact slightly lower than global averages. This appears to confirm the above-mentioned paradox, according to which the diffusion of NHRAPs is not strongly correlated to the amount of attention and guidance issued by supranational bodies.

CHAPTER 3

NHRAPS' CONTENTS: REVIEW OF SELECTED ASPECTS

This chapter addresses the contents of the plans. It cautions readers against the assumption that all 140 NHRAPs form a homogenous set of documents. Norm diffusion theories have consistently underlined how international blueprints are significantly adapted in the course of their global diffusion and national reception. As such, even when they refer – as is the case for many NHRAPs – to the international blueprints and guidance, it is expected that methodologies and contents vary from one country to another, as well as over time.

The inventory and the availability of a large pool of plans put forward in the present study delineates a comprehensive field of inquiry that makes it possible to undertake quantitative and qualitative analyses as well as 'large n' datamining into plans' contents.¹³⁴ The generated findings allow for comparisons between NHRAPs and the identification of trends and key differences in states' methodological and conceptual approaches to NHRAPs.

This chapter showcases the type of findings that datamining can generate. It looks into six selected NHRAP features, namely:

- their format
- the number of actions they contain
- the attribution of actions to entities in charge of their implementation
- the identification of indicators for each action
- the duration of plans and identification of a time frame for each action
- the provision of financial resources.

Sections 1 to 6 in this chapter review the findings generated by datamining for each of these features.

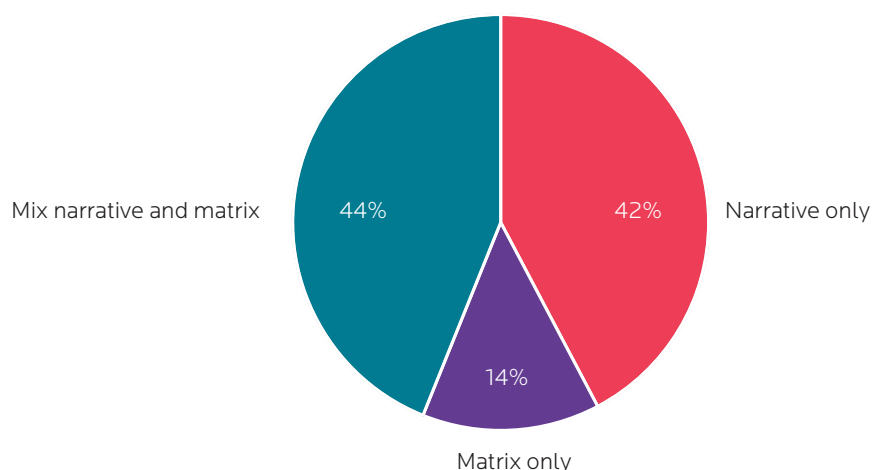
3.1 FORMAT OF NHRAPS

NHRAPs are written as narrative documents, as tables/matrixes, or a combination of both. According to the 2002 OHCHR Handbook on NHRAPs:

While the preparation of the plan is not intended to become a mechanical exercise, the process may become clearer if, in addition to the narrative text, the plan is prepared in a tabular format that sets out the interrelationship between its various elements'.¹³⁵

Chart 5 shows the proportion of NHRAPs espousing narrative, matrix, or mix formats.¹³⁶

CHART 5: FORMAT OF NHRAPS



Findings show that a majority of plans include a table spelling out at least the distinct actions to be implemented – either together with narrative sections, or only through a matrix. Data suggests that 'narrative only' plans were more in use in the early years of NHRAPs diffusion. From 1993 to 2001, 82% of the adopted NHRAPs were narrative only.¹³⁷ From 2002 to 2011, 54% of the plans were narrative only, 6% matrixes only, and 40% adopted a mixed format. Since 2012, mixed formats have become the majority: 51% of the plans adopt a mixed format, 31% are narrative only, and 18% are matrixes only. The latter are on the rise. The Georgian 2018-2020 NHRAP is even solely an Excel document, and the 2015-2019 NHRAP of New Zealand is only an online database.¹³⁸

Some of the narrative only plans may in fact be complemented with a separate implementation matrix adopted later. For instance, the narrative only 2018-2021 NHRAP of Morocco was supplemented, at the end of 2019, with an operationalisation matrix with indicators and distribution of actions to implementation actors. Provisions for operational plans are sometimes foreseen in the NHRAPs them-

selves. For instance, the 1998 NHRAP of Ecuador included a section spelling out the process and contents for an 'operating plan', affirming that:

The Operating Plan, which is an integral part of the National Human Rights Plan, will be developed by several governmental agencies with the necessary assistance of the civil society and non-governmental organizations linked to the defence of and education on human rights. Generally speaking, this Operating Plan should include: Diagnosis; Outline of actions; Expected results of each action; Specific beneficiaries; Actors responsible for the execution of the plan; Delimitation of competence among State bodies, the civil society and non-governmental organizations linked to the protection of and education on human rights; Places where actions will be implemented; Resources (human, economic, technical); Terms according to expected results; Schedule of activities; Preparatory cooperation agreements with other national and foreign governmental and nongovernmental agencies to facilitate enforcement.¹³⁹

The contents of both narrative sections and matrixes vary from one NHRAP to another. Narrative sections usually open and conclude NHRAPs, and detail how plans were developed, adopted, and will be implemented and monitored. Narrative texts may also complement and qualify the plans' chapters, explaining what has already been done on a given issue, what are the gaps and expectations from NHRIs and civil society, what are the normative references emanating from national and international law and bodies, how sectoral actions will be performed using a human rights approach, and so forth.

Matrixes detail at least objectives and activities, and usually also the entities in charge of implementation. They tend to be couched as logical frameworks, spelling out indicators, sometimes benchmarks and baseline data, and/or time frame and resources for each action. More rarely, they spell out risks (e.g., 2021-2025 of NHRAP Gambia, 2004-2007 NHRAP of Nepal). A recently emerging practice has also been to link action to the relevant international/regional/NHRI's recommendations, occasionally complemented by reference to SDGs targets (e.g., 2018-2021 NHRAP of Chile, 2018-2021 NHRAP of Georgia, 2015-2019 NHRAP of New Zealand). In Box 2 below, an excerpt from the 2018-2020 NHRAP of Georgia illustrates what plans' matrixes may look like.

The cross-analysis of plans' features shows a clear correlation between the format of NHRAP and the likelihood to find actions that: a) are attributed to specific implementers, b) are time-bound, and c) have indicators. Indeed, 84% of the NHRAPs that include a matrix incorporate two or all three of these specifications. Conversely, 68% of the narrative only NHRAPs have none of the above specifications, with an additional 18% including only one of them (generally, the designation of the implementing agency).

BOX 2: EXCERPT FROM THE 2018-2020 NHRAP OF GEORGIA: SECTION 5 'FIGHT AGAINST TORTURE AND ILL-TREATMENT'

5. Fight against torture and ill treatment							Timeline	Status	Budget
Goal	Objective	Objective Indicator	Activity	Responsible Agency	Partner Agency	International Recommendations			
5.1 Fight against torture and cruel, inhuman, or degrading treatment or punishment.	5.1.1 Strengthening legal, procedural and institutional mechanisms for fight against ill-treatment	Respective legislative and normative acts analysed and improved according to international standards; Institutional structure of appropriate agencies; Elaborated respective Amendments in normative act; Elaborated new legislative act	5.1.1.1 Analysing and bringing into compliance with international standards the legislative basis for fight against ill-treatment	Ministry of Justice of Georgia Members of the Inter-Agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Ministry of Corrections of Georgia Ministry of Internal Affairs	UPR 17: 51; 118: 27; 118: 28; AA 2.2; PDO 4; 5; 8 (6);	2018		
	5.1.2 Documenting facts of torture and ill-treatment according to the Istanbul Protocol		5.1.1.2 Elaborating mechanism for inner monitoring of psychiatric departments of Ministry of Labour, Health and Social Affairs	Ministry of Labour Health and Social Affairs					
	5.1.3 Enhancing the quality of independence, effectiveness and transparency of the investigation		5.1.2.1 Enhancing the qualification of medical staff on forms of torture and ill-treatment	Ministry of Internal Affairs		CPT 57;			
			5.1.2.2 Supervision of torture and ill-treatment and creating mechanism for inner-monitoring	Ministry of Correction of Georgia					
5.2 Protecting the right to health of persons held in psychiatric wards			5.1.3.1 Developing a legislative framework for creating a comprehensive, independent and effective mechanism of investigation of allegations of torture and other cruel treatment within the penitentiary system, police stations and other closed-type establishments.	Members of the Inter-Agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ministry of Justice of Georgia)	Member agencies of the Inter-Agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Ministry of Justice of Georgia	UPR 17: 51; 118: 27; 118: 28; AA 2.2; PDO 6 (6);	2018/III		
			5.1.3.2 Proactively providing society with statistics connected to investigation	Ministry of Internal Affairs of Georgia					
	5.1.4 Promoting the protection, compensation and rehabilitation of victims of ill treatment	Explored potential of Legal Aid Bureau explored; Increased co-operation with non-governmental organizations in order to elaborate victim rehabilitation state programme; Results of conducted research and statistics presented	5.1.4.1 Analysing legislation of legal aid in force and thoroughly exploring the potential of Legal Aid Service	Legal Aid Service; Ministry of Justice of Georgia	Member agencies of the Inter-Agency Coordinating Council against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Ministry of Justice of Georgia	AA 2.2; CPT 28; 38;	2018/III		
	5.2.1 Improving health protection services	Persons held in psychiatric wards are provided with better healthcare services	5.2.1.1 Providing persons held in psychiatric wards (in psychiatric wards of medical centres within the penitentiary system) with modern mental health services, including out-patient services	Ministry of Correction of Georgia Ministry of Labour Health and Social Affairs	State Municipalities		2018-2020		
	5.2.2 Developing principles and procedures for the use of coercive measures	Amendments to normative acts drafted	5.2.2.1 Revising and renewing mental health-related normative acts prescribing rules and procedures for the use of mechanical and chemical restraints for patients with mental health problems held in psychiatric wards	Ministry of Labour Health and Social Affairs			2019-2020		

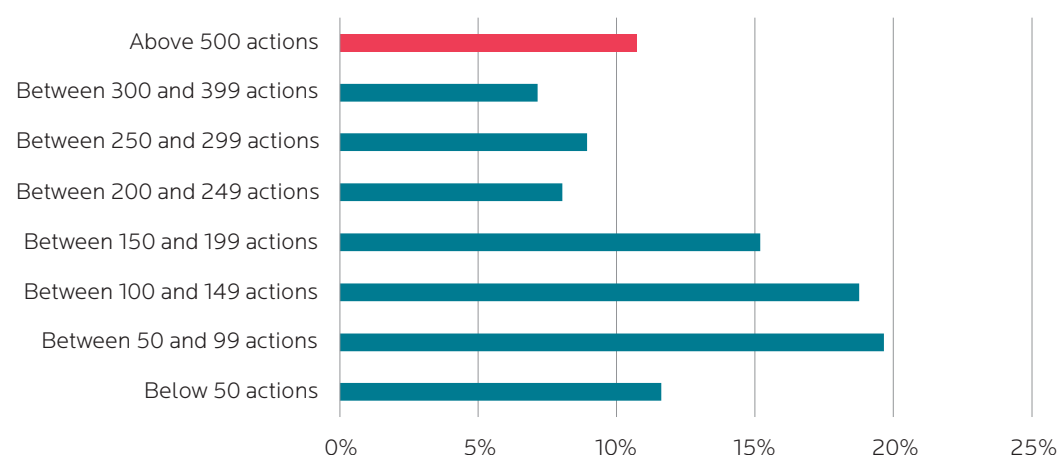
Note: English translation available on the [webpage](#) of the government's Human Rights Secretariat (accessed 26 May 2022). The table is reproduced as it appears on the website, including columns that are not informed.

