Strengthening the Resilience of NHRIs and Responding to Threats

Guidance Tool

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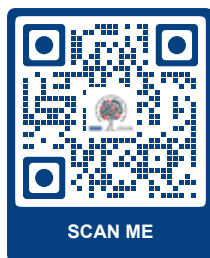
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Contents

Acknowledgments

Acronyms and Abbreviations

APTR   Action plan for threat response

BIA   Business impact analysis

CMT   Crisis management team

CSO   Civil society organization

ENNHRI   European Network of National Human Rights Institutions

GANHRI   Global Alliance of National Human Rights Institutions

NHRI   National human rights institution

OSCE   Organization for Security and Co-operation in Europe

ODIHR   Office for Democratic Institutions and Human Rights

SA   Situational awareness

SCA   Sub-Committee on Accreditation

OHCHR   United Nations Office of the High Commissioner for Human Rights

1. Introduction

1.1. Purpose of this Guidance Tool

This organizational resilience Guidance Tool is designed to be used by leaders and staff of national human rights institutions (NHRIs). Drawing on the experience of NHRIs around the world,[1] it aims to help NHRIs build and maintain long-term resilience and to respond to threats. This analysis and guidance is provided in two parts:

Part I – Examines the importance of organizational resilience and provides advice on the areas NHRIs can focus on to strengthen the resiliency of their institutions;

Part II – Discusses crisis management for NHRIs under threat and some practical ways of responding to pressure and attacks.

1.2. Why is organizational resilience important to NHRIs?

> *In many countries, NHRIs are under pressure. They are threatened, sometimes harassed, and the most active are the most in danger.*
>
> Michel Forst, UN Special Rapporteur on the Situation
> of Human Rights Defenders (2014-2020)[2]

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1 The source materials for the Guidance Tool were existing analyses and reports on NHRIs, the reports of the Global Alliance of NHRIs (GANHRI) Sub-Committee on Accreditation (SCA), and interviews and questionnaires with NHRI leadership. The Guidance Tool also includes quotes from interviews and discussions held with prominent NHRI leaders and activists especially for the purpose of this publication. Although they didn't request anonymity, their statements are not attributed to the particular author and are signed "From the experience of an NHRI leader", or "From the experience of an NHRI staff member". For the purpose of this document the precise origin of an example is irrelevant.

2 GANHRI, "Supporting and Protecting Human Rights Defenders", GANHRI website, <**https://ganhri. org/supporting-human-rights-defenders/**>.

NHRIs have always faced pressure, even as global support for the implementation of the Paris Principles, a set of internationally recognized standards for ensuring the independence and effectiveness of NHRIs adopted by the UN General Assembly in 1993[3], has grown since their adoption. In recent years, however, there has been an increase in the scope and intensity of threats against NHRIs across a wide range of countries.

Threat

In this context, a threat can be defined as an intentional, organized effort to diminish or eradicate the capacity of an NHRI to fulfil its mandate independently and effectively in accordance with the UN Paris Principles. This may be through pressure (repeated hostility) or attacks (outbursts of aggression).

NHRI leaders and staff must be aware of the potential threats they face and be prepared and plan for threats against their institutions. They must be able to counter these threats to the best of their ability, while maintaining their core function as promoters and protectors of human rights. This requires developing and maintaining a culture of resilience. Practices that strengthen organizational resilience will help to improve the ability of NHRIs to anticipate, prepare for, respond and adapt to threats, changes and sudden disruptions.

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3   UN General Assembly, "Principles Relating to the Status of National Institutions, (The Paris Principles)", 20 December 1993, <**https://www.un.org/ruleoflaw/files/PRINCI~5.PDF**>.

1.3. Understanding organizational resilience

Organizational resilience is the ability of an organization to absorb threats and to adapt to changes in its environment in order to deliver on its objectives, to survive and prosper. Enhancing resilience is a strategic goal for many organizations and is the outcome of good business practice and effective risk management, allowing the institution to maintain and enhance its independence.[4]

Organizational resilience is a way of understanding and approaching risk, particularly non-routine and disruption-related risk. Thus, from a practical perspective, the areas that fall under the umbrella of organizational resilience that are included in this Guidance Tool are risk management and crisis management.

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4   Where appropriate, it also mentions best practices and recognized standards, such as: Risk Management ISO 31000:2018, Security and resilience — Organizational resilience — Principles and attributes ISO 22316:2917, Societal Security — Business Continuity Management Systems — Requirements. ISO 22301:2019 and Business Continuity Institute (BCI) "The Good Practice Guidelines" (GPG), 2018 Edition, <**https://www.thebci.org/product/good-practice-guidelines-2018-edition---download.html.**>.

Part I
Identifying Threats and Building Long-term Resilience
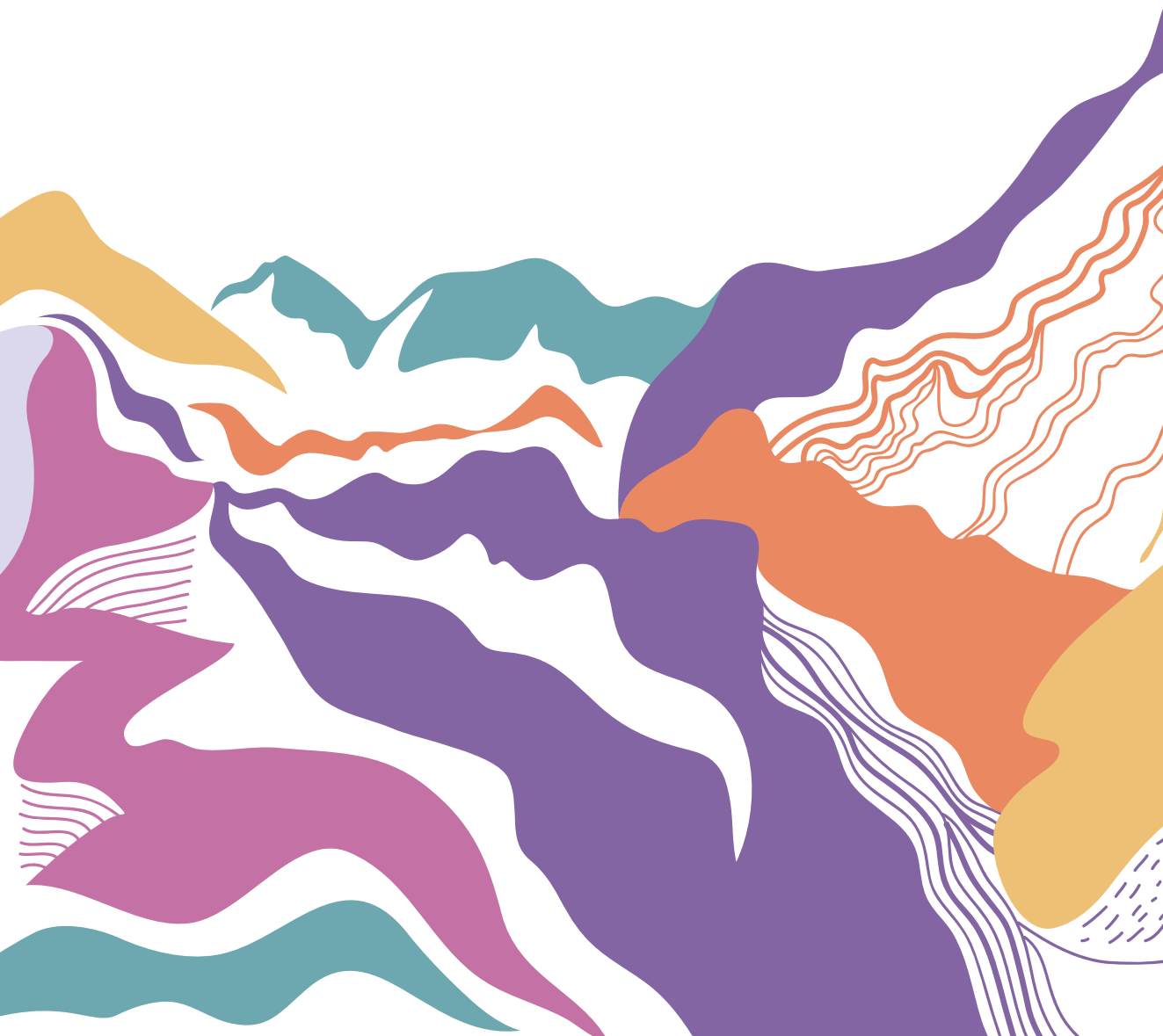
2. Threats to NHRIs

> " *Expressing grave concern about the challenging working conditions, threats, pressures and attacks which national human rights institutions and their staff are at times exposed to in member States.*[5]
>
> Council of Europe (CoE), Steering committee for human rights (CDDH), 24 February 2020

Threats to NHRIs are increasing in the OSCE region as well as globally.[6] Budget and staff cuts, smear campaigns, verbal and physical attacks against leadership and staff, obstruction of investigations, infringements in selection and appointment procedures that should be compliant with the UN Paris Principles[7] and other actions all negatively impact the work of NHRIs around the world.

