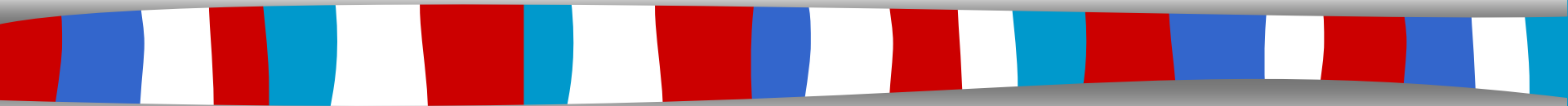


Advancing Human Rights Inside Government

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Civil Servants and their Agencies



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Is It Possible?

- Can civil servants learn about and then promote human rights inside government?
- Can they also serve as loyal and obedient public servants?
- Can they maintain a high level of commitment to the “human rights project”?
- Canadian experience points to opportunities and challenges



Case Study

- Mr. Lee is a mid-level bureaucrat in the Foreign Ministry
- His portfolio within the Human Rights Branch is complex and focuses on Women's Human Rights:
 1. on ICESCR, he works on maternal mortality and morbidity (health);
 2. on ICCPR, he concentrates on LGBT (lesbian, gay, bisexual and transexual) issues (discrimination) in the international context



Case Study

- Currently, the Prime Minister wants to promote democracy, the rule of law, and human rights, so the directive comes from the political as well as the policy side
- This is a situation of desirable congruence



Case Study

Mr. Lee works on files related to:

- Maternal Mortality – which is viewed as an issue of discrimination under the law and in practice; Canada works with the UN Expert Panel at the Human Rights Council (like a Special Rapporteur but with four members)
- LGBT Issues – within the Canadian context, works with colleagues in many departments – Justice, Health Canada, Public Health Agency, Public Safety, Canadian Human Rights Commission, etc.
- HIV/AIDS as a human rights issue
- Implications for international action and domestic compliance



Case Study – continued

- Provides information, facilitates discussion, prepares for negotiations,
- All actions seen by Mr. Lee, the civil servant, as an opportunity to both learn and to “educate” others
- Frustrations from delays, slow progress, lost opportunities
- In addition, Mr. Lee has three other avenues for action:
 1. He teaches a graduate course in HR at the university –exploring ideas, creating space for challenging debate, and nurturing young people who can benefit from a practitioner’s experiences



Case Study – continued

2. He sponsors a human-rights related NGO outside Canada, which provides direct relief and support to displaced refugees in another country – with immediate and longer term strategies and modest finances
3. Self development – he implements a personal learning plan, which is actually required and supported by his Department, by reading extensively, by engaging in various opportunities to learn and contribute, by attending formal classroom and online training and conferences.



Opportunity to Influence

- Is there room to advance a position of human rights protection and analysis domestically or internationally while working inside a government department?
- This is certainly possible in a policy division, where research is imperative – policy papers, think pieces, discussion, conferences, building on experience of other jurisdictions
- It is also possible inside a programmatic department or division, through pilot projects, support to groups working on issues, trust building, some risk taking



Opportunity to Influence

- Is it possible to be an effective human rights civil servant and not be a lawyer?
- With relevant training, the non-lawyer brings varied perspectives, different background and non-legal forms of analysis that could be very pertinent



How to Have Influence

- By referring to the International Instruments
- Through negotiation of specific positions, action, support to initiatives of others
- Through diplomatic/decision-making channels
- With the support of regulatory mechanisms or the drafting of supportive regulatory mechanisms
- Through intra-departmental, or inter-departmental committees
- By listening and collaborating with non-governmental agents
- Through mentoring
- Include or hire those least represented, whose voices will enhance the “human rights project”



Essential Climate

- The climate within government **must** be: to **seek fearless advice** – to speak truth to power
- Uncensored analysis must be provided by civil servants who are **safe** to present the full range of informed options and opinions without fear of censure or criticism
- Public servants **must** have adequate training or background in HR so that they have depth of understanding in order to serve confidently and in an informed manner

Mapping the Human Rights Field in Canada

Civil Society

- HR and Civil Society Organizations (CSOs) working in Canada
- CSOs working internationally
- Trade Unions and Professional Associations
- Foundations
- Universities, Colleges, Research Centres, Schools
- Volunteers

Aboriginal Governments and Aboriginal Political Organizations

The Media

- Mainstream Media at the National, Regional and Local levels
- New Electronic Media and Social Networking

The Private Sector

- Lawyers, Consultants
- Corporate Social Responsibility
- Advertising
- Good works, pro-bono actions and volunteers on Boards, etc.