3.2 NUMBER OF ACTIONS IN NHRAPS

NHRAPs, by definition, identify a range of actions, also at times called 'measures', 'activities',¹⁴⁰ or more rarely 'projects' (as in the 2012-2013 NHRAP of Finland). Most plans list distinct actions, although there are some exceptions. In particular, not all narrative plans enable readers to identify and especially quantify intended actions. For instance, the first two NHRAPs of Australia, the first NHRAP of Sweden, and the first NHRAP of the Netherlands were organised as a narrative description of governmental action on human rights with no clear list of individual actions. Other narrative plans, such as the NHRAPs of China or Germany, are organised in bulleted points, which at least enable readers to count the number of actions – although they may still lack specificity (see below).

The data extracted from the inventory shows ample variations between NHRAPs in terms of the number of actions they contain. The average number of actions across plans is 204, and half of the NHRAPs foresee between 50 and 200 actions. Having said that, one in 10 plans actually foresee more than 500 actions, up to 971 actions for the 2017-2021 NHRAP of Sri Lanka. Conversely, 12% of the NHRAPs contain less than 50 actions. The 1995 NHRAP of Latvia is even limited to one core action, and is essentially about establishing an NHRI. Chart 6 presents the distribution of plans by number of distinct actions.¹⁴¹

**CHART 6: NUMBER OF ACTIONS IN NHRAPS
(IN PERCENTAGE OF NHRAPS PER TRANCHES)**



Long plans with numerous actions may be comprehensive in scope and systematically address all issues, but are also difficult to implement and may lack prioritisation. Monitoring their implementation may be a daunting task, especially for external monitors. For instance, the National Human Rights Commission of Nepal, which sees it as its mission to carry out an independent monitoring of the NHRAPs' implementation, describes the fourth NHRAP, composed of 798 actions,

as 'a paper tiger' that is very difficult to monitor.¹⁴² As a consequence, the rare monitoring reports released by the Commission mainly looked at general aspects of the plan, such as the drafting process, the general awareness about the plan amongst the administration, and its governance structure.

Hesitations regarding the ideal number of actions is perceptible if one compares successive plans adopted by the same countries. For instance, the five NHRAPs successively adopted by Mexico (1998, 2004-2006, 2008-2012, 2014-2018, 2020-2024) included 112, 66, 296, 151, and 193 distinct actions, respectively. While variations in time may be coincidental, or depend on pressing human rights issues or duration, certain countries explain how they deliberately narrowed the coverage of their plans over time. One example is Finland, which has adopted three plans (2012-2013, 2017-2019, 2020-2023). The first plan included 67 actions, which is already a limited set of actions. Nonetheless, its evaluation:

criticise[d] its fragmentation and stressed that the next action plan should focus on certain fundamental and human rights themes, which would better promote the realisation of rights. [... Henceforth] the second National Action Plan [focused] on promoting the realisation of fundamental and human rights in specific priority areas [...] human rights education and training, equality, the right to self-determination as well as fundamental rights and digitalisation. Consequently, it [did] not seek to cover all Government activities promoting [...] human rights.¹⁴³

As such, the second NHRAP of Finland focused on 18 actions. Going even further, the third NHRAP of Finland took a cross-cutting area, namely the production of human rights indicators and the establishment of a monitoring system, as a single focus, containing five actions. With only five actions of a systemic nature foreseen in the third plan, and no action attributed to line ministries that could directly impact rights fulfilment directly, it might be questioned whether the resulting document is a NHRAP in the sense of the 1993 Vienna Declaration.

Beyond the number of actions, it should also be noted that there are marked qualitative discrepancies amongst plans as to what constitutes an 'action'. Their nature varies from one plan to another, notably in terms of precision. Consider, for example, two actions pertaining to forced labour. In the 2021-2025 NHRAP of China, the action reads:

Punishing forced labor. China will redouble its efforts to protect workers' rights and interests, and punish cases of forced labor according to law.¹⁴⁴

In contrast, the 2017-2021 NHRAP of Sri Lanka commits to:

Study ILO Conventions 29 and 105 along with ILO review reports', with the objective 'to address the issue of the Compulsory Service Act No. 70 of 1971

being a filter for compliance with the ILO Convention on forced labour in arbitration and in Labour Tribunals.¹⁴⁵

Another qualitative difference in approach in regard to what 'action' means relates to whether NHRAPs actually create new actions to be implemented by government ministries or agencies, and that would not happen otherwise – thus having a performative objective; or whether they simply capture already agreed governmental commitments and actions planned by sectoral policies. For instance, possibly due to the fact that they are compiled by the Ministry of Foreign Affairs, the German NHRAPs appear limited in creating new activities for federal line ministries. Rather, they seem to restate objectives and commitments already included in the federal government's workplan. Similarly, the 2006-2009 NHRAP of Sweden restated what the government intended to do, but also acknowledged what it would not do. It thus introduced a surprising negative action, namely: 'Measure 5: The Government does not at present intend to ratify the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.'¹⁴⁶

Adding to this, actions' relation to human rights objectives is not always directly apparent in plans. For instance, the fourth NHRAP of Nepal is replete with actions that may or may not – even indirectly – contribute to human rights, depending on how they are conceptually framed, and practically executed. These include actions such as: 'conduct foreign visits of [sports] players and trainers'; 'establish atomic technology development centre', 'carry out various activities for the treatment and promotional programs related to oral health', 'carry out programs on forest protection, tree plantation, and controlling deforestation and forest fire', to mention but a few.

Narrative explanations for each action can usefully highlight how an action contributes to human rights, yet not all plans contain narrative explanations. Nepal's first NHRAP, which contained 104 actions, included background narratives under each chapter, summarising existing governmental actions and problems raised in consultations. These included instructions as to which normative frameworks should guide an action, and flagged essential concerns to be fixed. However, these narrative sections were cropped out of the fourth plan, which increased to 798 actions. One could infer that larger plans are less amenable to the inclusion of narrative explanations, but counter-examples exist. The 2018-2021 NHRAP of Chile is an excellent example that, for each of its 600 actions, includes not only a short narrative description of why and how the action should be conducted, but also refers to relevant recommendations from the NHRI, the UPR or Treaty Bodies. These give pointers and normative references as to how to consider the human rights dimension of each action.

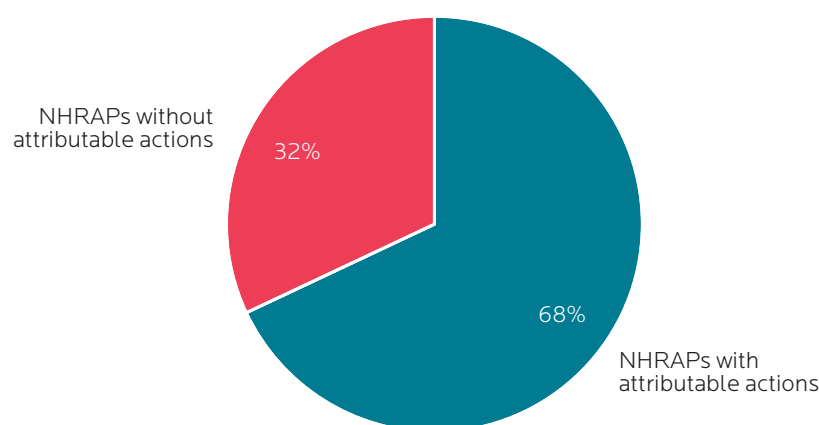
3.3 ATTRIBUTION OF IMPLEMENTING RESPONSIBILITIES

Besides spelling out actions to be implemented, plans are expected to designate the actors in charge of implementing distinct actions. According to the OHCHR Handbook, NHRAPs:

should specify which agencies are responsible for implementing the various activities provided for in the document. This should extend to implementing partners such as civil society organizations. It should also extend, where appropriate, to provincial or local government agencies that have ultimate responsibility in certain areas.¹⁴⁷

Datamining suggests that while all plans may generally indicate that actions are the responsibility of the government, not all plans specify implementing responsibilities for distinct actions. Only 68% of the NHRAPs attribute each action to actors in charge of implementing them, as captured in Chart 7.¹⁴⁸

CHART 7: SHARE OF NHRAPS ATTRIBUTING ACTIONS TO IMPLEMENTERS



Plans not attributing distinct actions include plans with no or very general references to implementing entities. For instance, most actions in the Chinese NHRAPs are phrased as 'China will [support X or Y]'. This phrasing appears no less than 79 times in the 2021-2025 plan of China. A bit more specific but still vague, the expression 'the Federal Government will [do X or Y]' appears 97 times in the German NHRAP for 2021-2022. Some plans foresee that responsibilities for implementation will be allocated later on. One example is the 2003 NHRAP of Cabo Verde, which generally indicates that:

The Government of Cabo Verde and the State in its entirety, in permanent partnership with civil society and the private sector, commit themselves to implement the following actions and measures.¹⁴⁹
It will be the mandate of the National Human Rights Committee, constituted

of representatives of the state and civil society, to identify which state and non-state actors are responsible for implementing the plan's action.¹⁵⁰

Some plans are slightly more specific. For instance, the 2014-2019 NHRAP of Lebanon attributes blocs of actions to 'the Parliament' and others to the 'Council of Ministers and public administrations'. However, it does not further break down responsibility for each action, and does not refer to specific ministries or agencies in charge of implementation. Similarly, the Scottish NHRAP makes general references to implementers, such as the involvement of the 'Scottish and [United Kingdom] Governments, Scottish businesses and the Scottish Human Rights Commission' in the implementation of an action. In both cases, these plans were drafted by actors outside of government (the parliament in Lebanon, the NHRI in Scotland). The division of powers in the state could explain why these drafters were not keen on specifying the exact distribution of ministerial responsibilities within government.

Plans attributing implementation responsibilities per action always identify central executive bodies as implementers, pointing to which line ministries or governmental agencies will be in charge of each action. Almost all those plans occasionally mention other state powers as responsible for implementation of an action – or at least to support implementation. These include the legislative and judicial branches, regional and local authorities, NHRIs, other types of independent bodies (e.g., electoral commissions), and sometimes the military or universities. Plans developed by governments have to decide to which extent they can commit actors outside the executive branch – out of respect for the separation of powers underpinning democratic systems. The dilemma is accrued when plans allocate implementing responsibilities to non-state actors, including private businesses, civil society, trade unions, or the media, to mention the most common references.

This dilemma is explicitly addressed by some plans, but unnoticed by others. In the first category falls the 2017-2019 NHRAP of Armenia. The latter attributes implementation responsibilities to non-governmental actors on 32 occasions (usually in support to a governmental actor), but explicitly mentions that it does so because the said actors consent to it, thus preserving their independence. Still in the first category but taking another road, the 1998 NHRAP of Mexico recognises that:

This Program is being presented by the Executive branch, and falls within its sphere of competence. [...]he Executive respectfully calls on the other two branches of the Union – the legislative and judicial branches – and the state governments to program and carry out activities in their own spheres of competence, aimed at objectives similar to those of this Program, so they will be complementary and will strengthen each other. [...]Social organizations [...] as well as other academic, civic and cultural institutions, are invited to support and join [these] efforts [...], without prejudice to the[ir] independence.¹⁵¹

In contrast, the presidential decree endorsing the 1998 NHRAP of Ecuador foresees that 'the Plan is universal, obligatory and comprehensive. The public powers and civil society will be responsible for its enforcement and execution.'¹⁵² While appearing holistic, this latter approach may encroach upon civil society independence and dilute executive accountability.

On rare occasions, NHRAPs distinguish the type of contributions that different actors will have to make in order to implement an action. The 2012-2014 NHRAP of Iraq remains the most detailed, mentioning for each action three types of actors: the 'study, proposition and follow-up body', the 'decision making body', and the 'executive body'.