The new generation of challenges to democracy, human rights and the rule of law around the globe also requires new qualities in democratic institutions, including NHRIs. Threats may be explicit or hidden, one-off or long-term, slowly undermining the ability of the institution to function so that, when a final 'attack' does come, the NHRI may be vulnerable and unable to defend itself.

It is important to emphasize that the establishment and functioning of NHRIs is based on agreed international standards including the UN Paris Principles, as well

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5   "Preliminary draft text of the revised Recommendation No. R(97)14 on the establishment of independent national institutions for the promotion and protection of human rights", Council of Europe (CoE) Steering Committee for Human Rights, CDDH, 24 February 2020, <https://rm.coe.int/steering-committee-for-human-rights-cddh-drafting-group-on-civil-socie/16809ca17c>.

6   There are multiple resources and records of the threats faced by NHRIs in the OSCE region. For example, "Outcome Report - Expert Meeting on Strengthening the Independence of NHRIs in the OSCE region", OSCE ODIHR, Warsaw, 28-29 November 2016", <**https://www.osce.org/files/f/documents/e/1/310331.pdf**>; "NHRIs Under Threat", European Network of National Human Rights Institutions (ENNHRI), no date, <**https://ennhri.org/our-work/nhris-under-threat/**>; "IOI Releases Report on Fact Finding Mission to Poland", International Ombudsman Institute (IOI) website, 24 October 2016, <**https://www.theioi.org/ioi-news/current-news/ioi-releases-report-on-fact-finding-mission-in-poland**>.

7   "Principles Relating to the Status of National Institutions (The Paris Principles)", UN General Assembly, adopted by General Assembly Resolution 48/134 of 20 December 1993, <**https://www.theioi.org/ioi-news/current-news/ioi-releases-report-on-fact-finding-mission-in-poland**>.

as recommendations from the Council of Europe Committee of Ministers,[8] and the Venice Commission[9]. All of the recommendations in this Guidance Tool should be viewed in light of those standards.

2.1. Inherent vulnerabilities of NHRIs

As state-established institutions, NHRIs have certain inherent vulnerabilities to state interference, and these point to where NHRIs can focus their efforts to strengthen their resilience. Particular vulnerabilities that must be considered include:

Resources: NHRIs are dependent on the state for their resources. These resources can be 'easy targets' for authorities who are looking to diminish an NHRI.

Appointments and secondments: NHRIs are dependent on the state for the appointment of their leaders and staff. Appointments that are political, rather than objective and merit-based, can result in an NHRI that sides with political interests over human rights, weakening the credibility and effectiveness of the institution.

State discretion: While international standards[10] provide important rules for how NHRIs should operate in practice, they do not mandate a particular type of NHRI, nor do they prevent the state from changing the structure of its institution. Changes

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8   For example, "Recommendation CM/Rec(2021)1 of the Committee of Ministers to Member States on the Development and Strengthening of Effective, Pluralist and Independent National Human Rights Institutions", Council of Europe, 31 March 2021, <**https://search.coe.int/cm/pages/result_ details.aspx?objectid=0900001680a1f4da**>.

9   For example, "Principles on the Protection and Promotion of the Ombudsman Institution (The Venice Principles)", European Commission For Democracy Through Law (Venice Commission), 3 May 2019, <**https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)005-e**>.

10 "Principles Relating to the Status of National Institutions (The Paris Principles)", adopted by UN General Assembly Resolution 48/134 of 20 December 1993, <**https://www.ohchr.org/en/ instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris,**> and "General Observations", GANHRI SCA, 21 February 2018, <**https://www.ohchr. org/sites/default/files/Documents/Countries/NHRI/GANHRI/EN_GeneralObservations_ Revisions_adopted_21.02.2018_vf.pdf**>. See also: David Langtry & Kirsten Roberts Lyer, National Human Rights Institutions: Rules, Requirements and Practice, (Oxford: Oxford University Press 2021), <**https://global.oup.com/academic/product/national-human-rights-institutions-9780198829102?resultsPerPage=100&type=listing&facet_narrowbyproducttype_ facet=Digital&facet_narrowbypubdate_facet=Next%203%20months&lang=en&cc=tr**>.

aimed at weakening an NHRI can be portrayed as legitimate, making it more difficult for the NHRI to push back.

2.2. Types of threats NHRIs face

Threats may come in different forms. As will be discussed in Part II, leadership and staff of NHRIs under threat need to understand which of these scenarios they are facing. Recorded threats against NHRIs have included:

Reductions of mandate, institutional splits and the establishment of crony institutions to assume parts of the mandate of the NHRI, legitimized through legislation.

Overburdening the NHRI with excessive additional mandates and responsibilities, while denying the required human or financial resources to meet the associated additional demands.

Resource cuts and restrictions, including to budget, staff salaries and numbers, as well as the denial of office space, vehicles, IT and other equipment.

Obstruction of investigations and sabotage of projects, giving deliberately delayed responses or refusing to discuss the NHRIs reports, so as to render the institution ineffective.

Intimidation of leadership and/or staff through smear campaigns, opening disciplinary procedures, launching civil or criminal prosecutions, carrying out surveillance or creating security threats.

2.3. Why are NHRIs pressured and/or attacked?

… NHRIs are human rights defenders and … they contribute to the promotion and protection of other human rights defenders and to a safe and enabling space for civil society.

Council of Europe Committee of Ministers Rec (2021)[11]

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11   "Recommendation CM/Rec(2021)1 of the Committee of Ministers to Member States on the Development and Strengthening of Effective, Pluralist and Independent National Human Rights Institutions", Council of Europe, 31 March 2021, <**https://search.coe.int/cm/pages/result_ details.aspx?objectid=0900001680a1f4da**>.

The principal reason that NHRIs are subject to attacks and/or pressure is because of their human rights work. States bear the primary responsibility for the protection of human rights. The role of NHRIs is to promote and protect human rights in compliance with the UN Paris Principles, often requiring that they highlight a problem created by part of the state and point out the responsibility of the state to uphold human rights standards. This role alone may make the NHRI a target.

Several specific **triggers** increase the likelihood of an NHRI being targeted. Recorded examples have included the following:

Threatening powerful interests

A topic engaged with by an NHRI can endanger the interests of the government or a powerful person, group or entity, such as the security forces or a political party that is seeking to undermine or violate human rights. This occurs more frequently with topics that are considered politically sensitive in the national context.

Impeding government attempts to limit democracy, human rights protections or the rule of law

> "
> *They [the executive] have zero acceptance for a different opinion … Propaganda is making them more and more powerful and, unless there is a power that is really able to contradict them, they don't bother with something which is 'only a recommendation'. Even with regards to the decisions of the judiciary — the judgements — they say I am a lawyer, I know better'.*
>
> From the experience of an NHRI leader

Where a political actor or institution seeks to centralize or monopolize power while disposing of oversight mechanisms that ensure democratic checks and balances, or by imposing laws that unfairly restrict rights, this clashes with the role of NHRIs in protecting citizens' democratic rights.

Being perceived as a 'rival'

> "
>
> *Big problems occurred when the reputation of the institution became very high, and also my own reputation. The surveys were showing that we were the most reputable, most trusted institution in the country and that I was the most trusted public official — ahead of the prime minister, president and others. They started seeing me as competition. I had to announce that I will not participate in elections, and that calmed the situation but, before that statement, it was crazy.*
>
> From the experience of an NHRI leader

Powerful interests can view an NHRI as a 'competitor' for public confidence; where NHRI leadership pushes back against government policies, its public confidence rating may grow, resulting in it being perceived as a threat by the government. This may also happen when the leadership of an NHRI has built high public respect, making politicians see them as future political rivals.

3. Building Long-Term Resilience in NHRIs

Given the threats faced by NHRIs, and the underlying reasons, how can NHRIs be resilient? This section considers the **factors that contribute to the resilience of an NHRI** and some of the **practical responses** that can be used to further develop them. This section is further expanded upon in **Appendix 1**, which contains a Checklist for Resilience Management Planning.

