National Human Rights Institution Dialogue a Human Rights Based Approach to Human Rights Promotion

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In this presentation I would like to argue that it has an effect on how change takes place, how we interact with each other, and speak to each other across states, governments, societies groups and individuals, when we base our action on the principles of a human rights based approach in a structured dialogue based on our experiences that we lived through in the Arab-European National Human Rights Institution Dialogue process, which has been running since 2005 and comprises 14 National Human Rights Institutions, seven from Europe and seven from the Arab world. www.aehrd.info

If we take a human rights based approach to change there are three sets of premises which have to be considered: i) participation and inclusion, ii) equality and non-discrimination, iii) accountability and rule of law and the obligation to analyze and understand the underlying assumptions, beliefs and root causes of that given context. If we apply this in our methodologies when we promote human rights, then this would bring about an understanding, that has some consequences on our understanding of how to take action. That is why the basic principles of the Arab-European National Human Rights Institution dialogue process are i) working facts based, ii) based on partnership iii) and genuine dialogue. Facts based meaning that we try to avoid that the dialogue is based on beliefs and emotions rather than on knowledge and facts, dialogue meaning a way of listening to each other based on equality and inclusion, and fostering mutual insights for our mutual further development and change. Partnership as a way of sharing common objectives and creating a partnership framework in which the ground rules are set based on the above.

Maintaining the space for conversation and dialogue is important for creating an inclusive global environment - so that we actually create an international democratic space and thereby an international learning environment. That does not mean that we merely accept or adopt all view points, but merely that we appreciate the differences: Appreciation of the other party is generally known as creating the first opening and steps in creating change. Further, based on the acceptance of our differences we can then take the dialogue on the fact that if we as governments, National Human Rights Institutions, general public actually adhere to that "All human beings are born free and equal in dignity and rights" and that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world " what is then the consequence for me, my society and politics, groups, how I understand my cultural background, religion and laws in society? To ask the question: to which degree can the society or the organisation I represent be reconciled with these sentences?

The terminology of Dialogue

Unfortunately, the term human rights dialogue has been applied as a diplomatic tool for human rights promotion, where the anticipated changes are only to take place with the “recipient” of the dialogue based on conditionality and a fixed set of progress indicators. Originally dialogue was invented as a form of conversation and away of listening dating back to Socrates who established dialogue as a philosophical term based on the Socratic method, or elenchus. The latter remains a commonly used tool in a wide range of discussions, and is a type of pedagogy in which a series of questions are asked not only to draw individual answers, but to encourage fundamental insight into the issue at hand. It was designed to force one to examine one’s own beliefs and the validity of such beliefs. The German philosopher Hans-Georg Gadamer saw

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1 Article 1 Universal declaration of Human Rights
2 Preamble Universal Declaration of Human Rights
dialogue as universal tool for creating new insights and understanding. Gadamer defines that dialogue always takes place in a concrete a context, which again is influenced by this context. We enter into the dialogue from a concrete place and we always want something with that dialogue. What is interesting is that this concrete place will change in the course of the dialogue and that is why it creates new understanding and new insights. It is important to acknowledge that the dialogue takes place in a given context, it has a given perspective, which implies that it does not take place in a context devoid from power. Therefore when entering a dialogue the preconditions, context, the potential perspective should be made clear to all parties, who are part of the dialogue. The common denominator should be defined as precondition for setting a common goal and providing an understanding of your own vantage point with a view to better understanding and appreciating others. Only based on recognition, that appreciates the difference in political, cultural, developmental and economic realities can a common point of departure for dialogue be established which can create a common perspective. True dialogue demands mutual appreciation/ recognition of differences, which is not the same as approval or integration of the differences as your own.

**Defining the global Human Rights Infrastructure as a platform for human rights dialogue**

In the UN Human Rights Council the world has a strong and more equal global human rights platform for dialogue, reflecting the new multi polarized world which has now emerged after the end of the cold war. With the Human Rights Council (HRC) the international community has created a potential large common forum for discussion and dialogue on human rights. The premises for that dialogue are clear from the outset. Everybody who sits in the Council has to accept and adopt that human rights are their point of departure “All human beings are born free and equal in dignity and rights” - all governments are thereby obliged to work within a common value paradigm and common set of international laws and standards and there is the in-built accountability mechanism through the Universal Periodic Review, in which all countries are reviewed on their human rights compliance. Through the Universal Periodic Review and Human Rights Council we are establishing what is becoming the “global Norm” the Universal Declaration of Human Rights provides a “common standard of achievement for all nations and individuals”. Gradually we are establishing that the “preservation of human dignity” is what is normal and thereby it is also evident that “lack of dignity” is not normal. At the same time we have to bear in mind that the Human Rights Council is a discussion among states/governments - there is a need that these discussions are taken to the societal level, to take the discussion or mediation process with non-state actors and local and global power groups that might have a conflicting agenda. Here the National Human Rights Institutions can play a special and important role.