Last, some NHRAPs mention international actors expected to support implementation of specific actions. For instance, the NHRAP of Somalia distinguishes three categories of responsibilities for the implementation of actions, namely:

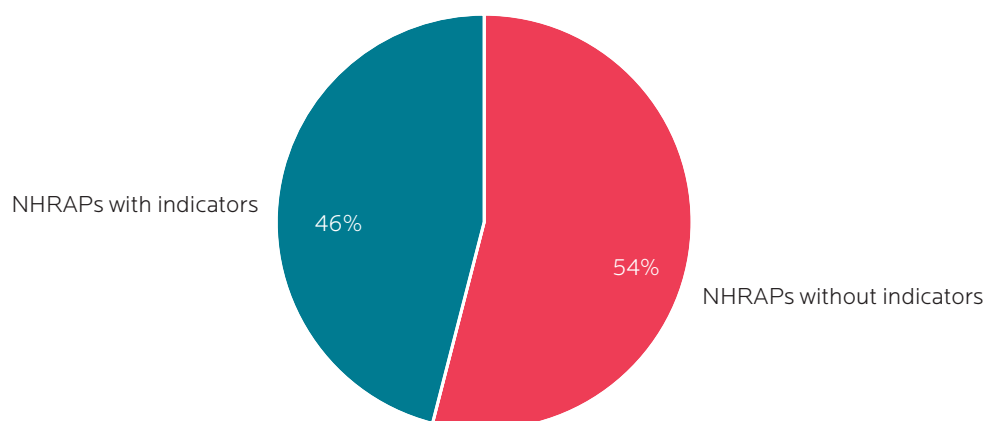
- 'Lead Ministry' – e.g., for the NHRAP's chapter on health, the Ministry of Health;
- 'Other Responsibility Ministries' – e.g., for the same chapter, the ministries of Planning, Finance, Education, Labour, Information, Interior, Women and Human Rights Development, Religious Affairs, Water and Energy, Office of the Prime Minister, National Civil Service Commission;
- 'Partners' – e.g., UNICEF, UNFPA, WHO, WFP, OCHA, international non-governmental organisations.

References to international organisations mainly appear in NHRAPs of developing countries, where international development agencies usually intervene. Mention of international agencies may be linked to expectations of financial support for the implementation of the action. The 2018-2022 NHRAP of Moldova, for instance, makes explicit reference to international actors 'in certain segments of the NHRAP [where] it will be possible to financially support the implementation through complementary contributions from development partners [or...] the financial means of international organizations'¹⁵³ (on resources, see Section 3.6 below).

3.4 IDENTIFICATION OF INDICATORS

The 2002 OHCHR Handbook on NHRAPs recommends that activities include indicators. More specifically, *performance* indicators 'lend themselves to more effective implementation and monitoring. It is extremely important for the performance indicators to be clear and fully understood by all who need to work with them. It will usually be better if they are simple and precise.'¹⁵⁴ However, datamining into the inventory finds that less than half of the NHRAPs actually feature indicators, as represented in Chart 8.¹⁵⁵

CHART 8: SHARE OF NHRAPS INCLUDING INDICATORS



A majority of plans do not include indicators. Yet, in several cases, these plans mention that indicators will be developed at a later stage. For instance, the 2012-2020 NHRAP of Mauritius foresees that:

Human rights indicators and benchmarks shall be developed for assessing progress in the implementation of the Action Plan. A Human Rights Planning, Monitoring and Evaluation Unit shall be established at the Prime Minister's Office for the elaboration of human rights indicators/benchmarks and the gathering of data to assess the human rights situation at any given point in time.¹⁵⁶

Indicators for action are spelled out in 46% of cases. In general, indicators are specific to each of the activities, but sometimes indicators cover a cluster of activities or a thematic chapter of the plan. This is the case, for example, in the 2015-2019 NHRAP of Namibia. In addition, four plans have a separate chapter dedicated to indicators that cover the whole plan: these are the 2006-2010 NHRAP of Bolivia, the 2008-2012 and 2014-2018 NHRAPs of Mexico, and the 2014-2016 NHRAP of Peru. These put forward a sophisticated range of indicators, applicable to the entirety of the plan rather than action-specific.

Activity-specific indicators usually indicate expected outputs, and focus on what will effectively be undertaken – e.g., a manual of procedures for policing crowds will be revised in line with human rights standards. This is in line with the 2002 OHCHR Handbook's expectations to include 'performance indicators'. But indicators are not necessarily limited to performance. A number of plans also mention indicators pertaining to the structures that should be put in place to implement rights – e.g., the setting up of an internal oversight mechanism within the police, and in some cases state the resulting outcomes in terms of rights enjoyment – e.g., decreased

police violence during demonstrations.

The identification of different types of indicators is in line with the OHCHR's guide on human rights indicators that was published later in 2012, and recommended to states to develop monitoring systems based on structural, process, and outcome indicators.¹⁵⁷ Plans that use different types of indicators tend to mix them up with no specific order. However, some plans do attempt to distinguish the different types of measurements. The 2022-2022 NHRAP of Armenia includes, for each action, a column with the expected outputs (relating to performance), and another one with expected outcomes.

In rare cases, NHRAPs also include baseline figures measuring the state of play prior to the implementation of the plan, and/or set target figures expected from the implementation of the plan. The most sophisticated NHRAP in that regard is the 2018-2021 NHRAP of Peru. To start with, this plan features indicators for both objectives and actions. Then, for each of its 150 actions, the plan spells out one or several indicators. Last, it indicates:

- which entity will be in charge of informing this indicator (which may or may not be the entity responsible for implementation);
- the baseline value for the indicator; and
- the expected target values for each indicator (sometimes disaggregated by year of implementation).

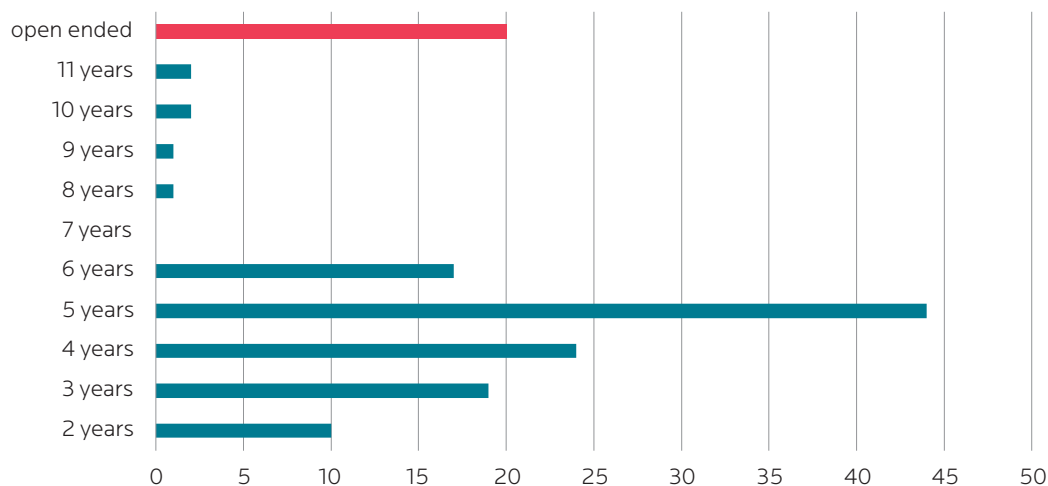
3.5 DURATION OF PLANS AND TIME FRAMES FOR ACTIONS

As indicated in the 2002 Handbook on NHRAPs, two types of time frames are important to consider: the overall duration of the plan, as well as specific time frames for each action. According to the Handbook:

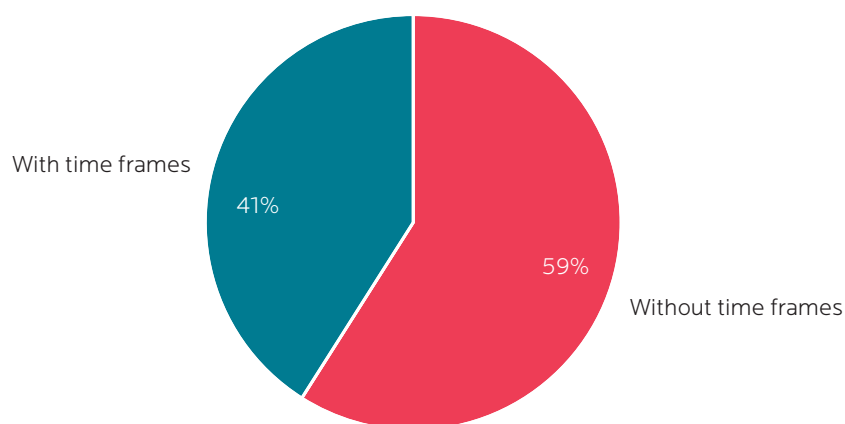
As the aim in national action planning is to promote a more systematic approach to human rights policy and to provide a stimulus to action, it is desirable to propose specific time frames in a plan for the achievement of its objectives. There should also be a time frame for the plan as a whole so that government and civil society have a global frame of reference for assessing the plan's achievements and shortcomings. [...]

Wherever possible, specific activities proposed in the plan should also have specific time frames. Only where such targets exist will those charged with the implementation of the plan have a clear structure to work in and a basis for monitoring the plan's achievements. These time frames should be realistic.¹⁵⁸

The following two charts capture the data extracted from the inventory, for both types of time frames. Chart 9 represents the distribution of plans per overall duration,¹⁵⁹ and Chart 10 shows the share of NHRAPs with and without action-specific time frames.¹⁶⁰

CHART 9: NUMBER OF NHRAPS PER DURATION

Findings show that about half of NHRAPs extend over four or five years. On average, NHRAPs cover a period of 4.57 years. There are nonetheless important variations across NHRAPs: they range from two years (e.g., 2016-2017 NHRAP of Somalia, 2009-2010 NHRAP of China, 2014-2015 NHRAP of Georgia, 2012-2013 NHRAP of Finland) to 11 years (2007-2017 NHRAP of Guatemala, 2013-2023 NHRAP of Sudan). Twenty NHRAPs do not have an estimated period of duration and are open-ended (e.g., 2005 NHRAP of Australia, 1996 and 2002 NHRAPs of Brazil). A caveat is that the durations taken as references are the ones foreseen in the plans themselves. It regularly happens that a government decides to prolong the implementation of a plan, which is challenging to track through a desk-based review.

CHART 10: SHARE OF NHRAPS WITH ACTION-SPECIFIC TIME FRAMES

Findings show that a majority of plans do not include time frames for specific actions – or very generic ones. In six cases (1996 and 2009 NHRAPs of Brazil; 2014-2019 NHRAP of Lebanon, 2018-2027 NHRAP of Malaysia, 2014-2019 NHRAP of Turkey and 2016-2019 NHRAP of Venezuela), plans indicate whether the action is supposed to happen in the short, medium, or long term, or sometimes whether it is a permanent action. Sometimes, plans do not systematically indicate a time frame per action, but mention a time frame objective in the description of some performance indicators. This is the case, for instance, for some of the actions of the NHRAPs of the Dominican Republic (2018-2022), Finland (2012-2013 and 2017-2019), and Greece (2014-2016).

3.6 BUDGET AND RESOURCES

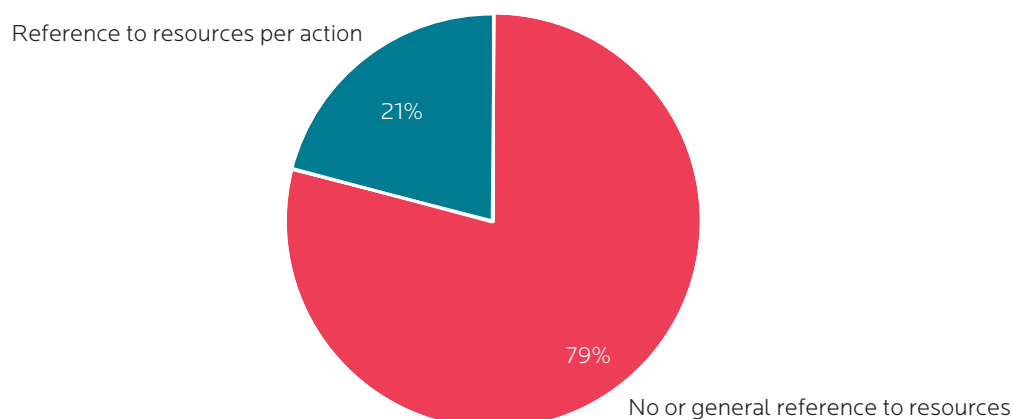
According to the 2002 Handbook on NHRAPs, resources for NHRAPs are a success factor for the implementation of plans. The Handbook warns that

resource requirements should be analysed carefully. They should be seen as comprising human and institutional resources as well as financial resources. This may open the way to more productive methods of supplementing resources available to the plan, by giving attention to options additional to the provision of financial support.