The 12 key factors that contribute to NHRI resilience (Fig. 2.1) are:

- Effectiveness
- Efficiency
- Relevance
- Building alliances and stakeholder engagement
- Communication
- Financial resources

- Integrity
- Human rights competency
- Institutional morale
- Prestige
- Leadership
- Legal powers and mandate

Each of these factors is discussed briefly below.
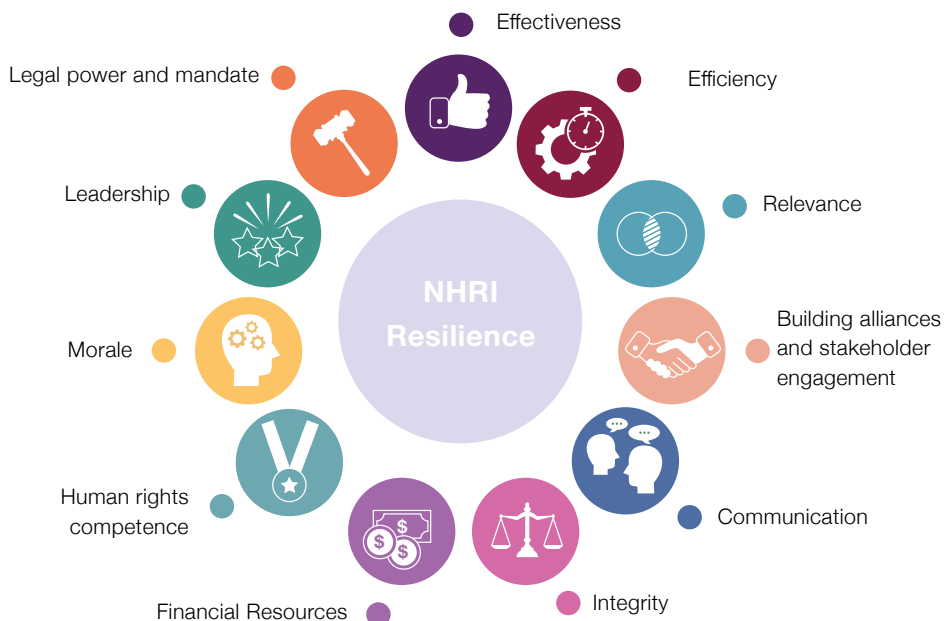
Figure 2.1: Factors that contribute to building NHRI resilience

3.1. Effectiveness

An NHRI that fulfils its most basic mission — one that successfully protects and promotes human rights in compliance with the UN Paris Principles — is considered effective. Certain factors promote effectiveness in an NHRI's operations, including having the clear goal of *improving* human rights, open and legitimate processes and activities, and appropriate engagement with stakeholders.[12]

Effectiveness is a strong factor for resilience. Effectiveness increases the authority of the institution with stakeholders, creating social capital and goodwill, and boosts morale among its staff and management. It is an overarching feature that is closely interconnected with the other factors discussed in the rest of this section.

Demonstrable effectiveness is one of the strongest arguments that an NHRI can use to protect itself from threats. Moreover, the effectiveness of an NHRI also motivates others to support it in times of need. The most obvious reason for the public to mobilize and stand by a threatened NHRI is that the NHRI has previously shown vigilance and success in protecting citizens' rights and liberties.

Practical approaches for ensuring effectiveness

- Ensure that the goal of all NHRI work is to promote and protect human rights;
- Ensure monitoring and follow-up of the NHRI's recommendations; and
- Ensure that the work of the NHRI is communicated to key stakeholders in a transparent way.

3.2. Efficiency

Efficiency is the relationship between the amount of effort (time, human resources, budget, etc.) invested in something and the result. In short, increased efficiency is achieving more with less. Higher efficiency allows the NHRI to achieve its desired results faster and more easily, in turn raising its authority and internal morale. This sends out a message of being in control.

Practical approaches for ensuring efficiency

NHRIs should continually look for ways to improve the efficiency of both their personnel and the institution as a whole. This can be done, for example, through:

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12 Kirsten Roberts Lyer, "National Human Rights Institutions", in Gerd Oberleitner & Steven Hoadley (eds.), Human Rights Institutions, Tribunals and Courts, (Singapore: Springer 2018), <**https://link. springer.com/referencework/10.1007/978-981-10-5206-4**>.

- Effective delegation;
- Skill matching (matching tasks to the staff member with the most appropriate skills);
- Enhancing internal communication;
- Ensuring good feedback channels between staff and leadership;
- Ensuring there are clear goals for the tasks assigned;
- Identifying training needs; and
- Identifying and reducing unnecessary formality or internal processes that cause backlogs.

There are also some NHRI-specific ways to increase efficiency, particularly where resources are stretched, including:

- Reducing the length of reports by focusing on the critical issues and key recommendations;
- Choosing to implement a (media) communications strategy on a particular human rights issue, or publishing a short statement instead of producing a lengthy report;
- Working in partnership with others in the national human rights network to maximize the use of available resources.
- For NHRIs with a complaints-handling function:
  - Prioritizing complaints-handling on critical/urgent human rights issues;
  - Combining complaints-handling with policy recommendations, to try to deal with recurring problems.

When an issue does not need solving quickly, NHRIs should consider taking time to build or strengthen a network of partnerships to work on the issue. This network may help in the future to tackle human rights issues faster, for example, by resolving more cases more quickly, thus enhancing the NHRI's effectiveness and efficiency.

3.3. Relevance

Relevance for an NHRI means being effective in addressing the important and urgent domestic human rights issues of the day. While this does not mean that it must work on every human rights issue, an NHRI cannot ignore a significant human rights issue, even if ongoing issues have depleted its resources. An NHRI plays a lead role in raising and addressing human rights issues even if they are not yet widely acknowledged. In fact, the promotion and protection of certain human rights might be painfully unpopular with the general public, but this should not prevent an NHRI from addressing them. The NHRI should ensure that 'popular' is not substituted for 'relevant' when it comes to dealing with human rights issues. NHRIs should work to communicate that human rights are for everyone, be they part of the majority, a minority or a single individual.

Practical approaches for ensuring relevance

- NHRIs should have measures in place to **identify the most significant human rights issues** in their country. These can include monitoring the media, using polls and surveys, analyzing complaints and talking regularly with representatives of civil society organizations (CSOs).

- Relevance also requires that the NHRI is **well connected with all parts of society**. The NHRI should listen actively to marginalized individuals and groups who have historically experienced discrimination. The leadership and staff of the NHRI must be particularly mindful that these groups and individuals are not always represented by CSOs, and specific efforts may be needed to reach out to them.

- **Multi-year plans** can be useful in identifying the longer-term human rights goals of the NHRI, but should also be flexible enough to ensure that the NHRI can deal with urgent issues.

- Where one of the key activities of the NHRI is complaints-handling, this can take up a huge amount of resources, limiting its ability to address more systemic or pressing human rights issues. Consideration should be given to **prioritizing casework** on the basis of urgency and the particular human rights issue, in order to ensure that the NHRI remains relevant.

- A **periodic review of issues covered by the NHRI**, compared against the issues covered by local and international CSOs, as well as by the UN and regional human rights organizations regarding the NHRI's country, can be helpful in identifying gaps in the NHRI's activities and offers a chance to reflect on how it is choosing which issues to work on.

3.4. Building Alliances and Stakeholder Engagement

NHRIs operate as part of a complex national and international human rights environment. The UN Paris Principles require that they engage and collaborate with a wide range of stakeholders (Fig. 3.2).

Figure 3.2 NHRI External Stakeholders:

From the perspective of long-term resilience, networks and stakeholders are essential contributors to, and beneficiaries of, NHRI work. They can also provide a vital source of support; lobbying for institutions when they are under threat and mobilizing the public and/or the international community in defence of the NHRI.

Practical approaches for building alliances

NHRIs should invest the necessary time and effort to **create and expand their networks**, including by:

- Inviting and attending each other's press conferences;
- Organizing presentations about the NHRI's work, whether general presentations

or high profile cases/reports, in order to build relationships with representatives of international organizations and diplomatic missions;

· Engaging stakeholders and members of the network in the NHRI's strategic planning process;

· Sharing crucial information with members of the network before making it public (as appropriate, bearing in mind the requirements for NHRI independence); and

· Establishing an organizational resilience community to encourage the sharing of information and best practice, and planning activities with internal and external stakeholders.

Building alliances also requires NHRIs to be conscious of the treatment of individual members of the network. Within the boundaries of their independence, NHRIs should be careful to respond to the concerns of network members and to support them, both individually and generally, in their efforts to promote and protect human rights (this is particularly relevant for civil society).

3.5. Communications

Frequent, concise communication is critical to the credibility of any institution. Effective interactions on important issues create a positive impression of the effectiveness and efficiency of the NHRI as a whole. A communications strategy that shares the NHRI's work with its network and the wider public is essential to bolstering the institution's visibility and public awareness. NHRIs must also make sure they have a good working relationship with the national media. The media can be a key ally in ensuring the NHRI is visible and respected, and that any attacks and pressure are accurately reported.

Practical approaches for communications

· **Have a dedicated communications unit** within the NHRI, to deal with both internal and external communication.

· **Build the communications skills** of the most experienced individuals within the NHRI — through training and capacity development — so that they can speak to internal and external stakeholders and audiences.

· **Keep all general channels of communication open**, including in-person meetings, letters and e-mails, and through social media accounts.

· Ensure that the **communications strategy** has a crisis management communications plan.

3.6. Use of Financial Resources

> *Someone promoted a story to a national newspaper about the expenditures of the NHRI. Individual salaries of the leadership and top staff, and how much it spent on travel were published. Even though these were all in line with state institution practice, and well within budget, it was presented in a sensationalist and stark way, out of context. It was designed to make the institution look lavish and poor value for money, to justify the government's cuts to the institution's funding and, in practice, severely impacted on the NHRI's ability to engage at the regional and international levels.*
>
> *From the experience of an NHRI staff member*

NHRIs are custodians of public money. In this regard, the GANHRI Sub-Committee on Accreditation (SCA) recognizes that NHRIs must be accountable in the same way as every other public body.[13] NHRIs must be extra cautious, however, and should employ the highest standards of financial management and accounting, being aware that any error can be an easy target for anyone seeking to diminish the power of the institution. Lack of transparency can also lead to the institution being targeted.

