



## General Assembly

Distr.  
GENERAL

A/HRC/7/69  
14 January 2008

Original: ENGLISH

---

HUMAN RIGHTS COUNCIL  
Seventh session  
Agenda item 2

### **ANNUAL REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND REPORTS OF THE OFFICE OF THE HIGH COMMISSIONER AND THE SECRETARY-GENERAL**

#### **Report of the Secretary-General on national institutions for the promotion and protection of human rights\***

##### **Summary**

The present report, covering the period January to December 2007, contains information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions (NHRIs); measures taken by Governments and NHRIs in this regard; and cooperation between NHRIs and international mechanisms to promote and protect human rights. Information regarding the work of NHRIs in respect of specific thematic issues is also included. Documents dealing with the events noted in the present report may be found on the website relating to NHRIs ([www.nhri.net](http://www.nhri.net)). Additional information on initiatives and assistance provided to NHRIs may be found in the Secretary-General's reports to the Human Rights Council at its fourth session (A/HRC/4/91) and to the General Assembly at its sixty-second session (A/62/287).

---

\* In order to comply with the General Assembly rules on page limitation, the annexes are being circulated as received and in the language of submission only.

## CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1	5
<b>I. THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND NATIONAL HUMAN RIGHTS INSTITUTIONS .....</b>	<b>2 - 55</b>	<b>5</b>
A. Advisory services provided by OHCHR to NHRIs .....	7 - 28	6
1. The Americas and the Caribbean .....	12	7
2. Africa .....	13 - 21	7
3. Asia and the Pacific .....	22 - 25	8
4. Europe .....	26 - 28	8
B. OHCHR support to regional initiatives related to NHRIs .....	29 - 46	9
1. The Americas and the Caribbean .....	29 - 31	9
2. Africa .....	32 - 34	9
3. Asia and the Pacific .....	35 - 39	10
4. Europe .....	40 - 43	11
5. Arab region .....	44 - 46	12
C. OHCHR support to international initiatives related to NHRIs .....	47 - 55	13
1. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) .....	47 - 52	13
2. The Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights .....	53 - 55	14
<b>II. COOPERATION BETWEEN UNITED NATIONS HUMAN RIGHTS MECHANISMS AND NATIONAL HUMAN RIGHTS INSTITUTIONS .....</b>	<b>56 - 68</b>	<b>15</b>

**CONTENTS (*continued*)**

	<i>Paragraphs</i>	<i>Page</i>
III. COOPERATION BETWEEN THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS ON NHRIs .....	69 - 72	17
IV. ROUND TABLES OF NATIONAL HUMAN RIGHTS INSTITUTIONS ON THEMATIC ISSUES .....	73 - 80	18
A. Conflict prevention and prevention of torture .....	73 - 78	18
B. Transitional justice.....	79	19
C. Role of NHRIs in United Nations human rights mechanisms .....	80	19
V. CONCLUSIONS .....	81 - 86	19

**Annexes**

I. Sixth Conference of African National Human Rights Institutions - Kigali Declaration .....	21
II. Twelfth Annual Meeting of the Asia Pacific Forum of National Human Rights Institutions - Concluding Statement .....	26
III. 14th Annual Workshop of the Framework on Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region - Bali Action Points .....	30
IV. Regional Workshop on the Establishment of National Human Rights Institutions in Asia - Concluding Statement .....	32
V. Support and Obstacles to the Protection of Human Rights; cooperation between ombudsman institutions and public administration, media and civil society Regional Ombudsman Conference - Joint recommendations .....	33
VI. First Arab - Euro Regional Conference for National Institutions for the Promotion and Protection of Human Rights - Conclusions and Recommendations .....	38
VII. The Third Conference on the “Role of National Human Rights Institutions in Promoting the Independence of the Judiciary in the Arab Region” - Rabat Declaration .....	41

**CONTENTS (*continued*)**

	<i>Page</i>
VIII. Chart of the status of national institutions accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights .....	46
IX. Workshop of National Human Rights Institutions and Treaty Bodies - Conclusions .....	53
X. Discussion paper on interaction between national human rights institutions and special procedures .....	56

## **Introduction**

1. The present report is submitted pursuant to Human Rights Council decision 2/102 of 6 October 2006, requesting the United Nations High Commissioner for Human Rights to “continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. The present update outlines progress achieved since the last report of the Secretary-General to the Human Rights Council on national institutions for the promotion and protection of human rights (A/HRC/4/91).