The latter options include institutional partnerships and international assistance.¹⁶¹

The ways in which NHRAPs tackle financial resources and costs are varied. A first dichotomy relates to the extent to which plans engage with resources. One-fifth of the plans refer to resources and funding for each of the actions contained in the plan. But the wide majority only make an overall reference to resources in the general introductory section of the plans or in a dedicated section, or no reference to funding at all. Chart 11 graphically represents the share of plans breaking down resource issues per actions.¹⁶²

CHART 11: SHARE OF PLANS WITH REFERENCES TO RESOURCES PER ACTION



NHRAPs mentioning resources per action take different approaches:

- Five plans systematically provide a cost estimate of each action. These are the NHRAPs of Bolivia (2009-2013), Cameroon (2015-2019), Mali (2017-2021), Somalia (2016-2017), and Tanzania (2013-2017);
- Eleven plans do not provide any cost estimates, but only the source of funding for the action. These include, for instance, the three NHRAPs of Armenia, the two NHRAPs of Nigeria, the NHRAPs of Kyrgyzstan (2019-2021), Croatia (2013-2016), South Africa (1998), etc.;
- Seven plans are not systematic and either mention cost estimates and/or source of funding. These include, e.g., the NHRAPs of Moldova (2011-2014 and 2018-2022), Georgia (2016-2017), Chile (2018-2021), and Greece (2014-2016);
- One plan, namely the 2021-2023 NHRAP of Kosovo, systematically includes cost estimates and sources of funding, in distinct columns of its action matrix;
- Last, one plan, that of Saint-Helena (United Kingdom) assesses if an action is cost-neutral or will necessitate extra resources, but without mentioning amounts or sources.

The wide majority of plans have a general or no reference to funding. When they do refer to resources, many plans limit themselves to a reminder that the plan does not need extra budget, but rather requires line ministries to implement actions within their allocated budgets. For instance, the 2021 NHRAP of Turkey's chapter on budget explains that:

It is envisaged that the budget for the goals and activities under the aims of the Action Plan will be shown in the annual budgets of the relevant and responsible institutions. It is aimed that the total budget used by the relevant ministry or institution for each aim is going to be reported in the "Implementation Report" to be prepared following the Action Plan. In this scope, it is projected that the responsible institutions use the funds appropriated for the goals and activities envisaged in their annual budgets in order to fulfil those goals and activities.¹⁶³

Similarly, the decree adopting the 2018-2021 NHRAP of Peru recalls that:

The implementation of the National Human Rights Plan 2018-2021 is subject to the budgetary availability of the [line ministries budget] involved and is financed from their institutional budget, without requiring additional resources from the public treasury.¹⁶⁴

Allowing a degree of flexibility, some plans allow line ministries to seek additional funding, but task them with the necessary fundraising. The 2015-2019 NHRAP of Namibia explains that:

The responsibility to mobilize adequate resources for the implementation of the NHRAP remains the key responsibility and performance areas of

management of lead ministries. It is also important that resourcing of the NHRAP finds adequate integration or accommodation into the annual budget cycle [...] – with deliberate fiscal commitments being made towards its implementation. The management of lead ministries and agencies will have to actively seek alternative solutions to raise financial and technical resources towards the implementation of the NHRAP.¹⁶⁵

The governmental resolution adopting the 2021-2023 NHRAP of Ukraine adopts a similar approach and foresees that:

Ministries, and other public agencies responsible for the implementation of the Action Plan shall ensure implementation of the Action Plan within budgetary assignments and at the expense of international technical aid funds and other sources not prohibited by law.¹⁶⁶

Going further, some plans explain that the structure in charge of overseeing implementation will support funds mobilisation. The NHRAP of Cameroon foresees that:

The Supervisory Committee of the Action Plan, placed under the authority of the Prime Minister, Head of Government, will be responsible for: overseeing the activities of the Technical Committee for the implementation and monitoring of the NHRAP; defining resource mobilisation plans necessary for its implementation; orienting the budgetary programmes accordingly.¹⁶⁷

Very rarely, NHRAPs allocate a budget for implementation, covering either structural costs related to the actors in charge of overseeing the plans, or specific types of actions foreseen in the plan. One such example is the 2016 NHRAP of Pakistan, which indicates that:

The Action Plan envisages activities at both federal and provincial levels in collaboration with Federal Ministries and Provincial Departments. An amount of Rs. 750.00 million [around EUR 3,5 million] has been approved to put in place institutional mechanisms for realizing the rights proposed in the Action Plan which include an amount of Rs. 400.00 million for human rights education, sensitization, awareness raising, research and communication, Rs. 250.0 million for establishment of a human rights institute and Rs. 100.0 million endowment fund for free legal assistance for poor victims of human rights violations.¹⁶⁸

In short, NHRAPs seldomly provide for dedicated financial resources for their implementation, and adopt different strategies for funding purposes. More research should be undertaken to analyse the other types of institutional resources, e.g., in terms of staffing, that are needed for NHRAPs' implementation.

CHAPTER 4

THE NEED FOR FURTHER RESEARCH INTO NHRAPS

The final chapter argues for a more robust – and urgent – research agenda on NHRAPs aimed at decrypting how their diffusion actually impacts state practice and human rights implementation. The findings presented in this study are based upon a first foray into these aspects, relying on a comprehensive and updated collection of NHRAPs. It showed the potential for qualitative and quantitative reviews, including through datamining, to generate a picture of the trends and main features or fault-lines that traverse the NHRAPs' collection. But additional features of NHRAPs would be useful to investigate.

Section 4.1 identifies some of these areas in need of exploration. Going further, Section 4.2 acknowledges the limits of desk-review and argues that empirical investigations using social sciences lenses are indispensable.

4.1 FURTHER DESK-REVIEW AND DATAMINING ACROSS NHRAPS

For this research, datamining was performed manually and therefore limited to a selection of NHRAPs' features. There is great potential to complement this and investigate other key features. Automatised datamining could notably investigate and correlate a wider range of features, and machine learning could cross-refer NHRAPs' contents with other sources and frameworks, such as the Universal Rights Index, treaty-bodies, UPR or NHRIs' recommendations, or SDGs' targets. Additional qualitative reviews could also be performed throughout the collection of NHRAPs. Three issues deserving further attention are flagged here.

4.1.1 IDEOLOGICAL FOUNDATIONS AND METHODOLOGICAL CHOICES UNDERPINNING NHRAPS

It would be relevant to investigate the foundations and sources for states to develop their plans. Many plans include a narrative statement or a foreword by a political leader (head of state/monarch, prime minister or minister) that attempt to define human rights and the states' political vision to support them. The 2006-2009 NHRAP of Sweden even contains a dedicated section entitled 'What are human rights?'¹⁶⁹ Such narrative developments are worthwhile analysing because they decrypt how governments approach human rights: both in terms of the principles underpinning rights and in terms of how the government perceives its role in regard to human rights.

Many plans appear to understand human rights as legal obligations resulting from overarching commitments taken at the national or international levels (e.g., a new

Constitution or treaty ratifications and subsequent recommendations). Yet others also connect rights to e.g., religious sources, such as the Islamic Sharia in the 2016-2025 NHRAP of Jordan,¹⁷⁰ or to a political agenda rather than to legal obligations. The 2016-2020 NHRAP of China, for instance, explains that:

the guiding ideology for formulating and implementing the Action Plan [is based on] upholding socialism with Chinese characteristics, fully implementing the guiding principles of the [...] National Congress of the Communist Party of China [...], following the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the important thought of the Three Represents, and the Scientific Outlook on Development, implementing the spirit of a series of important speeches made by General Secretary Xi Jinping.¹⁷¹

Several plans explain how they reflect a political agenda promoted e.g., by a new government, at the occasion of a period of democratic reforms.

A range of NHRAPs further spell out the referential sources underpinning distinct actions, and the methodology for selecting activities translating sources into actions. Sources might include constitutional provisions, conclusions of consultations and baseline studies, NHRIs recommendations, etc. In what seems to be a growing number of cases, treaty-body or UPR recommendations, regional courts' decisions, and SDGs are also mentioned as forming the basis for selecting actions – in some cases replacing the need for baselines. It would be relevant to analyse the latter trend in more detail, as it would contribute to the understanding of whether NHRAPs are in fact increasingly recommendations implementation plans, or whether and how the two types of planning methodologies can be reconciled in practice.

The question of the methodological approaches to drafting and development of NHRAPs is one of the central issues addressed by Azadeh Chalabi's scholarship on NHRAPs. In her seminal book *National Human Rights Action Planning* published in 2018, Chalabi assesses how the methodological approaches adopted by a selection of NHRAPs and thematic action plans fare against the 2002 OHCHR Handbook as well as against newer governance theories on planning processes outlining a 'modern model' for planning.¹⁷² In line with the latter, she assesses in particular the involvement of stakeholders through genuine consultative processes. Other methodological points, such as ideological and political motivations, relation to the law, and the articulation of NHRAPs and thematic human rights action plans are also discussed in Chalabi's contribution.¹⁷³ However, the increasing methodological tension and the question of the compatibility of recommendations implementation plans and NHRAPs is very limitedly addressed in existing scholarship. As it pertains to a growing and unresolved dilemma in practice and guidance, this would seem to require urgent scholarly attention.

4.1.2 NHRAPS' DEVELOPMENT AND ADOPTION PROCESSES

Further research should investigate the processes for the development and adoption of NHRAPs. The 2002 Handbook on NHRAPs insists that the processes leading to the adoption of a plan are 'equally important' as the outcome.¹⁷⁴ As such, more understanding about the actual virtues and impact of the development phases of the NHRAPs would be crucial. The qualitative review of the NHRAPs offers a first entry point to map these processes, as plans regularly feature a section spelling out how they were developed. A cursory look into these sections points to a diversity in the processes for developing and adopting plans. The overarching responsibility for the development phases, including the task to convene a drafting committee and run consultations, is in many cases under the aegis of an executive actor. This might be the Presidential or Prime Minister's Office (e.g., NHRAPs of Georgia), the Ministry of Justice (e.g., NHRAP of Rwanda) or the Attorney General's Office (e.g., NHRAPs of Australia), a dedicated Ministry for Human Rights (e.g., NHRAP of Morocco), the Ministry of Interior (e.g., NHRAPs of the Netherlands) or the Ministry of Foreign Affairs (e.g., NHRAP of the Dominican Republic). However, in a series of countries, the leadership for the drafting phase was devolved either to the parliament (e.g., NHRAPs of Lebanon, Moldova, and Mongolia) or to the NHRI (e.g., NHRAPs of Cabo Verde, Azerbaijan, Scotland, Namibia, and New Zealand). The depth of consultation and nature of entities involved also diverge from one country to another, as well as the adoption of a baseline study.

It could be of relevance to review the procedures chosen to officially adopt the NHRAPs. The Annex to this study attempts, whenever possible, to indicate how each plan was officially approved. While adoption by presidential or governmental decree seems to be the preferred option, many states also have their plans approved by a parliamentary resolution. Sometimes, several actors are involved, which may increase ownership and likeliness for implementation, but also delay implementation. For instance, the National Policy and Action Plan on Human Rights of Kenya was released by the Office of the Attorney General and Department of Justice on 28 April 2014, adopted by Parliament on 2 December 2015, and finally officially launched on 4 October 2016. Adoption by higher political leadership is regularly assumed to signal political salience, ensure visibility across the country, and confer to the plan the necessary authority to trigger administrative action. However, this hypothesis remains to be verified in practice, notably though the understanding of the role of civil servants animating plans' implementation (see below Section 4.2).