Practical approaches in the use of financial resources

- Request a **budget as large as the institution really needs,** without apology.
- Be clear and ready to **defend why the money is needed** for different parts of the mandate, including for items such as travel that can be mis-represented by those seeking to diminish the institution.
- Ensure **rigorous financial oversight mechanisms**. These should be even more rigorous than those of an external audit.
- Be **transparent** about budget expenditure. Provide information proactively and respond promptly to information requests about expenditure.
- **Plan thoroughly** how to spend the annual budget. If the institution has not used all of the budget towards the end of the fiscal year, avoid spending 'for the sake of spending'.

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13   "General Observations", General Observation 1.10, GANHRI SCA, 21 February 2018, <**https://ganhri.org/accreditation/general-observations/**>.

3.7. Institutional Integrity

An NHRI's leadership should always encourage, stimulate and support honesty and high moral principles among its staff, recognizing that this integrity will also reinforce the institution when under attack or pressure.

An institution will do far better under threat if led by people with integrity, authority and an authentic commitment to the values of human rights and the rule of law. Special attention should be given to these considerations when recruiting for leadership and other senior managerial positions.

Practical approaches for ensuring institutional integrity

- **Hire for integrity**. Hire people who are committed to human rights and to the effectiveness of the institution.
- Develop and adhere to an institutional **code of conduct** and a clear policy of declaring and avoiding conflicts of interest.
- Ensure maximum **transparency** within the institution, operating from the principle that all information should be public. Access to information should only be restricted on clear, stated and defensible grounds.
- Ensure **personal accountability** at all levels, and act proactively to address publicly and take responsibility for mistakes or errors by the NHRI. Make any necessary internal changes to ensure such mistakes or errors are prevented in the future.

3.8. Human Rights Competence

An NHRI's human rights competence comes from the expertise of its staff and leadership. 'Competence' is the ability to investigate and report, knowledgeably, skilfully and accurately, on human rights violations, to conduct relevant research and to communicate and facilitate the NHRI's mission.[14]

The recruitment of qualified staff depends on the work, standing and prestige of the institution, and also, to a large extent, on the compensation package (salary, immunities and privileges, opportunities for professional development and social and

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14   In this regard, it is also worth noting GANHRI recommends that NHRIs "define leadership functionally", i.e., not only NHRI members but also senior staff, and may also include middle management. "Global Principles for the Capacity Assessment of National Human Rights Institutions", OHCHR, GANHRI and UNDP, 2016. <**https://ganhri.org/wp-content/uploads/2020/03/GANHRI-UNDP-OHCHR-Global-Principles-for-the-Capacity-Assessment-of-NHRIs.pdf**>.

pension schemes) that the NHRI offers. GANHRI SCA considers that NHRIs "should be legislatively empowered to determine the staffing structure and the skills required to fulfil the NHRI's mandate, to set other appropriate criteria … and to select their staff in accordance with national law"[15]. In practice, however, these are often not all within the power of the NHRI to control. However, given their importance in building a robust institution, they must feature in long-term resiliency planning.

Practical approaches for ensuring human rights competence

NHRIs should develop, formally adopt and implement an institutional capacity-building plan, which will include professional development opportunities and obligations. It should aim continuously to build the knowledge and skills of those within the NHRI, particularly on human rights law, policy and practice.

NHRIs should also communicate with the relevant government ministry (where possible) and/or parliament to achieve the highest reasonable compensation package for leadership and staff — benchmarked against appropriate national bodies (e.g., a government ministry) — as this will attract a highly competent and skilled team. Proper terms and conditions for staff and leadership are also a demonstration of the commitment of the state to its human rights institution.

3.9. Institutional Morale

Maintaining high morale among the NHRI staff is important both for building an effective institution and to ensuring that it can withstand attacks and pressure.

Practical approaches for enhancing institutional morale

- Maintain an **effective internal organization** and continuously seek ways to improve it. Ensure that the internal hierarchy within the NHRI is based on merit.
- Continuously verify that **staff members are adequately recognized** and rewarded for their work and commitment, and seek to obtain the highest possible compensation packages for leadership and staff, so as to attract and retain a highly competent team.
- **Deal with discontent** among staff members promptly and in a fair and balanced manner.
- Work to remove unfounded discrepancies in remuneration between staff members and leader(ship), if they exist.
- Continuously support effective internal **communications**, seeking to improve

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15   "General Observations", General Observation 2.4, GANHRI SCA, 21 February 2018, <**https://ganhri.org/accreditation/general-observations/**>.

this throughout the organization.

- Make the objectives of the institution clear to all staff members. Make the strategic planning process participatory and **inclusive** of all staff.
- Display and **promote solidarity** with and among staff, and within the institution as a whole. Ensure that whenever the institution performs well, all staff members (including support staff) feel the joy and benefits of success.
- **Leaders must be hardworking** and set the standard by example. They must always act with integrity, while requesting and appreciating the same from others.

3.10. Prestige of the NHRI

The prestige of the NHRI — its position within the state and society, and the authority with which it speaks — is closely related to many of the factors outlined above.

The vast majority of NHRIs do not have enforcement powers and are institutions that rely on persuasion. Therefore, NHRIs need to enjoy high moral standing in order to be effective.

Practical approaches to enhance the prestige of the NHRI

- Honour the tradition of the institution, for example, by marking its anniversaries. Don't lose contact with former leaders and employees; honour those who have died.
- Attend major national and international official events — national holidays, remembrance days, etc.
- Establish an institutional award recognizing human rights contributions.

3.11. Leadership and Culture

> *Some of the people appointed to the Board were of low integrity and very close to the government. They actively tried to undermine the work of the institution from within, by blocking reports and recommendations on important issues and, when that didn't work, publicly attacked the institution, its leadership and staff in the media as being 'elitist' and 'out of touch'.*
>
> From the experience of an NHRI Staff member

Leadership and culture are important in shaping and enhancing an NHRI's resilience. The process for selecting and appointing the leadership, while often outside the control of the NHRI, is critical for its independence and resilience in the long term. NHRIs should do what they can to ensure a process that is compliant with the Paris Principles, in line with the GANHRI SCA's General Observations,[16] before any threats appear.

Developing key leadership skills within an NHRI is a catalyst for resilience-building as it enhances the NHRI's planning, preparation, response and recovery capability, particularly in relation to disruptive events. Equally important is building a resilient approach at every level of management; everyone should understand the NHRI's culture and behave properly and with integrity.

Practical approaches to leadership and culture

- In order to understand what is needed to support proactive thinking, culture and leadership to promote resilience, it is important to identify the cultural attributes required within the NHRI; its values, attitudes and experiences, and especially those of its management teams. These should support resilience.
- Leadership behaviour plays an important role in shaping institutional culture and, therefore, in promoting a *resilient* culture. It is important for leaders to understand their roles and responsibilities. It is equally important that they have a clear understanding of the behaviours they can adopt that contribute to a more resilient organization. This includes, for example, developing the awareness of appropriate behaviour at the leadership, senior management and middle management levels. These behaviours will help to build a more resilient culture throughout the institution.
- Finally, NHRIs should advocate for a robust selection and appointments process, compliant with the Paris Principles and based on the requirements of the GANHRI SCA's General Observations. They must strongly challenge any efforts made to undermine the process through politicized appointments, as the person chosen to lead the NHRI is critical to its existence and survival as an effective institution.

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16   "General Observations", General Observation 1.8, GANHRI SCA, 21 February 2018, <**https://ganhri.org/accreditation/general-observations/**>.

3.12. Legal Powers and Mandate

> " *Some countries adopted 'temporary' laws aimed at preventing the hiring of new staff in public institutions without the approval of a governmental or parliamentary body, even if their staffing table/plan and the available budget allow for it. In practice, this is sometimes used to prevent NHRIs from hiring desperately needed staff. Also, there are countries where some staff are practically seconded to the NHRI. In such cases, the NHRI leadership should have the right to refuse candidates who do not meet required criteria.*
>
> From the experience of an NHRI leader

The strength of the organization's legal framework is also beyond the direct control of the NHRI.[17] It is important, however, that every effort is made by the NHRI at all times to strengthen its legal powers from the perspective of making it more resilient to any future threats. This is crucial because gaps and flaws in legal powers can be exploited.

Practical approaches to legal powers and mandate

It is particularly important for resilience that NHRIs lobby for their national legislation to contain the following provisions, referencing the GANHRI SCA General Observations:

- Transparent and inclusive **merit-based selection and appointment procedures**, compliant with the Paris Principles;

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17   This is an area that has received significant engagement from the GANHRI SCA and in international standards. NHRIs have access to important resources to identify where their legal powers and mandate needs strengthening. The Paris Principles and the General Observations of the GANHRI SCA, and more recently and in additional detail, recommendations of the Council of Europe and its European Commission for Democracy Through Law (Venice Commission), provide a number of standards and guidelines on this aspect. "General Observations", General Observations 1.1 and 1.2, GANHRI SCA, 21 February 2018, <**https://ganhri.org/accreditation/general-observations/**<; "Principles on the Protection And Promotion of the Ombudsman Institution (The Venice Principles)", Council of Europe Venice Commission, 3 May 2019, <**https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)005-e**>; "Recommendation CM/Rec(2021)1 of the Committee of Ministers to Member States on the Development and Strengthening of Effective, Pluralist and Independent National Human Rights Institutions", Council of Europe, 31 March 2021, < https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/-/high-level-meeting <**https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a1f4da**>.