**International Agents of human rights dialogue**

In promoting a global human rights dialogue it is necessary to define who are the natural agents of such a dialogue. Which institutions have the mandate and outreach to discuss at the national level the core of the sentence “All human beings are born free and equal in dignity and rights” - with society, through education, through advice to the government and political structures and non state actors? Sometimes governments are more progressive than society and they need agents to take the discussion on human rights values as well. Changes in society have to be owned and communicated and translated so it makes sense to the public and the different relevant stakeholders especially those changes that effect the cultural power structures of the society - otherwise you will see a backlash - as what we to some degree are experiencing in Denmark or Pakistan today. Structured dialogue on facts, norms, values and principles has to take place at all levels not only between governments, but also within societies.

**The national agents for human rights dialogue**

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3 Article 1 Universal declaration of Human Rights
4 Article 1 Universal declaration of Human Rights
National Human Rights Institutions have a specific law based mandate to promote human rights and can therefore interact both with state, civil service, public administration, media, non-state actors, local authorities, the individual human being, civil society, research and education centers on key human rights issues. National Human Rights Institutions are independent state agencies which mean they do not represent state nor civil society organizations and as such they must be placed somewhere in between these two levels. This unique position often means that National Human Rights Institutions can function as a sort of neutral meeting ground for actors from state and civil society, thus facilitating dialogue. Another, more practical, reason for engaging in National Human Rights Institutions level dialogue is that in authoritarian states, this institution might be the only possible venue for discussing human rights as civil society is weak or non-existing.

However, generally speaking, National Human Rights Institutions still carry a large unreleased potential before they are effective. National Human Rights Institutions are continuously fighting for legitimacy, independence and finance. All National Human Rights Institutions have problems nationally with their mandate and scope for maneuvering. Nevertheless, National Human Rights Institutions maintain a unique access and vantage point to both government and civil society and can thereby be an entry point and testing ground for promotion of human rights and translation of the values into the national context, development and policy framework.

It is therefore important to capacitate and continue to empower National Human Rights Institutions if they are to become effective human rights instruments and to use this infrastructure to take the discussion on proliferation of human rights values deriving from the inherent dignity of each every individual, the principle of non discrimination and respect for diversity to the national level to different segments of population.

Therefore the mission of the joint Arab-European National Human Rights Institutions dialogue is to mutually support each other as institutions in this process of taking human rights to the national level by building ties in a formalized room for sharing of know how on key human rights issues between the participating institutions. Such framework has proven to be fruitful for joint consultations between the participants and has the potential to lead to long term institutionalizing of a solid public opinion on human rights issues.

The National Human Rights Dialogue process is a way to create a human rights learning environment based on a human rights based thinking - that is a setting in which the values are mutual respect, inclusion and participation equality and accountability and where the preservation and promotion of human dignity lies at the heart of it. The point of departure, the objective and framework and rules for such learning environment should be clear from the outset and that is actually what the Arab European National Human Rights Institute dialogue is about.

As in the civil society and state level dialogues, the overall objective of National Human Rights Institute level dialogue is to improve the human rights situation in the countries involved. The main aim of the Arab-European National Human Rights Institute dialogue is to establish a more profound knowledge of key human rights issues among the participants in order for them to promote the implementation of international human rights standards among decision makers nationally. This is done through the establishment of a broad platform from which National Human Rights Institute representatives, civil society organizations and state representatives can discuss national human rights topics and exchange experiences.

Many human rights challenges such as discrimination on the basis of religious beliefs, intolerance towards minorities, security and counter terrorism legislation compromising human rights standards, lack of transparency, not only in public administrations but also within many National Human Rights Institutions themselves, are challenges shared by European and Arab
National Human Rights Institutions. The dialogues can contribute to the establishment of consensus on some of the issues and feed ideas into strategies developed to tackle the challenges. Furthermore, media in both regions are targeted in order to ensure that media reports about collaboration and consensus between the Arab and European National Human Rights Institutions on selected human rights issues.

The Arab-European National Human Rights Institution Dialogue has proven that international cooperation tends to strengthen the position of the national National Human Rights Institutions. Further, National Human Rights Institutions level dialogue, due to the international cooperation, tends to facilitate and legitimize discussions among key players otherwise not possible due to their relationships with both the governments and civil society.