### **I. THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) accords priority to the establishment and strengthening of NHRIs with due regard to the Principles relating to the status of national institutions (the Paris Principles; General Assembly resolution 48/134 of 20 December 1993, annex). OHCHR is also engaged in improving United Nations system-wide coordination on the work of NHRIs, and supports increased participation of NHRIs in the United Nations human rights system. OHCHR encourages the sharing of good practices among NHRIs, supports the strengthening of their regional networks and facilitates their access to United Nations Country Teams (UNCTs) and other relevant partners within and outside the United Nations system.

3. During the reporting period, OHCHR has sought, through a wide range of activities, to heighten its commitment to supporting the building of strong NHRIs and to increasing the effectiveness of regional coordinating bodies of NHRIs. In addition, the National Institutions Unit (NIU) of OHCHR has established a fellowship programme and issued a call for candidates in 2007. Through this programme, one “A status” NHRI staff member will be selected to work in the NIU for six months in order to gain knowledge of and experience with the United Nations human rights system. This fellowship programme will be beneficial for OHCHR, both in terms of substantive expertise as well as through the consolidation of direct contacts with NHRI staff from the whole world.

4. Paris Principles compliant NHRIs stand out as partners who are central to national human rights protection systems and are important counterparts for OHCHR. They can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level; a role which is increasingly recognized by the international community.

5. This role was highlighted by the United Nations High Commissioner for Human Rights at the opening of the nineteenth session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) on 21 March 2007. The High Commissioner noted that NHRIs are instrumental in ensuring respect for the rule of law at the national level as well as in addressing critical human rights issues, such as summary executions, torture and arbitrary detention, as well as fighting against impunity.

6. On 3 May 2007, on the occasion of the twentieth anniversary of the Danish Institute for Human Rights, the Deputy High Commissioner for Human Rights, highlighted the role NHRIs are likely to play within the universal periodic review (UPR) mechanism of the Human Rights Council. She pointed out that the UPR may lead to the birth of many new NHRIs and greater compliance of NHRIs with the Paris Principles, as countries are likely to redouble efforts to strengthen their national protection system.

#### **A. Advisory services provided by OHCHR to NHRIs**

7. OHCHR has undertaken to strengthen the role of NHRIs at the country, regional and global levels, mainly through its National Institutions Unit (NIU), which works in consultation with the geographic units and field offices of OHCHR. At the request of Member States, tailored advice is provided to a growing number of countries on appropriate constitutional or legislative frameworks regarding the establishment of NHRIs; on the nature, functions, powers and responsibilities of NHRIs. Comparative analyses, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken.

8. Various training and informative materials have been finalized by OHCHR, such as the CD-ROMs of the Actors for Change project (see section IV A below), and a handbook on the role of NHRIs in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination (in cooperation with UNAIDS).

9. Further to the holding of the 8th International Conference of NHRIs (Bolivia, October 2006), and as requested in the Santa Cruz Declaration, a study on best practices of NHRIs addressing human rights and migration issues was prepared.

10. Since 2003, OHCHR maintains, in cooperation with the Danish Institute for Human Rights, a website on NHRIs ([www.nhri.net](http://www.nhri.net)). The site, linked to all existing NHRI websites and to the OHCHR main web page, includes information on country and thematic issues of interest to NHRIs. Furthermore, a database of comparative analyses for procedures and methods of complaints handling by NHRIs, as well as a news alert sent by e-mail to all interested parties, were launched in 2004. In 2008, the management of the website will be ensured and led by the Indian National Human Rights Commission.

11. During the reporting period, advice was provided by OHCHR to the following countries: Azerbaijan, Burundi, Cambodia, Chile, Côte d'Ivoire, Ethiopia, Indonesia, Italy, Lesotho, Madagascar, Sierra Leone, the Sudan, Swaziland, Tajikistan, Uganda, and Timor-Leste. Advice was frequently provided in collaboration with other United Nations partners, including UNDP and DPKO, and regional networks of NHRIs. Furthermore, in April 2007, OHCHR sent letters to all United Nations Resident Coordinators together with an information note for UNCTs on steps which can be taken to establish or strengthen NHRIs. Positive responses have been received so far by UNCTs in, inter alia, Mongolia, Iraq, The former Yugoslav Republic of Macedonia, Montenegro, and Mauritania.