- **Security of tenure** for leadership and dismissal procedures compliant with the Paris Principles;
- Clear **functional immunity** provisions for leadership and staff, as recommended by the GANHRI SCA[18] and the Venice Commission among others[19];
- A commitment to **gradual and progressive funding** that covers premises, staff and operations, and that is not controlled by a government department/ministry;
- Clear **transitional provisions** in the event of the absence of the head (particularly where the head of the institution has specific legal powers, such as an ombudsperson);
- A requirement for **state bodies to respond promptly to requests**. Failure to respond, give access and facilitate an inquiry, or to comply with a legal and legitimate request from the NHRI, may amount to obstruction of its work and should be subject to tangible sanctions upon the initiative or decision of the NHRI; and
- The right to **hire its own qualified staff**.

NHRIs should look to widen their mandate only in so far as they are able to meet the expanded requirements. They should also aim to **use their legal powers fully** — whatever is not used is weakened.

3.13. A Resilience Management Plan

The twelve factors above are important to consider when building resilience. To do this effectively, a resilience management plan should be drawn up and reviewed regularly.

A resilience management plan can reduce NHRI vulnerabilities and mitigate and/or prevent institutional collapse (the NHRI's inability to continue to function in the face of threats). When developing the plan, it is critical for NHRIs to engage and work together with their key stakeholders. A checklist for developing this plan can be found in **Appendix 1 — Checklist for Resilience Management Planning.** NHRIs

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18   "General Observations", General Observation 2.3, note 11, GANHRI SCA, 21 February 2018, <**https://ganhri.org/accreditation/general-observations/<.**

19   "Principles on the Protection And Promotion of the Ombudsman Institution (The Venice Principles)", Council of Europe Venice Commission, note 11, para 23, 3 May 2019, <**https://www.venice.coe. int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)005-e>:** "The Ombudsman, the deputies and the decision-making staff shall be immune from legal process in respect of activities and words, spoken or written, carried out in their official capacity for the Institution (functional immunity). Such functional immunity shall apply also after the Ombudsman, the deputies or the decision-making staff-member leave the Institution."

can review the activities of their institution across the 12 resilience factors identified above. It is divided into two parts:

1. A series of questions to help understand the requirements of each resilience factor; and

2. Suggestions on how to assess this in practice.

Using this checklist, NHRIs can identify where improvements are needed and then develop their own resilience management plan. This should identify the specific steps the NHRI needs to take, set a clear timetable for implementation and assign responsibilities. The plan should be reviewed regularly and should form a central part of the NHRI's business planning.

Part II
Responding to Threats

As discussed in Part I, an NHRI that has strengthened its resilience is in a better position to resist potential threats. In order to be in the best position, NHRIs should be prepared for possible threats and have a plan for how they will respond.

4. Crisis Management

While some crises come without warning, most threats come with early signs that are evident with regular monitoring. NHRIs can monitor these signals to gauge the progress (escalation) of specific threats that could become crises; for example, upcoming elections or changes in legislation. These enable NHRIs to focus on and allocate resources to the most likely threats.

To build the resilience needed to cope with a crisis/threat, NHRIs need to be prepared. This means having the following elements in place:

- A risk management plan
- An action plan for threat response
- A crisis management team (CMT).

4.1. Risk Management Plan

In order to develop a risk management plan, a risk analysis has to be conducted (see Fig. 4.1).

1   **2**   **3**   **4**   **5**   **6**

Conduct
Conduct a risk assessment survey

Identify
Identify risks

Analyse
Analyse the risks

Develop
Develop a survey

Implement
Implement the plan

Monitor
Monitor the risks
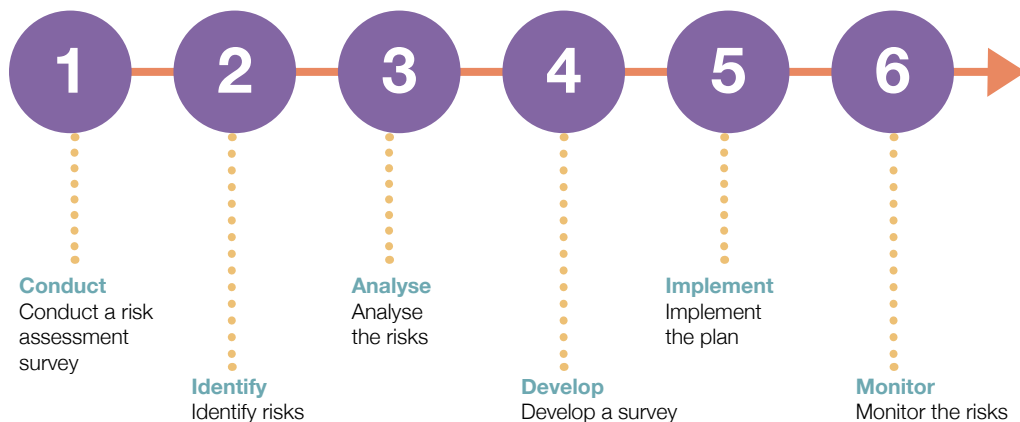
Figure 4.1: Risk Analysis Process

1. **Conduct a threat assessment survey:** This is the process of identifying and analyzing potential threats that could negatively impact the NHRI. This will help avoid or mitigate risks and enhance resilience.

2. **Identify risks:** Each threat will create risks for the NHRI; these should be identified. In addition, for every risk, the organization should identify any early warning signs which would trigger threat assessment/monitoring; for example, rumours about the change of ownership of a large media company, or more media coverage around a potential threat.

Analyse the risks: The risk assessment includes considering the different types of risks, their potential impact(s) and the probability that they will happen (see **Appendix 2 – Checklist for Developing an Action Plan for Threat Response**). Risks need to be classified on the base of likelihood and impact. Grading can be done on a scale of one to five (Fig. 4.2).

Figure 4.2: Risk Assessment Matrix

3. **Develop a risk management plan:** Decide on a risk management strategy, based on the probability of the identified risks occurring. This involves deciding whether the risk should be **managed, contained or eliminated.**

The responses to risks tend to be:

- **Avoid**. Alternative measures are put in place that either stop the risk from occurring or prevent it from having any impact on the NHRI;
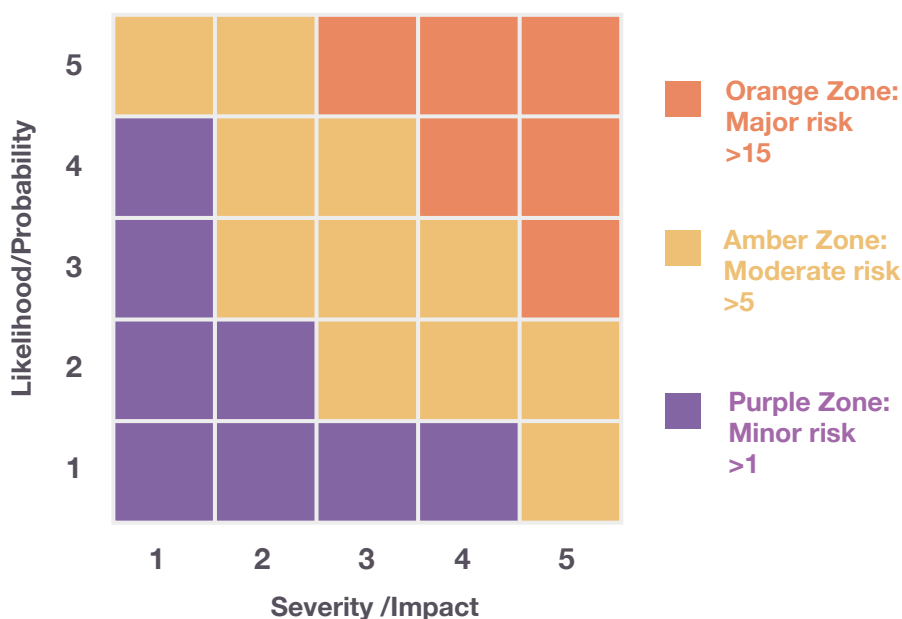- **Transfer**. The impact of the risk is passed on to a third party via, for instance, an insurance policy or penalty clause, albeit at a cost;
- **Mitigate**. The likelihood of the risk developing is either reduced or, if the risk does occur, its impact on the NHRI is limited to an acceptable level; and
- **Accept**. The possibility is simply accepted that the risk might occur.

The most appropriate response will depend on the following:

- The cost of minimizing the impact of any risk, should it occur;
- The costs of the risk management strategy in relation to the value (cost) of the risks;
- The likelihood and probability of the risk occurring;
- The availability of resources to avoid, transfer, mitigate or accept the risk; and
- The severity of the impact.

4. **Implement the risk management plan:** Once the risk management strategy has been agreed upon, specific actions need to be allocated to individuals to address each one. These actions need to be monitored and controlled, and the status of the risk and agreed actions has to be updated on a regular basis; events may occur which remove the risk or reduce the impact and probability of the risk. See the checklist in **Appendix 1** for more information.

5. **Monitor the threats:** This involves an ongoing process of identifying, addressing and managing threats and their accompanying risks.