4.1.3 INSTITUTIONAL MECHANISMS FOR IMPLEMENTATION AND MONITORING

A third dimension that datamining and plans' review could usefully cast light on pertains to the institutional mechanisms put in place to oversee the implementation of NHRAPs. A large number of plans describe the structures in charge of coordination, and that support implementation and monitoring, respectively. These institutional arrangements vary from one plan to another. To mention but one example, the 2021 NHRAP of Turkey provides that:

- The monitoring and evaluation of the Action Plan will be performed by the “Monitoring and Evaluation Board” comprised of delegates from the responsible ministries and relevant committees under the coordination of the Presidency of the Republic.
- The secretarial services of the Board will be performed by the Department of Human Rights of the Ministry of Justice.
- The ministries and institutions responsible for the activities prescribed by the Action Plan will prepare their implementation reports at intervals of four months and send them to the Department of Human Rights of the Ministry of Justice.
- The Department of Human Rights of the Ministry of Justice will draft the “Annual Implementation Report” on the Action Plan and submit it to the Monitoring and Evaluation Board for approval.
- The Annual Implementation Report will be assessed by the Human Rights and Equality Institution of Turkey and the Ombudsman Institution, of which the results will be submitted to the Presidency of the Republic and the Grand National Assembly of Turkey.¹⁷⁵

One of the key questions that this raises is how these NHRAP-specific institutional mechanisms articulate with existing structures in a country, as well as with other international models promoted by international organisations. In particular, to what extent do they duplicate or reinforce what the UN has identified as ‘key elements at the national level’, namely: the national mechanisms for implementation, reporting, and follow-up (within government), the NHRIs (independent from government), and parliamentary human rights committees?¹⁷⁶ Let me touch here upon each of these types of actors.

NHRAPs have the potential to constitute a backbone tool for *national mechanisms for implementation, reporting and follow-up*, and more largely governmental human rights focal points, e.g., human rights ministries, to fulfil their mandates.¹⁷⁷ Yet differences arise amongst NHRAPs as to what this tool aims at: while in some cases (e.g., NHRAPs of Georgia and Nepal), NHRAPs are coordination instruments to distribute actions to be performed by other line ministries, other NHRAPs read more as an internal roadmap for actions to be performed by the central governmental actor in charge of human rights, notably when a human rights ministry exists. For instance, the NHRAP of Mali defines actions to be primarily performed by the Ministry of Justice and Human Rights. This raises the question of whether governmental human rights focal points should directly implement actions or rather facilitate implementation by others, and the role of NHRAPs therein.¹⁷⁸ This also connects with the question of authority over line ministries.

As regards *National Human Rights Institutions* (NHRIs), more understanding of their roles in NHRAPs would be crucial. The 2002 Handbook on NHRAPs foresaw that NHRIs ‘make a significant contribution to the preparation and implementation of a national action plan and should participate in both the national coordinating

committee and wider consultative activities.¹⁷⁹ A perusal of the NHRAPs inventory shows that NHRIs' role in NHRAPs varies considerably. Besides plans that do not refer to NHRIs, plans adopt one or several of the following options:

- NHRIs may have a leading coordinating role in the development of the NHRAP (e.g., NHRAP of Scotland) or NHRIs inspire actions through their recommendations/are consulted in the development of the NHRAP by governmental actors (e.g., NHRAP of Morocco);
- NHRIs may be the subject-matter of a series of NHRAP actions aimed at strengthening institutions of the country (e.g., 2018-2022 NHRAP of Moldova), or may be one of the actors in charge of (co-)implementing a series of action (e.g., NHRAP of Spain);
- NHRIs may be members (e.g., in Venezuela) or observer/permanent guests (e.g., in Colombia) in mechanisms set up to oversee NHRAPs' implementation, or may even be the structure tasked by the NHRAP to coordinate the full implementation of the plan, as is the case for the NHRAP of Tanzania;¹⁸⁰
- NHRIs may be independent monitors of the implementation of the NHRAP by the government, as is the case for the NHRAPs of Korea and Nepal.

While NHRAPs may combine several of these options for involving NHRIs, some responsibilities might be seen as incompatible. Models for national human rights systems put forward after the 2002 Handbook, notably emanating from the Convention on the Rights of Persons with Disabilities adopted in 2006, suggest that NHRIs' role in regard to human rights planning may be more respectful of their independence if they monitor implementation rather than take direct part in implementation.¹⁸¹

Another question that arises, in cases where NHRIs have a coordinating role, is that of their authority to ensure implementation of the plans by ministries. As the EU Fundamental Rights Agency notes, 'it should not be forgotten that the power to take policy decisions remains with the government. It would be unrealistic – or even unfair – to put a great amount of responsibility for the implementation of a NHRAP on an NHRI, when it does not have corresponding forms of governmental authority.'¹⁸²

Last, a review of *parliaments and parliamentary human rights committees'* role in developing, adopting, implementing or evaluating NHRAPs would be warranted. According to the 2018 Draft Principles on Parliaments and Human Rights developed by the OHCHR,¹⁸³ parliamentary human rights committees should be set up in all parliaments and shall have amongst their responsibilities 'to call for the elaboration of national human rights action plan and oversee its implementation'. The NHRAP of Lebanon is one example that well illustrates the various options that plans pursue to involve parliaments. There, the parliamentary human rights committee prepared the plan, is responsible for some of the action points, and the Chamber of Deputies is monitoring the implementation of the plan.

4.2 THE NEED FOR EMPIRICAL RESEARCH

While the inventory of plans, disaggregated by years, regions, etc., is a necessary dataset to analyse global norm diffusion, it has its limitations in terms of understanding how NHRAPs actually contribute to enhance human rights implementation locally – which is the rationale behind the promotion of NHRAPs.

Desk-based documentary analysis offers useful yet limited perspectives on NHRAPs' influence. First because the plans themselves, of course, do not say anything about their own implementation. Second, documentary analysis unavoidably relies on what is written in the reviewed material. Usually, narrative sections of plans are summaries of steps taken, and hardly allow readers to assess the quality of the processes they describe, and the multiple choices made along the way in the planning development processes. For instance, while many plans indicate that they were elaborated in a participatory and inclusive manner, and may even indicate the number of consultations run, it is challenging to evaluate based on the plan itself if the national consultation processes were extensive and how they influenced the drafters. In their review of the 2018-2021 NHRAP of Peru, Claudia Lovón, Cécile Blouin, and Bruce Barnaby cast light on the discrepancies between claims made in the plan itself in terms of inclusive drafting of the plan, and the accounts provided by civil society organisations regarding their participation in consultations and the way in which their suggestions were handled.¹⁸⁴

It is a very regular finding of legal realist scholars that not only processes, but also structures, formally established by policy documents do not correspond to reality. As Stéphanie Lagoutte reminds:

inter-governmental human rights committees [and institutions] may well formally exist but with a mandate that is unclear or of very little use. Even when formally established with a strong mandate on paper, such actors may never work or meet, nor participate in any type of process where they formally have a role to play. And even if they formally meet, consult, etc., they may never get any work done in fact nor have influence on relevant processes.¹⁸⁵

For instance, the Inter-Agency Human Rights Council of Georgia, established alongside the National Human Rights Strategy and in charge of overseeing the implementation of NHRAPs, at times did not meet for periods extending beyond three years.¹⁸⁶

As an immediate first step to address this concern, legal scholars engaging in desk-based reviews may seek to triangulate information contained in plans by reviewing a wider range of documents adding perspective on the planning processes and plans' implementation. Implementation reports and external evaluations, accounts by civil society or NHRIs, and comments raised by treaty-bodies or other states provide some accounts and perspectives on the reality of plans' implementation.¹⁸⁷ Going one step further, Azadeh Chalabi, in her case study of the Australian NHRAPs, usefully complements documentary analysis of the plans and secondary sources

with an online survey and one interview. This provides additional insights into the real situation on the ground, although it remains dependant on third parties' perceptions. In that case, asked whether a NHRAP monitoring mechanism existed in Australia, three-quarters responded 'no' or 'not sure', and one-quarter 'yes'.¹⁸⁸ Perceptions of whether the plan was successful or not identified trends, but were also contrasted amongst respondents.

Legal-doctrinal research, as well as desk-based analyses, even supplemented with mixed research methods, therefore present limitations. To understand how plans' development processes and implementation impact reality, empirical inquiries are essential. Social sciences approaches and investigations are key to reveal and explain how NHRAPs are adopted nationally, translate international methodologies, influence governmental and social actors, and ultimately impact rights enjoyment. As shown by Hans-Otto Sano and Tomas Max Martin neo-institutionalist research methods especially are crucial to decrypt local diffusion and practices of human rights institutional models promoted by international actors. Indeed:

The neo-institutional perspective emphasize[s] historical, sociological, political and economic factors to examine what happen[s] inside the “black box” of formal institutions. Power relations, rules and procedures, behavioural responses, and norm affected actions are some of the principal research dimensions of the neo-institutional perspective.¹⁸⁹

An empirical scholarship on NHRAPs has recently started to emerge, and showcases the contributions that social sciences research can yield. A seminal contribution in this regard is the 2021 volume published by the Latin American Council of Social Sciences, gathering a collection of case studies focusing on experiences with NHRAPs in Argentina, Brazil, Chile, Ecuador, Mexico, and Peru. For instance, anthropology and history scholars María de los Ángeles Villesca and Azúa Herrera reviewed the 2018-2021 NHRAP of Chile and show how the plan's drafting was framed by both current and anticipated political leaderships, and institutional capacities, as well as other factors such as time constraints. Their analysis also concludes that the ambiguities in international guidance on NHRAPs result in concrete dilemmas that need to be solved locally. In particular, the recent encouragement to rely on international recommendations as a reference for drafting processes may lead to fragmented plans accumulating disjointed action points, and impede the crafting of NHRAPs as coherent and efficient public policies.¹⁹⁰

Addressing similar issues, but with a slightly more optimistic conclusion, a 2021 article by social scientists Wanaporn Techagaisiyavanit and Srisombat Chokprajakchat reviewed the fourth NHRAP of Thailand.¹⁹¹ In particular, they analysed how the drafting process dealt in practice with the direct antagonism that existed between international recommendations and local perceptions on certain issues. Looking at the two issues, migrant workers' rights and the death

penalty, for which popular preferences are predominantly at odds with international recommendations, the authors tracked how drafting processes for NHRAPs navigated this dilemma. They concluded that under certain conditions, NHRAPs may become a vehicle for negotiating a forward-looking pathway reconciling international ideas and local values and practices.

More recently, a 2022 article by historian Anette Faye Jacobsen¹⁹² on human rights implementation and policies in Sweden and Denmark also took a historical and social sciences approach to decrypt how a country's socio-political traditions and specificities may explain choices made in relation to NHRAPs. She showed how differences in local contexts lead two neighbouring countries to make drastically different choices, not only in regard to adopting NHRAP in the first place, but also in relation to the scope of such human rights policies, looking notably at decisions taken with regards to the involvement of local authorities.

Social sciences research methods are particular helpful to understand why certain trends regularly surface across NHRAPs' reviews. For instance, a persistent finding is that NHRAPs tend to restate activities already planned by line ministries rather than create new action points.¹⁹³ I investigated this practice, which I conceptualised as a 'relabelling' process, in connexion with my research on the production and implementation of recommendations implementation plans in Burkina Faso.¹⁹⁴ Using neo-institutional and ethnographic research methods, including interviews and observation of sites of bureaucratic negotiations and interministerial coordination, I found that a range of reasons explain the relabelling practice. At the centre of many of those explanations lay the role of civil servants in shaping policy outcomes. Notably, reliance on relabelling practices helped civil servants to avoid the discomfort associated with the promotion of ideas running against individual beliefs. It further 'circumvent[ed] the need to involve politicians, as agents navigate and recast approved policies and plans'.¹⁹⁵ Relabelling also occurred partly out of pragmatism. The Human Rights Ministry of Burkina Faso not only lacked institutional authority but also the means to impose new activities on other ministries. Last, the research showed that such practices shall not be construed merely as local deviations: the way in which international guidance, support, and systems influence national practices, especially in developing countries where they create incentives structures, served to nurture these practices and may unintentionally support them locally.