## 1. The Americas and the Caribbean

12. As a follow-up to missions conducted in 2005, OHCHR provided advice to the Government of Chile concerning the compliance of the *Instituto de Derechos Humanos* of Chile with the Paris Principles.

## 2. Africa

13. OHCHR contracted a consultant to undertake a mission to Lesotho and to submit a report for the establishment of a NHRI. OHCHR provided comments on the draft legislation to establish a National Human Rights Commission in Lesotho and on the constitutional amendment. At the time of writing, a draft law has been developed in consultation with national actors, aimed at establishing a NHRI.

14. In cooperation with its regional office for East Africa located in Ethiopia, OHCHR is engaged in discussions on capacity-building of the Ethiopian NHRI and the possibility of accreditation by the ICC.

15. The OHCHR regional office for Southern Africa in South Africa, together with the Commonwealth Secretariat, is developing a joint strategy to establish a NHRI in Swaziland.

16. OHCHR provided advice on the draft legislation on the reorganization of the Human Rights Commission in Madagascar, through the UNDP Office in Antananarivo.

17. OHCHR and the human rights section of the United Nations Mission in Sudan (UNMIS) supported the establishment of the Southern Sudan Human Rights Commission, based in Juba and incorporated in the Southern Sudan Interim Constitution. OHCHR in cooperation with UNMIS facilitated a study tour in Uganda and South Africa for the newly appointed members of the Southern Sudan Human Rights Commission. OHCHR is working with the Government of Southern Sudan to finalize the enabling legislation of the Southern Sudan Human Rights Commission.

18. On 21 August 2007, the United Nations Integrated Office in Sierra Leone (UNIOSIL) and the Human Rights Commission of Sierra Leone held a workshop to find consensus on the capacity needs of the Commission and the role of the United Nations in supporting it. Four main areas of cooperation were identified: capacity-building, joint programmes, resource mobilization, communication and information. OHCHR, in cooperation with UNIOSIL, has been supporting the Government of Sierra Leone in the establishment of the Human Rights Commission, particularly the drafting of enabling legislation, and through the provision of advisory services (including concerning the appointment process). OHCHR facilitated the integration of the Commission into the regional and subregional networks of NHRIs, as well as the participation of the members of the Commission to the 6th Conference of African NHRIs (Kigali, Rwanda, 8-10 October 2007).

19. In Côte d'Ivoire, OHCHR and the human rights section of the United Nations Operation in Côte d'Ivoire (ONUCI) provided a legal analysis of Presidential Decree No. 2005-08/PR of 15 July 2005 establishing the National Human Rights Commission. A study tour to Kigali was also organized in October 2007 for the members of the Commission.

20. OHCHR has engaged with the Sub-regional Centre for Human Rights and Democracy for Central Africa (Yaoundé, Cameroon) and with the United Nations Operation in Burundi (BINUB) with a view to providing legal and policy advice to the Government of Burundi for the establishment of an independent NHRI. It is working with the focal point within BINUB.

21. OHCHR has been supporting the Ugandan Human Rights Commission in strengthening its complaints handling system. In mid-January 2008, two staff members of the Indian Human Rights Commission will deploy to Uganda to support OHCHR and the Ugandan Human Rights Commission in connection with strengthening complaints handling procedures and use of relevant database. The mission is organized and funded by OHCHR-Uganda.

### **3. Asia and the Pacific**

22. A three-year capacity-building project was jointly developed by the *Provedor's* Office of Timor-Leste, UNDP and OHCHR. Implementation began in January 2007 and serves as an umbrella for the donor community to the *Provedor's* Office. OHCHR provided technical advice to the *Provedor* for Human Rights and Justice of Timor-Leste on the establishment of an advisory voluntary council which would ensure greater pluralism within the institution.

23. OHCHR contracted a consultant to support and join a UNDP-led needs assessment mission with the Raoul Wallenberg Institute for the support and strengthening of the Indonesian national human rights institution, KOMNAS HAM (11 November-5 December 2007).