4.2. Activating a Crisis Management Team

When a specific event becomes a direct threat to the NHRI's interests and activities, it is important to activate the crisis management team. The team's main focus is to dedicate resources to respond to the threat; its very activation sends a strong signal internally and to key stakeholders.

The crisis management team should comprise key leadership and staff from the NHRI and meet regularly during a crisis. During these meetings, it is important to keep a detailed record of all discussions, decisions and actions taken. This will be used to communicate effectively internally and externally, and it will be relied upon during a crisis debriefing, internal/external audit, or subsequent investigation.

In any situation that has the potential to be significantly damaging to the NHRI, the crisis management team's priorities are to protect:

- People — by dealing with threats to physical security, detention, prosecution and the denial of access to workplaces;
- NHRI operations — by minimizing the impact of the crisis on specific operations and projects, and by ensuring that any interruption is as short as possible;
- Assets — by dealing with financial losses and damage to facilities or equipment, including damage to IT equipment and major IT infrastructure outages; and
- The NHRIs reputation — by ensuring that any negative publicity about the organization is minimized and addressed, and that public scrutiny ultimately retains a positive view of the organization's mission and commitment.

5. Practical Ways of Responding to Threats

In responding to a threat, there will be strategic decisions that each NHRI has to make, specifically about the level of pushback when faced with a threat. This involves assessing the risk to the institution of a strong pushback, and NHRIs must think strategically when deciding how and in what way to respond. A strong, public response may lead to an even stronger 'retaliatory' attack from state authorities. At the same time, a failure to react strongly enough may result in the threat achieving its aim with no resistance.

Achieving a level of organizational resilience is not just about achieving better practice in risk and crisis management; it is also about key individuals and teams having the competencies (skills, knowledge, experience) required to better understand and address the uncertainty that may impact the NHRI. Two key competences that will help to build resilience are situational awareness, and critical thinking and decision-making.

Situational awareness (see **Appendix 3**) is being aware of what is happening internally and externally and understanding how any events and actions may impact what the NHRI is doing, both immediately and in the near future. Establishing and maintaining a high level of situational awareness when facing a threat or crisis will help staff when making decisions and setting objectives or determining responses. *Critical thinking* supports the decision-making process. Both these competences can be developed through training and practice.

5.1. Response of Leadership — Boosting Institutional Morale

> " *The staff of the institution were supporting me fully because I am very honest with them. I continuously consult with them. Frequently, they have a tougher position than I do. They know that they work in an institution with the highest reputation — wherever they go people appreciate them. Also, they know that I stand by them if they do their work properly.*
>
> From the experience of an NHRI leader

When an NHRI is faced with threats, the way the leadership responds is critical. Resilience-focused leadership can help an institution to weather and survive attacks and pressure. It is particularly important to maintain morale within the institution.

When there is an imminent or ongoing threat against an NHRI, the following steps are recommended for leadership, in order to build and sustain morale:

- **Share sufficient information about the threat** with staff to ensure that they understand what the institution is going through and why, and to ensure that their work remains as normal as possible, with the leadership absorbing most of the impact.
- **Inform staff regularly** on developments. Deal with fears and problems immediately. Share information on the support that the institution is receiving.
- **Inform staff about major decisions** before they are communicated externally via the media and other communication channels.
- Work hard to **protect the jobs and salaries/benefits** of staff.
- **Encourage positive, constructive thinking** and optimism, but don't be unrealistic.

In some circumstances, a threat may bring the organization together and lift morale, enabling the institution to 'sharpen its teeth'. The staff may end up supporting the leadership more strongly and passionately, making the institution more efficient and responsive.

5.2. Resource Threats

> " *When under attack from the government, manifested in a massive budget cut, we sought project-specific external donor funding to undertake some of the work we had hoped to do. We were able to hire some project staff for this with the external funding, and to actually increase our prominence and position through this work. Further, hiring project staff freed up some of the time of other key staff to work on essential areas. By shifting our focus from lengthy reports to shorter, well-reasoned statements, we were able to do more with less, and actually enhance our visibility with the public and key institutions, while keeping on top of pressing human rights issues in the country.*
>
> From the experience of an NHRI staff member

One of the most prevalent forms of attack against NHRIs is against their resources. When faced with attacks involving the limiting of resources, the NHRI must try to do more with less. The NHRI may also need to seek new ways to fulfil its mandate, for example, by issuing shorter responses to pressing human rights issues (fewer reports, more statements) and reducing the length or complexity of legislative reviews. The NHRI may also be able to reduce funds spent on non-core services and funnel them into ensuring that it can continue to perform its critical functions.

When faced with threats that impact resources and functionality, NHRIs will also likely need to reassess their priorities. An NHRI must be able to adapt to changes in circumstance. It may be that the overall situation in a country has changed (i.e., there are general threats to human rights and the rule of law) and the institution is operating in line with a five-year plan that was written in better times. The NHRI should focus on a goal-oriented solution that will enable it to keep being effective in its work to promote and protect human rights. This requires a focus on relevant human rights issues and the ability to adapt to the changing situation.

The NHRI must also be mindful that defending the institution will be a drain on resources. It can take up significant amounts of time, in particular for the leadership who may not have time for their regular work. Improved delegation of decision-making (e.g., to a deputy or senior management) may help to offset this.

Most of all, a threat cannot be allowed to overwhelm the agenda and deprive the institution of its focus on its mandate; the promotion and protection of human rights have to remain the main concern and topic of discussion.

5.3. Changes to Mandate

> " *The Minister of Defence objected to the head of the NHRI for giving a 'disproportionally large share of its attention to the human rights of members of armed forces and investigating into army affairs too often and too deeply'. As the head of the NHRI declined to promise that monitoring of human rights in the military would decrease in intensity, the Ministry of Defence … began a media campaign, claiming that rights of members of the armed forces would be far better protected with a specialized military oversight institution than by the general NHRI.*
>
> From the experience of an NHRI leader

Another key threat area for NHRIs is in relation to their mandate. One way to attack a strong NHRI is to introduce legislation that will reduce its powers. There is an ongoing discussion about whether there should be multiple domestic institutions with specialized human rights mandates, or whether all mandates should be centralized in the NHRI. The Paris Principles and GANHRI promote NHRIs with a broad mandate. Excessive divisions and specializations — the 'atomization' of NHRIs — put resiliency at risk. A threat to an NHRI's mandate may require the swift involvement of regional partners — NHRI networks and international organizations (e.g., ODIHR, the Venice Commission) — to provide expert analysis of the proposed changes and to mobilize support for compliance with the Paris Principles.

5.4. Leveraging Support

It is critical for NHRIs facing threats to leverage support. In terms of building resilience, it is vital for NHRI networking to identify 'true' allies. The NHRI must be able to choose who it interacts with, because the choice of allies will depend on the context. For example, in some countries, allies may include the parliament, while in others the parliament may be hostile.

> *I was not attacked directly from the government; I was attacked from the members of parliament. We have a fake opposition ... Those MPs were even more repressive than those from the ruling party, and I have even received insulting sexist remarks from them ... Upon hearing my reports in the parliament, representatives of the 'fake opposition' have demanded that the institution of the ombudsman be closed, since I have not 'managed to eradicate the poverty in the country'. Then a representative of the ruling party took the floor to defend me. But this was all a game.*
>
> From the experience of an NHRI leader

The following areas are particularly important for NHRIs in leveraging support when under threat:

5.4.1 Address National Networks and Civil Society

When faced with a threat, the NHRI should immediately take steps to seek support from national networks. These should already be firmly in place, through the NHRI's networking activities. They should be regularly informed and asked for support, including to help identify priorities (particularly if the NHRI needs to adapt to changes in resources). If the parliament is supportive, it should be included here, particularly if there is a dedicated human rights committee. Where possible, the NHRI should build alliances and coalitions with members of networks specifically to counter threats against it.

5.4.2. Get International Support

Recommendations from international organizations can be a powerful tool to support the NHRI, and also to deflect some of the animosity that NHRIs may face (as it is the international organization's recommendation, not the NHRI's). International and regional organizations are also vital for mobilizing support for the institution under threat.

Contact focal or designated points (for example, in the OHCHR or ODIHR) for support via GANHRI or a regional group, such as ENNHRI. As noted above, if the enabling legislation for the NHRI is under threat, ask for the support of ODIHR and the Venice Commission for a review of the legislation.[20]

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20   For further information on how to request a legal opinion, see: "Requesting Legislative Assistance from ODIHR", OSCE ODIHR, 20 December 2018, <**https://www.osce.org/files/Requesting%20 Legislative%20Assistance%20from%20ODIHR%20EN%20web.pdf**>.

Regional groups, such as ENNHRI[21] and the Asia-Pacific Forum,[22] have specific threat response plans to support NHRIs that can be mobilized at the request of the NHRI.

5.4.3. Communicate

A communications plan should be developed as part of the action plan for threat response (See **Appendix 2**). In a crisis NHRIs may have to communicate in a new way — in real time/fast — to make sure that all relevant actors, including intergovernmental organizations and NHRI networks, are aware of what is going on, what input they can provide and how they can support the institution.