The nascent collection of empirical case studies on NHRAPs has been particularly focused on the development and adoption phases of planning. Additional research is needed to look at NHRAPs' actual implementation. Here again, neo-institutional approaches are key in order to document and analyse processes that happen primarily within state administrations and are therefore usually concealed to external eyes. My ethnographical inquiry into the first four NHRAPs of Nepal, presented in Part 2 of the study,¹⁹⁶ goes in this direction. It finds out and decrypts different factors that influence the implementation stage. One is the tendency

to commodify NHRAPs, as part of discourses held by various actors – whether officials, politicians, NHRIs staff, or civil society representatives, etc. The process of commodification highlights how, rather than bureaucratic-rational *instruments* aimed at efficiently distributing governmental activities, policy frameworks aimed at coordinating action such as NHRAPs tend to become *objects* used in discourses pursuing various purposes other than implementation, e.g., in the case of Nepal's first NHRAP, to deflect international criticism against, and inquiries about, human rights violations.

In short, there is now a two-fold foundational work aimed at building a comprehensive research agenda on NHRAPs under the prism of norm diffusion. One foundation is the present inventory that tracks the actual spread of NHRAPs globally. Researchers now have a comprehensively mapped field of inquiry, which allows for comparisons and identification of trends. The second foundation is the emerging empirical case studies using neo-institutional and social sciences perspectives and methods. These offer a basis to develop a firmer understanding of how travelling international models such as NHRAPs are received and reinterpreted nationally, especially behind the closed doors of state administrations.

CONCLUSION

The original inventory presented in this study set the records straight in terms of the global diffusion of NHRAPs. It revealed that, 30 years after the 1993 World Conference on Human Rights, at least 140 NHRAPs have been adopted in 75 countries, with 35 countries having adopted more than one such plan. The diffusion of NHRAPs is therefore far more significant than accounted for, and the study corrects a prevalent misrepresentation of NHRAPs as a marginal state practice.

The review of this new comprehensive overview pointed to an apparent paradox: states limitedly adopted NHRAPs when the model was actively promoted by international organisations, but more than half the NHRAPs were adopted after 2012, at a time when they received less attention and alternative forms of planning were on the rise. There was also no higher engagement in areas where regional organisations advocated for their member states to adopt NHRAPs. In other words, there is not a strong temporal and geographical correlation between the promotion of the model and the issuance of guidance and soft law on the one side and, on the other side, its actual use by states.

The establishment of the Universal Periodic Review appeared to be one of the key factors that may explain the acceleration in states' adoption of NHRAPs after 2012. It is hypothesised that this is linked with the source of recommendations (other states), but even more so with the nature of the review and the trends observed in the recommendations given. The latter are mainly positive and lead states to recognise the easy reputational gains that the adoption of an NHRAP can yield.

Datamining into the contents of NHRAPs cast light on trends across plans and compared approaches of states when rolling out international methodologies for NHRAPs. Findings pointed to a wide heterogeneity of NHRAPs' contents and approaches, between countries and over time. Heterogeneity results from several local factors in the development processes, including, upstream, distinctive governance systems and traditions as well as political preferences, and downstream, outcomes of national consultation processes and the reality of the human rights situation. Other factors, such as civil servants' role in shaping processes, also explain national adjustments. But variations may also be exacerbated by growing conceptual ambiguities in regard to NHRAP methodology, as the 2002 UN guidance on NHRAPs has not been updated and alternative forms of planning strategies have emerged in the meantime. The latter dimension will be discussed and analysed in Part 2 of this study.

Based on this new account showing the significance of states' engagement with NHRAPs, the dearth of academic attention to NHRAPs is no longer tenable. So far, the United Nations, academics, or states have taken as a reference outdated and fragmented data on NHRAPs. This has proven problematic, as it entertains the perception that NHRAPs amount to a generally insignificant state practice that never really gained momentum. As such, lessons that could be drawn from past or ongoing experiences with NHRAPs have been largely ignored. Norm entrepreneurs or human rights bodies have either come up with alternative methodologies discarding NHRAPs or have revived calls to adopt NHRAPs. In either case, these proposals lack research that could inform them.

NHRAPs are a significant practice of states that is worthy of investigation, to understand whether or not they enhance human rights implementation. The inventory outlines a field of inquiry that provides comprehensive mapping of plans and access to data and may therefore serve to identify case studies. Chapter 4 flags areas that could be further explored, and based on the rare existing research, shows the added value of adopting social sciences methods to empirically decrypt the conditions in which international NHRAPs' models travel and are localised.

As 2023 will mark the 30th anniversary of the Vienna Declaration, this would be a timely intervention. There is also evidence that NHRAPs are being revived by key actors. Nationally, national human rights institutions, such as those of Denmark and India, continue to advocate for their governments to launch NHRAP processes. Internationally, since 2017, the UN High Commissioner for Human Rights has been systematically calling on states to adopt NHRAPs in follow-up letters to states following their UPR reviews.

ENDNOTES

- 1 See: Steven L. B. Jensen, Stéphanie Lagoutte and Sébastien Lorion 'The Domestic Institutionalisation of Human Rights: An Introduction', *Nordic Journal of Human Rights* (2019) 37(3) 165.
- 2 Stéphanie Lagoutte, 'The Role of State Actors Within the National Human Rights System', *Nordic Journal of Human Rights* (2019) 37(3) 177.
- 3 UN, *Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993*, para. 71.
- 4 Ibid., para. 68.
- 5 OHCHR, *Handbook on National Human Rights Plans of Action*, Professional Training Series No. 10 (UN Doc. HR/P/PT/10, 2002).
- 6 See: UNDP and OHCHR, *Programme Document: Human Rights Strengthening – HURIST* (2002).
- 7 UN Secretary General, *Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity*, Report to the General Assembly (UN Doc. A/72/351, 2017).
- 8 All letters are available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx> (accessed 22 June 2022).
- 9 Azadeh Chalabi argues that the Handbook is 'theoretically baseless and has provided a large scope of discretion for the states to form the substance of these plans. [...] Hence, it is hardly surprising that most states are still wrestling with the question of how to put an effective plan in place'. In: Azadeh Chalabi, *National Human Rights Action Planning* (Oxford University Press, 2018) 185.
- 10 See: <https://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx> (accessed 22 June 2022).
- 11 EU Fundamental Rights Agency, *National Human Rights Action Plans in the EU: Practices, experiences and lessons learned for more systematic working methods on human rights; Report of the National Liaison Officer Working Party on National Human Rights Action Plans* (Vienna, 27-28 March 2019) 2.
- 12 For examples of references to the outdated data used by countries when developing their own plans, see: 2018-2021 NHRAP of Morocco, page 7. For researchers relying on this outdated information, see for instance: Azadeh Chalabi, 'National human rights action plans: A roadmap to development', *Development in Practice* (2014) 24(8) 995; Tara M. Collins, 'The General Measures of Implementation: Opportunities for Progress with Children's Rights', *The International Journal of Human Rights* (2019) 23(3) 348; Claire

- Methven O'Brien, John Ferguson and Marisa McVey, 'National Action Plans on Business and Human Rights: An Experimentalist Governance Analysis', *Human Rights Review* (2021). One exception of a scholar who sought to complement the OHCHR's data with additional source is: Yao Xu, 'Assessment of Human Rights Action Plans and Use of Its Results from a Global Perspective', *Journal of Human Rights* (2019) 18(2) 163. For a recent exemple of countries using the 2002 Handbook's methodology for planning, see: 2017-2021 NHRAP of Argentina, page 21.
- 13 UNSG 2017 (note 7) para. 24.
 - 14 Some governments maintain websites with all materials pertaining to their NHRAPs (implementation status report, consultations proceedings, etc.), but this is not always the case, and the sites are usually difficult to locate for outsiders not mastering the language. One example of such a site is the NHRAP webpage of the Ministry of Justice of South Korea, accessible [here](#) (accessed 22 June 2022).
 - 15 In addition, see Part 5 in Gauthier de Beco, *Non-Judicial Mechanisms for the Implementation of Human Rights in European States* (Bruylant, 2009); as well as my research on NHRAPs in general and the NHRAPs of Nepal in particular, in Sébastien Lorion, *The Institutional Turn of International Human Rights Law and its Reception by State Administrations in Developing Countries* (PhD diss., University of Copenhagen, 2020) Chapters 3 and 8.
 - 16 Chalabi 2018 (note 9); Chalabi 2014 (note 12); Azadeh Chalabi, 'The Nature and Scope of States' Obligation to Adopt a National Human Rights Action Plan', *The International Journal of Human Rights* (2014) 18(4-5) 391; Azadeh Chalabi, 'The Problem-Oriented Approach to Improving National Human Rights Action Plans', *Journal of Human Rights Practice* (2015) 7(2) 272; Azadeh Chalabi, 'Australia's National Human Rights Action Plans: Traditional or Modern Model of Planning?', *The International Journal of Human Rights* (2016) 20(7) 993.
 - 17 Victoria Kandel, Laura Gottero and Verónica Jaramillo (eds.), *Planes Nacionales en Derechos Humanos: Debates y Reflexiones sobre Experiencias Latinoamericanas* (Latin American Council of Social Sciences, 2021).
 - 18 Some of this research project's outputs have been translated into English. See notably: Yao Xu, 'Three Categories of International Comments on National Human Rights Action Plans and Their Implications - An Analysis Based on UPR Reports', *Journal of Human Rights* (2020) 19(3) 376; Yao Xu, 'Four Mechanisms for Safeguarding the Effectiveness of the Human Rights Action Plan: Based on African Experience', *Journal of Human Rights* (2018) 17(3) 305; and Xu 2019 (note 12).
 - 19 One example of this is in Methven O'Brien and al. 2021 (note 12) Introduction.
 - 20 UNSG 2017 (note 7) para. 30.
 - 21 See for instance, the *Pacific Principles of Practice of National Mechanisms for Implementation, Reporting and Follow-Up*, adopted by the Pacific Community in July 2020, Sections 3.3 and 3.4.
 - 22 As illustrated by the questions asked at the outset of the 2019 working party on NHRAPs of the EU Fundamental Rights Agency (2019 (note 11)).

- 23 UNSG 2017 (note 7) para. 67.
- 24 To this end, the collection of plans presented in this study has been shared with the OHCHR on multiple occasions from 2018 to the end of 2021, in the hope that the data could be uploaded on its dedicated webpage.
- 25 Chalabi 2014 (note 16) and 2018 (note 9).
- 26 Chalabi 2016 (note 16); Methven O'Brien and al. 2021 (note 12).
- 27 Heinz Klug and Sally Engle Merry, 'Introduction', in Heinz Klug and Sally Engle Merry (eds.), *The New Legal Realism: Studying Law Globally* (Cambridge University Press, 2016) 2.
- 28 Hans-Otto Sano and Tomas Max Martin, 'Inside the Organization. Methods of researching human rights and organizational dynamics' in Bård A. Andreassen, Hans-Otto Sano, Siobhán McInerney-Lankford (eds.), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing, 2018) 253.
- 29 Béatrice Hibou, *The Bureaucratization of the World in the Neoliberal Era: An International and Comparative Perspective* (Palgrave-McMillan, 2015).
- 30 Alexander Betts and Phil Orchard (eds.), *Implementation and World Politics: How International Norms Change Practice* (Oxford University Press, 2014).
- 31 Michael N. Barnett and Martha Finnemore, *Rules for the World: International Organizations in Global Politics* (Cornell University Press, 2004).
- 32 Thomas Bierschenk and Jean-Pierre Olivier de Sardan (eds.), *States at Work: Dynamics of African Bureaucracies* (Brill, 2014).
- 33 See CoE website on 'systematic human rights work', at: <https://www.coe.int/en/web/commissioner/systematic-human-rights-work> (accessed 22 June 2022).
- 34 EU Fundamental Rights Agency (note 11) 6; Kandel, Gottero and Jaramillo 2021 (note 17) 13; Xu 2020 (note 18) 377-378.
- 35 This entailed discussions with David Johnson, but the resulting choices presented here are my own.
- 36 UN 1993 (note 2) para. 71.
- 37 Ibid., para. 68.
- 38 OHCHR 2002 (note 5) 13.
- 39 Sweden, *National Human Rights Strategy, 2017*, adopted by the Government on 13 October 2016, page 20.
- 40 UN 1993 (note 2) para. 68.
- 41 Xu 2020 (note 18) 378.
- 42 Kandel, Gottero and Jaramillo 2021 (note 17) 13.
- 43 Most notably, Chalabi's book on NHRAPs (2018 (note 19)) calls NHRAPs a range of plans – including thematic ones. To differentiate NHRAPs in the sense of the 1993 Vienna Declaration, the author calls the latter 'global NHRAPs' (ibid., 121).
- 44 UNSG 2017 (note 17) para. 25.
- 45 Ibid., para. 30.
- 46 For more on this, see: Bill Barker, *Protecting, Promoting and Fulfilling Human Rights in Australia: A National Human Rights Action Plan* (2011).
- 47 These are listed in the OHCHR's list at: <https://www.ohchr.org/EN/Issues/PlansActions/Pages/PlansofActionIndex.aspx> (accessed 22 June 2022).