24. From 15 to 23 December 2007, OHCHR undertook a mission to Cambodia with a contracted consultant from the NHRI of Northern Ireland to meet key national and international stakeholders. The objective of the mission was to support the establishment of a Paris Principles compliant NHRI in Cambodia.

25. OHCHR provided an advisory paper on a project research paper on forms of NHRIs in Small Pacific Island States, and on a discussion paper on ratification of international human rights treaties in the Pacific and the added value for the Pacific region.

### **4. Europe**

26. In February 2007, OHCHR provided legal advice on the draft law to establish a NHRI in Italy. Further advice followed, in consultation with Italian civil society organizations. The text of the draft law was approved in April 2007 by the Chamber of Deputies and remains to be endorsed by the Senate.

27. Regarding Tajikistan, UNDP and OHCHR jointly developed a project for the provision of assistance in the drafting of a law on a NHRI. The project ran from October to December 2007 and involved sharing knowledge on NHRIs, the hiring of a consultant to assist the Governmental Working Group to draft a law on the NHRI; and the organization of a national roundtable to publicly discuss the draft law. The Working Group is scheduled to present the draft text to the Government by the end of December 2007.



28. In 2007, OHCHR organized capacity-building and awareness training workshops for staff of the regional offices of the Office of the Ombudsman in Azerbaijan and selected civil society representatives (two workshops were held from 29 October-2 November 2007, one from 24-25 December 2007, and one from 27-28 December 2007). Topics covered included the definition of a NHRI, the Paris Principles, and the role of NHRIs in the international human rights system.

## **B. OHCHR support to regional initiatives related to NHRIs**

### **1. The Americas and the Caribbean**

#### **Network of the Americas**

29. The Network of the Americas is composed of NHRIs from the region which are accredited by the ICC as in compliance with the Paris Principles. As of December 2007, the Network included NHRIs from the following countries: Argentina, Bolivia, Canada, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela.

30. In November 2006, the Fifth General Assembly of the Network (held in Buenos Aires) adopted the Work Plan 2007-2008, covering activities in the areas of the right to education, persons with disabilities, right to a healthy environment, rights of indigenous peoples, the prevention of torture, and migrants. In May 2007, the Network organized a follow-up workshop to the Action Plan for the Promotion and Protection of the Right to Education in Managua. The United Nations participated in this event.

31. On 26 October 2007, the Network of the Americas, with the support of OHCHR, organized a discussion panel on the role of NHRIs vis-à-vis the Convention on the Rights of Persons with Disabilities in Mexico City. The goal of the discussion was to strengthen the capacity of NHRIs from the region to monitor the implementation of the newly adopted Convention and in particular with regard to the explicit role given to NHRIs under article 33 of the Convention. National and international experts were invited to participate in the discussion. OHCHR contributed to the publication of the outcome of the discussion that should take the form of guidelines addressed to NHRIs.

### **2. Africa**

32. OHCHR, in cooperation with UNHCR, the Representative of the Secretary-General on the human rights of internally displaced persons (IDPs), the African Commission on Human and Peoples' Rights (ACHPR), the Organisation Internationale de la Francophonie and the Brookings Institution-University of Bern Project on Internal Displacement, supported the organization of the 6th Conference of African NHRIs (held in Kigali, 8-10 October 2007). The overall objective of the Conference was to raise awareness among African NHRIs of their potential role in addressing the human rights of refugees, IDPs and stateless persons and to strengthen the capacity of African NHRIs to engage effectively in the protection of these vulnerable groups. The outcome of the conference, the Kigali Declaration, is attached as Annex I.

33. OHCHR has supported the establishment of the Network of African NHRIs. The Constitution of the Network was signed at the 6th Conference of African NHRIs; the main purpose of the Network is to encourage the establishment of NHRIs in Africa in conformity with the Paris Principles, to strengthen the effectiveness of NHRIs in Africa, and to encourage cooperation among NHRIs in Africa. The Network includes NHRIs which are accredited by the ICC and compliant with the Paris Principles. The Network replaced the Coordinating Committee of African NHRIs set up in 1996. The Constitution of the Network provides that a permanent secretariat of the Network is established in Nairobi. With the financial support of OHCHR, an executive director was recruited as well as an assistant. OHCHR has encouraged other potential donors to support the Secretariat once a plan of action and programme of activities are defined.