The NHRI must also maintain existing communications on human rights issues and it must decide how it will respond to attacks in the media. This is not a simple decision, as there can be positive and negative outcomes from either option. For example, choosing not to respond means failing to refute unfounded allegations, while responding may add 'fuel to the fire' and keep the story 'alive' for longer.

5.5. Lesson Management

NHRIs should have a strong focus on identifying lessons learnt from threats and crisis situations. In many organizations, however, there is insufficient focus on taking the next steps to embed and measure recommended changes or improvements. Lesson management allows lessons to be identified and embedded through action and change, in order to sustain positive performance and improve in problem areas.

The four phases of the lesson management lifecycle (Fig. 5.3) are:
- **Collection** of observations and insights from threats/crisis situations;
- **Analysis** of observations and insights to develop lessons that can be learnt;
- **Implementation** of the changes identified as necessary and communicating the benefits; and
- **Monitoring** and evaluating the changes that have been implemented, in order to ensure that the lesson has been learnt.

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21   "Guidelines on ENNHRI Support to NHRIs under Threat", ENNHRI, February 2020, <**https://ennhri. org/wp-content/uploads/2020/02/Guidelines-on-ENNHRI-support-to-NHRIs-under-threat. pdf**>.

22   "APF Guidelines: NHRIs Under Threat", Asia Pacific Forum of National Human Rights Institutions (APF), 2019, <**https://nhrc-qa.org/wp-content/uploads/2019/02/APF-Guidelines-NHRIs-under-threat.pdf**>.

1 **Collection** of observations and insights from threats/ crisis situations

2 **Analysis** of observations and insights to develop lessons that can be learned

4 **Monitoring** and evaluating the changes which have been implemented in order to validate that the lesson has been learned

3 **Implementation** Identifying what needs to change and implementing actions and communicating the benefits
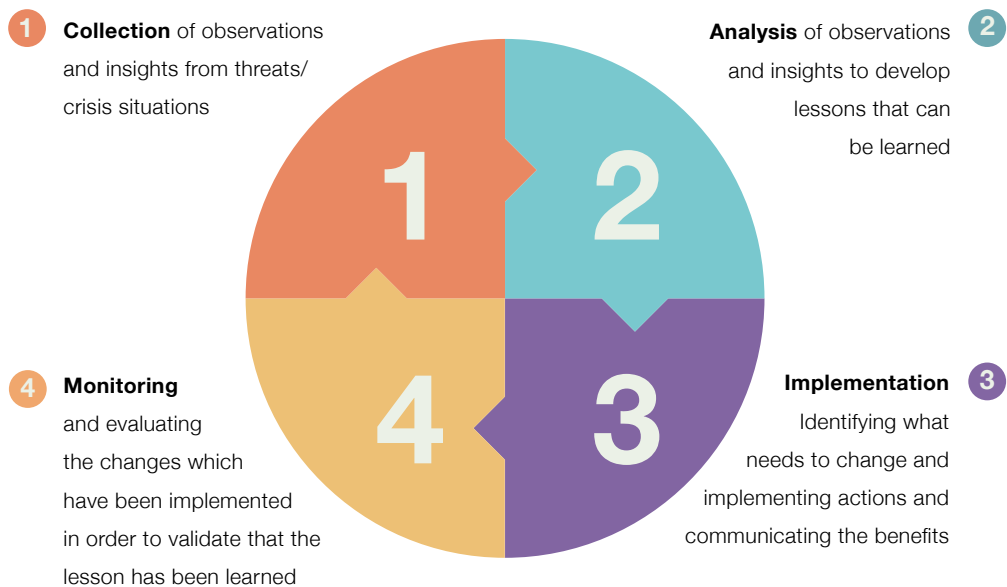
Figure 5.3: Lesson Management

6. Next Steps

This Guidance Tool has focused on how to build NHRIs' capacities to continue providing human rights services when under pressure, and how to 'bounce back' after attacks. In particular, it has emphasized the need for NHRIs to build resilience in order to cope with future threats.

What are the next steps for NHRI leaders and staff reading this Guidance Tool?

First, NHRIs should **develop a resilience management plan**, using the information set out in Part I, and the checklist in **Appendix 1**. Resilience management should form an ongoing part of an NHRIs regular operational and business planning.

Second, NHRIs should develop **an action plan for threat response,**, using the information in Part II and the checklist in **Appendix 2**.

While NHRIs work to strengthen their resilience and endure times of crisis, their primary focus must remain on their human rights mandate and effective implementation. The ultimate goal of the Guidance Tool is to support the effectiveness of NHRIs in protecting and promoting human rights, by helping them strengthen their resilience and weather crises. The attributes that strengthen resilience will benefit NHRIs in the best and worst of times. NHRIs that build and maintain these attributes will also be better prepared for change and to deal with any threats, should they arise.

7. Appendix 1
Checklist for Resilience Management Planning

Factor	Questions to ask	Indicators of success
Effectiveness	1. Are your activities focused on protecting and promoting human rights in practice?	1. There is a clear institutional goal to improve human rights.
	2. Do you monitor and track your achievements (and failures)?	2. Monitoring and follow-up are in place.
	3. Is there regular and appropriate engagement with stakeholders?	3. Processes and activities are legitimate and transparent. Stakeholders are regularly and appropriately involved.
	4. Does your organization proactively monitor what is happening in human rights in the country, to have an early warning process to identify emerging issues?	4. Monitoring is in place to identify emerging human rights issues, including through regular communication with stakeholders, in particular with CSOs and civil society.
	5. Do staff in your organization feel responsible for the organization's effectiveness?	5. Staff own a problem until it is resolved.
	6. Is your NHRI successful at learning lessons from past projects and making sure these lessons are carried over to future projects?	6. Lesson Management sessions are held frequently.
	7. If something is not working well do staff feel able to raise the issue with senior management?	7. Internal communication processes are in place to address escalating issues/potential risks.
Efficiency	Do your internal processes emphasize efficient use of resources?	Leadership seeks ways to improve delegation; skill matching (matching tasks to the staff member with the most appropriate skills); enhanced internal communication; good feedback channels from staff to leadership; ensuring there are clear goals for tasks; identifying training needs; and identifying and reducing unnecessary formality or internal processes that cause backlogs.

Relevance	1. Is your NHRI working on the most important/urgent human rights issues in the country?	1. Human rights issues in the country are mapped. Roundtable and town hall meetings are held regularly with CSOs, to ensure the NHRI is on top of emerging and urgent human rights issues.
	2. Is your NHRI 'avoiding' dealing with some issues and, if so, why?	2. 'Avoided' topics are reviewed internally, with open conversations as to why they are not being dealt with. Resources/support, including from regional partners, are sought, where needed.
Alliances & Stakeholder Engagement	1. Has your NHRI developed a networking plan? Does it have a stakeholder map?	1. Contacts and the level of engagement are regularly assessed and mapped.
	2. Does your NHRI proactively engage with stakeholders?	2. There are forums for permanent stakeholder engagement, such as councils of external experts as permanent advisory bodies (representatives of CSOs relevant to the topic; independent experts, journalists, public people active in the field), which are held regularly.
	3. Does your NHRI collaborate and communicate with others in your sector to manage unexpected challenges?	3. An organizational resilience community of practice has been established to encourage information sharing and planning activities with internal and external stakeholders.
	4. Is your NHRI an active participant in relevant groups?	4. NHRI leaders/staff take part in joint national and international projects, co-operation on research, brainstorming or external expert advice. Joint training is organized and attended by members of the NHRI and other organizations. There is engagement with regional and international NHRI bodies, particularly GANHRI and the regional network.

Communications	1. Does your NHRI operate in an open and transparent manner?	1. There is a communications strategy in place that is regularly reviewed. There is a dedicated communications unit for internal and external communications.
	2. Does your NHRI operate across communications platforms?	2. Social networks and media are used to establish a regular exchange of progress and insight.
	3. Is there training and support for staff in communications skills?	3. The communications skills of staff members are developed through training, so that they can speak to internal and external stakeholders.
	4. Do you have a crisis management communications plan as part of the institutional communications strategy?	4. A crisis communications plan is in place, and there are back-up communication methods in place for use during a crisis.
Financial Resources	1. Are there strong protocols in place for the use of financial resources?	1. Policies and practices for the use of resources operate at the highest level of integrity, with regular training of personnel.
	2. Are finances and budgets transparent and open?	2. Annual and periodic accounts and reports on the use of the NHRI's budget are publicly available on the institution's website and in annual reports.
Integrity	1. Do recruitment practices support the hiring of people committed to human rights and the institution?	1. Recruitment practices emphasize integrity and commitment to human rights for all positions.
	2. Is there a code of conduct/ethics in place?	2. A code of ethics and accompanying procedures are in place for the reporting and handling of breaches of ethical codes.
	3. Is your NHRI operating transparently and openly?	3. The NHRI is proactive in being open about its work and practices. Access to materials is only restricted on limited, clearly stated grounds.