- 48 Paraguay, Action Plan of the Human Rights Network of the Executive Power, 2010-2011, Approved by Decree No. 10747.
- 49 Paraguay, Second Action Plan of the Human Rights Network of the Executive Power, 2017-2018, Published by the Human Rights Network of the Executive Power, December 2016.
- 50 Paraguay, National Report under the UPR (UN Doc. A/HRC/WG.6/10/PRY/1, 2010) para. 9.
- 51 See Action Plan 2010-2011 (note 48), 23. The 2010 national report under the UPR also distinguishes the adopted Executive Branch's Human Rights Network from the National Human Rights Plan to be developed (note 50, para. 7 and 9).
- 52 Xu 2020 (note 18) 378.
- 53 Kandel, Gottero and Jaramillo 2021 (note 17) 13.
- 54 Egypt, Niger, India, Senegal, Algeria and Uruguay. See: Human Rights Concil, Report of the Working Group on the Universal Periodic Review of Uganda (UN Doc. A/HRC/34/10, 2016).
- 55 Email exchange with the Ugandan Human Rights Commission, 3 March 2022.
- 56 Letter by the Presidential Human Rights Committee Secretariat, 23 March 2022, communicated by the Commission on Human Rights of the Philippines. Email correspondence, 28 March 2022.
- 57 Xu 2020 (note 18) 378.
- 58 See webpage on the NHRAP of the Interministerial Delegation for Human Rights of the Kingdom of Morocco (accessed 22 June 2022).
- 59 See EU Fundamental Rights Agency 2019 (note 11) 6.
- 60 Bundestag, Resolution of 4 February 2003 (Bundestagsdrucksache15/397).
- 61 See Frauke Weber, Ein Nationaler Aktionsplan für Menschenrechte für Deutschland? (German Institute for Human Rights, 2003).
- 62 See: Silke Voß-Kyeck, 'Aktion? Plan? Ein kritischer Kommentar zum Aktionsplan Menschenrechte der deutschen Bundesregierung 2012-2014', Jahrbuch Menschenrechte (2012-2013) 411.
- 63 See for instance: Ministère de la Justice et de la Promotion des Droits Humains, *Plan d'Actions National de Mise-en-Œuvre des Recommandations Issues des Mécanismes Onusiens de Protection des Droits de l'Homme 2012-2014* (January 2012) ; Ministère de la Justice, des Droits Humains et de la Promotion Civique, *Plan d'Actions National 2014-2017 de Mise-en-Œuvre des Recommandations Issues de l'Examen Périodique Universel (EPU) et des Organes des Traités* (January 2015).
- 64 For details on interviews and findings, see: Lorion 2020 (note 15).
- 65 Belarusian Diplomatic Service. See: http://mfa.gov.by/en/organizations/human_rights/.
- 66 The Turkish Plan is part of the CoE list of NHRAPs. See CoE (note 33).
- 67 Standard text found in multiple letters. Link to all letters in note 8.
- 68 See references in note 12.
- 69 Angola, Argentina, Armenia, Cabo Verde, Chile, China, Colombia, the Dominican Republic, Finland, the Gambia, Germany, Honduras, Indonesia, Iraq, Jordan, Kazakhstan, Kosovo, Kyrgyzstan, Liberia, Malaysia, Mali, Mexico, Moldova, Morocco, Nepal, the Netherlands, Peru, the Philippines, the Republic

- of Korea, Thailand, Turkey, Turkmenistan, Ukraine and Uzbekistan. The account of 34 ongoing plans includes open-ended plans adopted after 2018, based on recent reports that they were still being implemented.
- 70 According to SUHAKAM's [brief on NHRAPs](#) (February 2011).
 - 71 See description of the process in Law Library of Congress, '[Malaysia: National Human Rights Action Plan Launched](#)' (16 April 2018).
 - 72 Ibidem.
 - 73 This figure is based on a cursory review. There might be more in preparation.
 - 74 As announced by the Ministry of Foreign Affairs ([press release](#) of 27 April 2022); see also Newsweek, opinion piece by the Ambassador of the Kingdom of Bahrain to the United States: '[Bahrain's National Action Plan for Human Rights](#)' (23 March 2022).
 - 75 As announced by the government during the constructive dialogue with the UN Human Rights Committee on 20 October 2021 (records at: [UN Doc. CCPR/C/SR.3815](#), 2021).
 - 76 As announced by the government during Human Rights Day celebrations, December 2021. See: <https://nanomon.org/pov/node/538> (accessed 22 June 2022).
 - 77 Already validated by the Interministerial Committee on Human Rights and the NHRI in 2019, the NHRAP still awaited formal adoption by the government in 2021. See [Report of the UN Secretary General/Integrated Office in Haiti](#) (UN Doc. S/2021/559, 2021, para. 44).
 - 78 As of the 3rd of March 2022, the first 'National Human Rights Plan' of Ivory Coast had been validated by the government and was awaiting formal adoption by both chambers of the parliament. Source: email correspondence with the National Human Rights Commission of Ivory Coast, 3 March 2022.
 - 79 As announced by the government during the constructive dialogue with the UN Human Rights Committee on 28 February 2022 (records at: [UN Doc. CCPR/C/SR.3837](#), 2022).
 - 80 The plan was approved by the Executive Cabinet of Taiwan on the 5th of May 2022 and is pending approval by the legislative branch. See media releases: '[Taiwan launches National Human Rights Action Plan](#)' (5 May 2022), and '[Cabinet's human rights plan advances](#)' (6 May 2022).
 - 81 Email correspondence with UN, 8 December 2021.
 - 82 According to Uganda's [national report under the UPR](#) (UN Doc. A/HRC/WG.6/40/UGA/1, 2021, 7).
 - 83 Email correspondence with UN, 21 March 2022.
 - 84 See media report: '[Attorney General Tables Draft Nat'l Human Rights Action Plan for Discussion](#)' (5 January 2021).
 - 85 Email correspondence with the NHRI of Nigeria, 23 June 2023.
 - 86 The formal adoption of the second NHRAP for 2018-2022 was still pending in December 2021. See: Human Rights Council, [Report of the Working Group on the Universal Periodic Review](#) (UN Doc. A/HRC/49/13, 2021).
 - 87 According to the NHRI of India, a commission for developing a NHRAP was constituted in 2020. See: National Human Rights Commission of India, [Submission at the occasion of the UPR mid-term report of India](#) (2020) 2.

- 88 See media report: 'Al-Mutairi: Kuwait made voluntary pledges to develop an action plan to protect human rights' (9 March 2022).
- 89 See: Attorney General Office of the Republic of Maldives, National Human Rights Framework (2016) 14.
- 90 As recalled by the government at the occasion of the UPR in 2021 (see UN Doc. A/HRC/48/9/Add.1, para. 9).
- 91 See update dated 28 October 2021 by the Ministry of Foreign Affairs and International Cooperation, as well as intervention of the Chairman of the National Human Rights Committee at the UNHRC, reported in Emirates News Agency-Wam (3 March 2022).
- 92 It was initially set for adoption in 2021. See: UN information relayed in Viasna (21 June 2021).
- 93 See dedicated website of the Ministry of Justice and Human Rights for the development of the second NHRAP.
- 94 In 2021, the parliament was undertaking public consultations to draft Lebanon's second NHRAP. See updates on Parliamentary website (13 April 2021).
- 95 As announced in the national report under the UPR (UN Doc. A/HRC/WG.6/36/MWI/1, 2020, para. 67).
- 96 See 2019 'Proposal for Scotland's second National Action Plan for Human Rights' and more recent updates on the plan's development on the dedicated webpage.
- 97 The government decided to launch the process of developing a second NHRAP on 7 December 2018 (see EuropaPress dated 07 December 2018). In April 2022, public consultations were still ongoing (see: https://www.mpr.gob.es/servicios/participacion/consultaprevia/Paginas/2022/110422-segundo_plan_derechos_humanos2.aspx).
- 98 Intended as the implementation complement to the National Human Rights Strategy adopted in 2021.
- 99 A project endorsed by the government of Guyana and financed by the UPR Voluntary Fund for Financial and Technical Assistance started in 2022 and aims at elaborating a NHRAP. See: <https://www.impactpool.org/jobs/798502> (accessed 22 June 2022).
- 100 See EU Fundamental Rights Agency 2019 (note 11) 6).
- 101 See National Report under the UPR (UN Doc. A/HRC/WG.6/31/SAU/1, 2018) and Majalla article (24 August 2018).
- 102 See National Report under the UPR (UN Doc. A/HRC/WG.6/38/SLE/1, para. 126).
- 103 Ibidem.
- 104 For drafts, proceedings of consultations, and press releases from the ombudsman marking the abandonment of the project, see dedicated webpage (accessed 22 June 2022).
- 105 See Amnesty International, Austria: Human Rights Challenges Persist (2021) 5.
- 106 Commitment of the Government Programme 2020-2024 (page 212).
- 107 Katerina Linos and Thomas Pegram, 'Architects of Their Own Making: National Human Rights Institutions and the United Nations', Human Rights Quarterly (2016) 38(4) 1115.

- 108 Xu 2020 (note 18) 378.
- 109 For more details, see Part 2 of the present study.
- 110 UNSG 2017 (note 7) para. 24.
- 111 Exceptions: Andorra, Australia, Belgium, Denmark, Latvia, and the Marshall Islands. Data gathered by researching the UPR-Info database, on 06/05/22.
- 112 NHRC 2020 (note 87) 2.
- 113 See for instance Sri Lanka's 2011-2016 NHRAP, p. 5.
- 114 Albania, Bahrain, Bolivia, Bosnia and Herzegovina, Central African Republic, Chile, Ethiopia, Finland, France, Iceland, Liberia, Montenegro, Morocco, Niger, Peru, Republic of Korea, Romania, Sri Lanka, Thailand, and Uganda. Data gathered by researching the UPR-Info database, on 06/05/22.
- 115 Xu 2020 (note 18).
- 116 Until May 2020 for the third cycle.
- 117 Out of the 57 states with a NHRAP that Xu looked into, 40 received comments during the UPR reviews. This gap might be explained by two factors. First, seven countries with NHRAPs had NHRAPs long before the first UPR review, and no ongoing NHRAPs (e.g., Latvia in 1995 or South Africa in 1998). They were therefore unlikely to receive any comments during UPR cycles, which started in 2008. Second, Xu points out that comments on NHRAPs typically occur only if the state under review has mentioned its NHRAP either in the national report or during the interactive dialogue (*ibid.*, 391).
- 118 *Ibid.*, 392.
- 119 Xu's analysis shows discrepancies in the treatment of NHRAPs: 'Developing countries with a certain material foundation have the greatest interest in formulating and implementing [NHRAPs] and receive the highest degree of attention [at the UPR]. Relatively speaking, developed countries receive less attention than developing countries in the formulation of action plans. At the same time, less developed countries, particularly in Africa, tend to receive less attention for the formulation and implementation of action plans because of other, more noticeable human rights issues or difficulties' (*ibid.*, 388).
- 120 *Ibid.*, 391.
- 121 *Ibid.*, 378.
- 122 *Ibid.*, 390.
- 123 *Ibidem.*
- 124 Link to all letters in note 8.
- 125 As explained in Section 1.3.5, the United Kingdom had two plans, but those were not subsequent plans: they were adopted by two subnational entities and ran in parallel. This case is therefore not considered here as a situation of institutionalisation.
- 126 Back-to-back: Armenia, Azerbaijan, Ethiopia, Georgia, Indonesia, Liberia, Nepal Republic of Korea, Sri Lanka, Turkmenistan, Ukraine; one-year gap: China, Croatia, Germany, Kosovo, Sweden; two-year gap: Moldova.
- 127 Three-year gap: Finland, Peru, Thailand; four-year gap: New Zealand; five-year gap: Australia; six-year gap: Iraq; seven-year gap: Malawi; eight-year gap: Kazakhstan; nine-year gap: the Philippines; 11-year gap: Venezuela. These

estimates are based on the official durations of plans at the time of their adoptions. Some might have been extended, which would in effect minimise the gap between plans.