34. An international conference on democracy and human rights in Africa focusing on the role of NHRIs was held in Cairo on 3 and 4 December 2007. Discussions focused on the African Charter for Democracy, Elections and Governance and the role of NHRIs; the role of NHRIs in promoting democracy and development; and the interplay between human rights and judicial independence. Participants included: Egyptian authorities, OHCHR, the Organisation Internationale de la Francophonie; the League of Arab States; the African Union; and UNESCO. Senior staff of OHCHR participated in the event and delivered a keynote speech.

### **3. Asia and the Pacific**

#### **Twelfth Annual Meeting of the Asia Pacific Forum of National Institutions**

35. As in previous years, OHCHR co-funded the Annual Meeting of the Asia Pacific Forum (APF) which took place in Sydney from 24-27 September 2007. The Forum was held together with the Australian Human Rights and Equal Opportunity Commission and brought together 150 representatives from NHRIs, regional Governments, non-governmental organizations and the United Nations. The main goal of the meeting was to enhance human rights cooperation in the Asia-Pacific region through the promotion and strengthening of NHRIs. OHCHR supported and actively participated in this event, and an opening address was delivered on behalf of the High Commissioner for Human Rights.

36. The Twelfth Annual Meeting focused on the rights of people with disabilities. Participants highlighted the need for cooperation between NHRIs across the Asia-Pacific region as an important part of implementing the Disability Convention. APF members also agreed to establish a disability “focal point” in each NHRI and to communicate regularly at a senior management level to discuss progress in protecting, promoting and monitoring the rights of people with disabilities. The Advisory Council of Jurists presented its interim report on human rights and the environment. A key recommendation of the report is that NHRIs advocate for the adoption of a specific right to the environment.

37. In its Concluding Statement (see Annex II), the Forum expressed appreciation for the United Nations High Commissioner for Human Rights for her leadership in supporting the establishment and strengthening of NHRIs. The Forum also warmly welcomed the strengthened partnership with the OHCHR and looked forward to enhancing this relationship and its participation in the United Nations human rights system.

### **14th Annual Workshop of the Framework on Regional Cooperation**

38. The 14th Annual Workshop of the Framework on Regional Cooperation for the promotion and protection of human rights in the Asia-Pacific region was held from 10-12 July 2007 in Bali. The workshop was attended by 32 States, 13 NHRIs, and representatives of UNDP, UNHCR, UNICEF, the World Bank, and various NGOs. The event was hosted by the Government of the Republic of Indonesia and formally opened by the High Commissioner for Human Rights. The 14th Annual Workshop adopted the Bali Action Points (see Annex III), which inter alia welcomed the activities of NHRIs in support of regional cooperation.

### **Regional Workshop on the Establishment of NHRIs in Asia**

39. From 15 to 17 October 2007, OHCHR organized in Manila a regional workshop on the establishment of NHRIs in Asia, in cooperation with the Commission on Human Rights of the Philippines and with the support of the Government of the Philippines. The workshop brought together representatives of Governments and Parliaments of nine countries in Asia that do not yet have a NHRI (Bangladesh, Cambodia, China, Japan, Lao People's Democratic Republic, Myanmar, Pakistan, Singapore and Viet Nam). The purpose of the meeting was to provide practical tools and lessons learned in order to establish a NHRI in their countries. Representatives of UNCT/UNDP Philippines, Viet Nam, UNDP Regional Centre in Bangkok and OHCHR participated in the workshop. The Concluding Statement (see Annex IV) adopted by the participants stressed the importance of taking necessary measures in order to establish a NHRI in compliance with the Paris Principles.

## **4. Europe**

### **European Coordinating Committee of NHRI**

40. OHCHR participated in the meetings of the European Coordinating Committee of the European Group of NHRIs (Geneva, 20 March 2007; Berlin, 14 June 2007; and Dublin, 17 September 2007) in order to discuss issues of mutual concern, such as the reform of the accreditation procedures for NHRIs, NHRI participation in the Human Rights Council, regional cooperation concerning NHRIs, and the National Institutions Database on Disability Rights. The European Group is composed of 17 full members - NHRIs which have been accredited by the ICC of NHRIs - and 9 observers (NHRIs which have not been recognized by the ICC as fully compliant with the Paris Principles).