Canadian Charter of
Rights and Freedoms 1982, 1985.
UDHR,
ICCPR,
ICESCR

The State

- Executive branch of federal, provincial, territorial governments; municipal governments
- Human Rights Commissions
- Human Rights Tribunals
- Departments
- Police and Law Enforcement
- Human rights mandated Crown corporations,
- Inter-departmental committees – permanent and ad hoc
- Labour boards, Ombuds Offices, Privacy Commissioners, police complaints commissions, royal commissions and other special inquiry bodies

The Judiciary

The Legislatures

- Legislative Initiatives
- Oversight and Responsibility
- Corrective Actions
- Direction to implement International Standards
- Partnerships, Coalitions, Networks
- Education, Advocacy, Court Challenges, Monitoring, Report Cards, Partnerships, Innovations, (e.g. Women's court)



Cooperation within Government

- Collaboration with other departments on committees, informal exchanges and sharing of information, coordination of strategies. For example:
 - Deputy Ministers' Committee on Human Rights (an executive committee) with DFAIT, Justice, Heritage (Secretary of State) – opportunity to interface at high level – could meet to plan ratification of new protocol or the assemble response to UN or regional HR body



Cooperation within Government

- Continuing Committee of Officials on Human Rights – Federal/Provincial representatives – receives requests and reports back on international commitments and implementation
- Interdepartmental Committee on Human Rights – to follow up in Canada's appearance at the Universal Periodic Review of the UN – 14 Canadian departments – came into effect as a result of the UPR process
- CASHRA – Canadian Association of Statutory Human Rights Agencies – all the HR commissions, for exchange, problem solving, educational activities



Cooperation within Government

- DFAIT and NGOs/CSOs meet three times a year for ½ day to discuss policy issues
- Previously, the Network on International Human Rights (NIHR) a long-standing coalition of NGOs which lobbied DFAIT at annual three day meeting – very strong for some years, but became a platform of formality and posturing on all sides
- Lesson was that NGOs learned how to present their positions, individually and jointly, to the Department



Human Rights Indicators

- A tool to:
 - Assess progress in implementing human rights
 - Formulate human rights based public policies and programmes
- Qualitative and quantitative analysis for human rights obligations

[Http://www2.ohchr.org/english/issues/indicators/index.htm](http://www2.ohchr.org/english/issues/indicators/index.htm)



Human Rights Indicators

- Methodology:

- Treaty Narrative: What are the attributes?
- What articles are relevant to the issues at hand?
- Structural, Process, Outcome

“Right to Education”

Treaty Narrative Attributes	Universal Primary Ed	Accessible Secondary Ed	Curricula & Educational Resources	Educational Opportunity & Freedom
Structural	HR treaties ratified, constitutions, domestic laws & dates of entry Relevant NGOs			
	Plan of Action, time frame & Coverage No. of years of compulsory ed	Time frame and coverage of national policies Coverage for marginalised groups Proportion of institutions teaching human right		
Process	Complaints received, investigated, adjudicated Public expenditure			
	Ratios, proportion,	Ratios, proportion,	Ratios, proportion,	Ratios, proportion,



What Is So Hard?

- Working in a large department as a civil servant in a bureaucracy means long and often slow processes, rarely quick results
- Often could take years to advance a new policy or engagement
- Strategies for pursuing agenda:
 1. build allies and networks to sustain your own level of commitment and to move files forward
 2. try to have a combination of short and long term files
 3. develop your own leadership and collaboration skills, and that of others



Evaluate, evaluate

- ***Monitoring and evaluation provides:***
- Ongoing reflection during process
- Transparency
- Opportunity for re-direction
- Sharing of information
- Division of labour



Evaluate, evaluate

- Clarification of roles
- Assessment of financial aspects
- Plans for succession



Conclusions

- Foster a culture at all levels of governmental work where open, frank advice is requested by top ranks, so that those top decision-makers have the best advice possible
- Foster a culture of appreciation and safe discussion – honesty and frankness should not be confused with disloyalty or subversive intent
- Knowledge – action – reflection
- Use indicators to establish baseline and assess progress



Bionote and Coordinates

- Magda J. Seydegart is a Partner in South-House Exchange, a management-consulting firm specializing in human rights, development and NGO management. Formerly Chief of Community Cooperation with the Canadian Human Rights Commission, and Executive Director of the University of Ottawa's Human Rights Education and Research Centre, she served two terms on the federal Canadian Human Rights Tribunal.
- The co-founder of several human-rights NGOs in Canada, she has been retained as a consultant by the United Nations, the Government of Canada, Equitas and Amnesty International.
- Ms. Seydegart is a recipient of the Canada 125 Award for her leadership in the human rights field.
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