- 128 Other countries with more than one NHRAP had open-ended first NHRAPs. It is therefore not possible to make this calculation.
- 129 Interview with OHCHR official (Geneva, 9 May 2018).
- 130 See Martha Finnemore, 'Norms, Culture, and World Politics: Insights from Sociology's Institutionalism', *International Organization* (1996) 50(2) 325. On how membership of intergovernmental organisations may influence states, see also: Brian Greenhill, *Transmitting Rights: International Organizations and the Diffusion of Human Rights Practices* (Oxford University Press, 2015).
- 131 See: <https://www.un.org/dgacm/en/content/regional-groups>. For the purpose of covering all countries in the inventory, Kosovo is included in the Eastern European Group. Palestine is in the Asia-Pacific Group. Turkey, which participates fully in both the Group of Western European and other States and the Group of Asia-Pacific States, is counted in the latter group, since for electoral purposes it is considered a member of the Group of Western European and other States only. Kiribati is not in any group, but added here to the Asia-Pacific region.
- 132 Arguably, the Asia-Pacific region encompasses quite different sub-regions. A review taking into account sub-regions may yield even more fine-grained results.
- 133 Armenia, Azerbaijan, Croatia, Finland, Georgia, Germany, Greece, Latvia, Lithuania, Moldova, the Netherlands, Norway, Spain, Sweden, Turkey, Ukraine, the United Kingdom.
- 134 One caveat is in order: not all plans are available, or in accessible languages. Some of the older plans are only available on the OHCHR dedicated webpage, but some of those seem incomplete. Some appear to be partial, summary translations of a wider plan. For instance, the Norwegian NHRAP mentions that there are over 300 actions contained in the plan, yet the translation available on the website only includes 10 actions. The translation of the NHRAP of Palestine seems to be only a thematic chapter. As such, under each section, I indicate the number of plans that could actually be datamined for the feature in review. In all cases, more than 110 NHRAPs could be datamined (out of 140). The resulting findings are therefore deemed to be statistically significant, and representative of trends in the global practice of NHRAPs.
- 135 OHCHR 2002 (note 5) 76-77.
- 136 Based on datamining into 123 plans. The 'mixed' category includes plans that include substantial text (e.g., more than only a short introduction or short cover decree adopting the plan) and a table/matrix listing actions (e.g., tables on background data are not considered a matrix with actions). In some cases, the narrative human rights strategy and its implementing action plan matrix form one document with the same timeline. In cases where the two types of policy documents are integrated, these were considered 'mixed format' NHRAPs.
- 137 The documentation of early plans is in many cases the English translation provided by the OHCHR on its website. A wide majority of those are narrative

only, but it is not possible to assess with certainty the original format. When clear signs existed that a table used to be in the original plan, these were excluded from the review of formats, but this may still accentuate the prevalence of 'narrative only' plans in the data covering the first decade of plans.

- 138 See: <https://npa.hrc.co.nz/overview> (accessed 22 June 2022).
- 139 1998 NHRAP of Ecuador, Section 8.
- 140 The 2002 OHCHR Handbook (note 5) uses the terminology of 'activities'.
- 141 Based on datamining into 112 NHRAPs.
- 142 Interview with NHRC staff (Kathmandu, 31 May 2017).
- 143 2017-2019 NHRAP of Finland, 16.
- 144 2021-2025 NHRAP of China, 8.
- 145 2017-2021 NHRAP of Sri Lanka, 207.
- 146 2006-2009 NHRAP of Sweden, 30.
- 147 OHCHR 2002 (note 5) 77.
- 148 Based on datamining into 118 NHRAPs.
- 149 2003 NHRAP of Cabo Verde, 17 (my translation).
- 150 Ibid., 6 (my translation).
- 151 1998 NHRAP of Mexico, 4.
- 152 Ecuador, Presidential Decree No. 1527 (Official Journal No. 346, 1998) Art. 2.
- 153 2018-2022 NHRAP of Moldova, 15.
- 154 OHCHR 2002 (note 5) 76.
- 155 Based on datamining into 122 NHRAPs.
- 156 2012-2022 NHRAP of Mauritius, 68.
- 157 OHCHR, *Human Rights Indicators: A Guide to Measurement and Implementation* (UN Doc. HR/PUB/12/5, 2012).
- 158 OHCHR 2002 (note 5) 69-70.
- 159 This covers all 140 plans in the inventory.
- 160 Based on datamining into 118 NHRAPs.
- 161 OHCHR 2002 (note 5) 100.
- 162 Based on datamining into 117 NHRAPs.
- 163 2021 NHRAP of Turkey, 125.
- 164 Peru, Presidential Decree No. 002-2018-JUS (31 January 2018), Art. 6.
- 165 2015-2019 NHRAP of Namibia, 42.
- 166 Ukraine, Order No. 756-p of the Cabinet of Ministers on 23 June 2021, Art. 2.
- 167 2015-2019 NHRAP of Cameroon, 140.
- 168 2016 NHRAP of Pakistan, Preamble.
- 169 2006-2009 NHRAP of Sweden, 8.
- 170 2016-2025 NHRAP of Jordan, Preamble and Section 'Referential Bases and Pillars'.
- 171 2016-2020 NHRAP of China, 4.
- 172 See Chalabi 2018 (note 9) Chapter 5.
- 173 I engage in some of her conclusions on these aspects in Part 2 of this study.
- 174 OHCHR 2002 (note 5) 13.
- 175 2021 NHRAP of Turkey, 126-127.

- 176 See UNSG 2017 (note 7).
- 177 Sébastien Lorion and Stéphanie Lagoutte, 'What are Governmental Human Rights Focal Points?', *Netherlands Quarterly of Human Rights* (2021) 39(2) 80.
- 178 For a discussion on this, see: Sébastien Lorion and Stéphanie Lagoutte, 'Implementers or Facilitators of Implementation? Governmental Human Rights Focal Points' Complex Role in Enhancing Human Rights Compliance at the National Level', Draft book chapter (SSRN) for: Rachel Murray and Debbie Long (eds.), *Research Handbook on the Implementation of Human Rights in Practice* (Edward Elgar Publishing, 2022 forthcoming).
- 179 OHCHR 2002 (note 5) 51.
- 180 The 2013-2018 NHRAP of Tanzania foresaw that: 'Rather than leaving the implementation process entirely to individual agencies, the NHRAP vests responsibility to the Commission on Human Rights and Good Governance (CHRAGG) to oversee and monitor the achievement of the goals of the Plan. CHRAGG will strive to ensure that the relevant departments of the central government and state organs and local governments at all levels nationwide have attached great importance to the NHRAP. [...] CHRAGG will propose a framework in consultation with implementing agencies on how best to ensure optimum implementation of the Plan and the need for consistency, and, furthermore, will act as an advisory body to provide advice on matters related to the NHRAP' (page 55).
- 181 See Sébastien Lorion, 'A Model for National Human Rights Systems? New Governance and the Convention on the Rights of Persons with Disabilities', *Nordic Journal of Human Rights* (2019) 37:3, 234.
- 182 EU Fundamental Rights Agency 2019 (note 11) 14.
- 183 OHCHR, *Contribution of parliaments to the work of the Human Rights Council and its universal periodic review: Report of the Office of the United Nations High Commissioner for Human Rights* (UN Doc. A/HRC/38/25, 2018), Annex, Art. 2(g).
- 184 Claudia Lovón, Cécile Blouin and Bruce Barnaby, 'El Plan Nacional de Derechos Humanos (2018-2021): Encuentros y desencuentros en el principal instrumento de derechos humanos en Perú', in Kandel, Gottero and Jaramillo 2021 (note 17) 170-171.
- 185 Lagoutte 2019 (note 2) 193.
- 186 Jeremy Sarkin, *Reinvigorating and Transforming the Role of the Human Rights Council (HRC) in Georgia into a National Mechanism for Reporting and Follow-Up in line with Global Practice*, Study commissioned by the EU and the UNDP (2016).
- 187 Many of these sources of information are reviewed in Part 2 of this study.
- 188 Chalabi 2016 (note 16) 1005.
- 189 Sano and Martin 2018 (note 28) 4.
- 190 María de los Ángeles Villesca and Azúa Herrera, 'Plan Nacional de Derechos Humanos de Chile (2018-2021), Análisis de sus premisas y lecciones del proceso de su elaboración', in Kandel, Gottero and Jaramillo 2021 (note 17) 81.
- 191 Wanaporn Techagaisiyavanit and Srisombat Chokprajakchat, 'Dilemma in localising international law in the drafting process of Thailand's human rights

action plan', Development in Practice (2021) 31(4) 511.

192 Anette Faye Jacobsen, 'Expanding into the Local Level: Selective and Maximalist Models of Human Rights Implementation in Denmark and Sweden', The International Journal of Human Rights (2022).

193 Quoting civil society and other sources, Chalabi (note 16, 1005) states that the first NHRAPs of Australia created no new action. Villesca and Herrera (note 190, 83) similarly find that for the 2018-2021 NHRAP of Chile, 'the various governmental departments that were to propose concrete measures for the plan tried to ensure the continuity of actions that were already being rolled out, as evidenced by the fact that 59% of the actions of the plan are of continuity – meaning that they had been developed prior to it.'

194 Sébastien Lorion, 'Inside the Ministry of Burkina Faso: How Professionalised Civil Servants Shape Governmental Human Rights Focal Points', Netherlands Quarterly of Human Rights (2021) 39(2) 95.

195 Ibid, 110.

196 See Part 2 of this study, and Lorion 2020 (note 15).

ANNEX

INVENTORY OF NATIONAL HUMAN RIGHTS ACTION PLANS

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Argentina: First National Plan of Action on Human Rights 2017-2020, released by the Justice and Human Rights Ministry.

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Armenia: Action Plan for 2020-2022 deriving from National Strategy for Human Rights Protection of the Republic of Armenia, adopted by Governmental Decree No. 1978-L of 26 December 2019.

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Bolivia: National Human Rights Action Plan 2014-2018.

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In *National Human Rights Action Plans: An Inventory*, Sébastien Lorion decrypts the global diffusion of national human rights action plans (NHRAPs) since the 1993 World Conference on Human Rights, which encouraged states to adopt them.

The major contribution of the study is to set the record straight in terms of state engagement with NHRAPs. Its comprehensive inventory reveals that at least 140 NHRAPs have been adopted in 75 countries. As such, the diffusion of NHRAPs is far more significant than accounted for so far.

The study discusses an apparent paradox: states limitedly adopted NHRAPs when the model was actively promoted by international organisations and supported by guidance and soft law, but more than half the NHRAPs were adopted after 2012, at a time when the tool was deprioritised by international human rights actors. New oversight patterns that emerged with the Universal Periodic Review appear to explain this situation.

Showcasing the type of analysis and datamining that the inventory allows researchers to undertake, the study further delves into the contents of plans and shows the heterogeneity of state practice.

Overall, the study argues that NHRAPs requires more critical attention, to understand whether, and under which conditions, they influence human rights implementation. Accrued knowledge based on empirical research is key to informing future state practice as well as a pre-requisite for the promotion by norm entrepreneurs of new planning models.

The study is a part of the MATTERS OF CONCERN working paper series focusing on new and emerging research on human rights across academic disciplines. Papers are available online at www.humanrights.dk.