Human Rights Competence	Does your NHRI ensure initial and ongoing staff competence?	There are processes in place for recruitment and continuing professional training. Such professional development has a specific human rights focus, particularly for technical staff. Benefits and rewards packages are reviewed regularly.
Morale	1. Does your NHRI have a 'staff morale' plan in place?	1. There are plans for continuing professional training, bonuses, salaries and benefits, which are regularly reviewed.
	2. Do staff have the appropriate authority to make decisions that impact their work?	2. Staff are involved and able to make decisions where their specific experience and knowledge adds value, and/or where their involvement will help with implementation.
	3. Is authority clearly delegated to enable a crisis response?	3. There are specific decision criteria for executing the crisis/ emergency or business continuity plan, which designates key personnel needed during emergencies, with detailed assignments, clear roles and responsibilities.
	4. Are staff encouraged and rewarded for using their knowledge and expertise in innovative ways in order to solve problems, and for using creative approaches for developing solutions?	4. There are processes for encouraging and rewarding innovation and creativity. This includes personal development plans for individuals, which are reviewed every 6-12 months.
	5. Is there good communication internally within your institution?	5. Operations are inclusive. Staff are involved in decision-making processes.
	6. Are there any barriers that stop staff from working well with each other and with other organizations?	6. Staff are able to work with the appropriate individuals regardless of departmental or organizational boundaries.
	7. Do managers constantly monitor staff workloads and reduce them when they become excessive?	7. Staff are not overworked, and due regard is given to work-life balance.

Prestige	Is attention paid to enhancing the prestige of your NHRI?	The tradition of the institution is celebrated, for example, by marking its anniversaries. There is attendance by key staff at the main national and international official events, including remembrance days. There is an institutional award for human rights contributions.
Leadership & Culture	1. Are leaders hired with integrity in mind? 2. Is the selection and appointments process compliant with the Paris Principles? 3. Are leaders good role models whom others aspire to learn from?	1. Integrity is a key criterion for appointment. 2. The selection and appointments process is reviewed against the Paris Principles, and changes are proposed by the NHRI as needed. 3. Leaders are hard-working, have high moral standing and lead by example.
Legal Powers & Mandate	Are there legal powers/functions that need to be improved?	Check the NHRI law against the Paris Principles and the GANHRI Sub-Committee on Accreditation. Support can be sought via ODIHR/ the Venice Commission, if needed.
Crisis Planning & Response	1. Does your NHRI have a formal written crisis management plan or business continuity plan? 2. Does your NHRI have people who perform the following roles: - risk management; - crisis management; and - business continuity?	1. There are crisis management plans in place that are reviewed every 6-12 months. Regular crisis and scenario simulations are conducted with key decision makers across departments and functions. 2. Designated individuals have responsibility for risk and crisis management, as well as business continuity.v

8. Appendix 2
Checklist for Developing an Action Plan for Threat Response (APTR)

Step & Component	Actions	Content	Tips
Step 1 Risk Analysis	Perform a risk assessment aiming to create a risk matrix and a risk register (see above). This must be prepared during guided workshops with all staff at least once a year.	Discover and assess vulnerabilities: What threats is your organization likely to face? What would be the consequences (risks) of these threats for your NHRI if they happened? What would be the impact of each of these risks, and how might they be mitigated?	Draw up a list of potential threats to your NHRI. Draw up a list of why your NHRI may be threatened, to see where risks may arise and what mitigation measures might be required.
Step 2 Action Plan for Threat Response (APTR)	Taking into consideration the threats and associated risks your NHRI may face, draw up a key threats response plan. The action plan should be simple, clear and manageable by the crisis management team (CMT).	Make a detailed plan for each of your identified threats and how you will manage their consequences. Identify how each risk will be mitigated and who will be responsible/accountable for each one.	The guiding principle for the APTR is the continued functioning of the NHRI for the promotion and protection of human rights
Step 3 Monitoring (Part 1 of the APTR)	For each threat, define early warning signals.	How will your NHRI monitor potential threats? How will the impact of each associated risk be measured?	Use the threats list (see tip in Step 1) to help identify areas of focus. Networks, particularly of CSOs, are important here to help identify emerging issues.

Step 4 Activation (Part 2 of the APTR)	Define when a threat is an emergency and when it becomes a crisis. Identify trigger points for each threat.	When will your APTR be activated? Who will be responsible for taking the decision to activate it? Who will be responsible for implementing it?	Develop a threat response flow chart.
Step 5 Chain of Command (Part 3 of the APTR)	Create a Crisis Management Team. Each member of this team must have someone who can substitute for them.	Develop an organizational chart of roles and responsibilities for threats / crisis management situations. Consider what will happen if one of those responsible becomes unavailable as a result of the threats (e.g., due to personal attacks). Build in redundancies. Ensure that each team member receives relevant training and development to enhance their crisis management skills.	Think about who is best placed to act and whether you need sub-teams (e.g., for communications).
Step 6	Identify someone responsible for crisis communications. Prepare a crisis communications plan.	Develop an internal and external threat response communications plan. Identify spokespersons, media channels and social media for use during a crisis. Be clear on how you will adjust your current communications approaches to respond quickly when needed.	Identify key experts in your network who can assist with your crisis communications plan and its implementation.
Step 7 Support (Part 5 of the APTR)	Identify key internal and external stakeholders who can provide support in a crisis.	Who will you seek national/international support from, and what will you ask for? How and when will you need to engage these key stakeholders?	Use your network to identify your key stakeholders/ supporters and how they could be engaged.

Step 8 Resources (Part 6 of the APTR)	Identify processes that are deemed critical to support the NHRI´s mission/mandate and essential functions (so-called 'business impact analysis'). Identify key individuals and define a succession plan.	What resources will your crisis team need? How will resources be re-allocated if your budget is cut? What are your critical functions? If your budget is cut, what steps can you take to ensure essential functions continue?	
Step 9 Adaptability (Part 7 of the APTR)	After you identify processes that are deemed critical to continuing to exercise your mandate (business impact analysis), prepare a business continuity plan to focus on essential activities.	How will you adapt based on the threats? What programmes will be maintained, what will be dropped, and what will be added?	The effectiveness and relevance components of your long-term resilience plan should help with decisions here.
Step 10 Stabilization, Recovery and Continuity (Part 8 of the APTR)	Identify how to stabilize the situation and return to business as usual.	How will you stabilize the institution in the short-term? How will you recover and rebuild? How will you identify and share lessons learnt with key stakeholders?	Think about what recovery looks like in your scenario and look for opportunities to re-shape the post-threat NHRI into a more effective institution. Conduct a lesson management exercise.
Step 11 Review, Testing and Training (Part 9 of the APTR)	Define a review, training and exercise policy. CMT training should be in the format of tabletop, walk-through and live exercises. Situational awareness and the business continuity plan should be part of the onboarding of new staff.	When and how will you review the plan? What types of simulations can you run to identify how your plan will operate in practice? How will training of all staff and leadership on the plan be ensured?	Reviews should be periodic, depending on the situation in the country (2-5 years). Simulations can help you test the functionality of the plan. New staff should be trained and developed.

9. Appendix 3
Situational Awareness

The Endsley model for situational awareness (SA)[23] describes the concept in three main stages.

Stage	Approach
Stage 1 Perception	The first step in achieving SA is to perceive the status, attributes and dynamics of relevant elements in the environment. This is the most basic level and involves the processes of monitoring, cue detection and simple recognition. This leads to an awareness of multiple elements (objects, events, people, systems, environmental factors) and an assessment of their current states (locations, conditions, modes, actions).
Stage 2 Comprehension	The next step involves an analysis of the above elements, through the processes of interpretation, evaluation and pattern recognition. This requires developing a comprehensive picture of the changing situation by integrating the information to understand how it will impact upon the organization.
Stage 3 Projection	The last step involves the ability to project the future actions of the elements into the environment. This is achieved through knowledge of the status and dynamics of the elements to give an understanding of the situation. This is followed by extrapolating this information forward in time to determine how it will affect future states for the disruption event being managed.

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23   Mica. R. Endsley, "Toward a Theory of Situation Awareness in Dynamic Systems", Human Factors, Vol. 37, No. 1, March 1995, pp. 32-64, <**https://www.researchgate.net/ publication/210198492_Endsley_MR_Toward_a_Theory_of_Situation_Awareness_in_ Dynamic_Systems_Human_Factors_Journal_371_32-64**>.

10. Glossary

Business continuity management (BCM): Provides for the availability of processes and resources, in order to ensure the continued achievement of critical strategic objectives

Business continuity plan (BCP): Documents the procedures and other information to be followed by business units in the event of a threat or crisis

Business impact analysis (BIA): The process of analysing business functions and the effect that a business disruption might have on them

Threat (in the context of NHRIs): A threat can be defined as an intentional, organized effort to diminish or eradicate the capacity of an NHRI to fulfil its mandate independently and effectively in accordance with the UN Paris Principles. This may be through pressure (repeated hostility) or attacks (outbursts of aggression)

Crisis Management: The organization and management of resources and responsibilities to ensure a coordinated response by an NHRI in a crisis

Crisis Management Team (CMT): Consists of key executives and essential supporting personnel. It prepares an organization to respond to potential emergencies. It also executes and coordinates the response in the event of an actual crisis

Risk management framework: Components that provide the foundations and organizational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management processes throughout the NHRI

Lesson management: The collection, analysis and dissemination of experiences from events, threats, crises and reviews

Organizational resilience: The ability to anticipate, prepare for, respond and adapt to changes and sudden threats so as to continue the delivery of services and meet stakeholder expectations

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