### **Council of Europe**

41. The Annual Forum of the North-South Centre was held in Lisbon on 16 and 17 November 2007, in cooperation with the Venice Commission and the Office of the Commissioner for Human Rights of the Council of Europe. OHCHR participated in the event and delivered a statement on the role of NHRIs in the promotion and protection of human rights at the national, regional and international level. In general, the Lisbon Forum 2007 facilitated the debate on the role, function and actions of NHRIs, and the role of North-South cooperation in reinforcing the efficiency of NHRIs.

## **Organization for Security and Co-operation in Europe**

42. On 12 and 13 July 2007, OHCHR participated in the Supplementary Human Dimension Meeting organized by the Organization for Security and Co-operation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR), held in Vienna. One of the three main sessions was devoted to the role of independent NHRIs in promoting and protecting human rights. OHCHR actively participated in this meeting.

## **Regional Ombudsman Conference**

43. OHCHR participated in a Regional Ombudsman Conference organized by the Ombudsperson Institution in Kosovo with the support of the United States Office in Pristina and OSCE in Pristina on 8 and 9 June 2007. The conference, the theme of which was “Support and Obstacles to the Protection of Human Rights; cooperation between ombudsman institutions and public administration, media and civil society”, brought together NHRIs from across South-eastern Europe, representatives of Kosovo’s local authorities, civil society groups, media, and representatives of regional and international organizations. It was considered a success by participants and led to specific and practical joint recommendations (see Annex V).

## **5. Arab region**

44. In 2007, OHCHR participated in the Arab-European Human Rights Dialogue (AEHRD) meetings organized by the Jordan National Centre for Human Rights and the Danish Institute for Human Rights with the aim to establish a regional platform for cooperation and exchange on human rights issues between Arab and European NHRIs. The first Preparatory Meeting of the AEHRD which took place in Amman from 27 February to 1 March 2007 focused on access to information and civil society development, while the High-Level Meeting which took place in Amman on 18 and 19 April 2007 focused on human rights and terrorism. Concerning the protection of human rights while countering terrorism, it was recommended that a joint Arab-European working group develop practical tools for NHRIs (see Annex VI). The active participation of OHCHR in the event allowed for discussions and closer cooperation with a number of NHRIs from the Arab region.

45. From 8 to 10 November 2007 OHCHR participated in a round table entitled “The Mediterranean basin: space of dialogue and cooperation - mediators: actors for good governance”. The event, organized by the Mediator of Morocco, the Mediator of France and the Spanish Defensoría del Pueblo brought together NHRIs from several countries (Albania, Algeria, Andorra, Bosnia and Herzegovina, Cyprus, Croatia, Egypt, Israel, Malta, Mali, Morocco, Montenegro, Portugal, Slovenia and Sweden). The meeting aimed at discussing the role of NHRIs as well as related challenges and opportunities in the promotion and protection of human rights in the Mediterranean region. The round table ended with the adoption of a final declaration, which included a commitment towards the establishment of a permanent network of ombudsmen and mediators for the exchange of experience and collaboration on cross-border issues (e.g. migration).

46. From 12 to 14 November 2007 the Third Conference on the role of NHRIs in promoting the independence of the judiciary in the Arab region was held in Rabat, organized by OHCHR and the Advisory Council for Human Rights of Morocco in cooperation with the Moroccan

Government. The Conference aimed at supporting national and regional initiatives to strengthen the role of NHRIs and other actors in promoting the rule of law and the independence of the judiciary in accordance with international human rights norms. It brought together representatives of NHRIs in the region, the judiciary, regional organizations including the League of Arab States, United Nations, experts in the administration of justice, as well as non-governmental organizations. The Conference adopted the “Rabat Declaration”, which outlines a concrete strategy for NHRI engagement in promoting the independence of the judiciary in the Arab region (see Annex VII).

### **C. OHCHR support to international initiatives related to NHRIs**

#### **1. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)**

47. As the secretariat of the ICC and its Sub-Committee on Accreditation, OHCHR provided substantive support to and facilitated the holding of the nineteenth session of the ICC in Geneva from 21 to 23 March 2007. On that occasion, discussions were held on the engagement of NHRIs with the Human Rights Council; the role of NHRIs in the United Nations treaty body process; follow-up to the 8th International Conference of NHRIs and the Santa Cruz Declaration; the implementation of the Convention on the Rights of Persons with Disabilities; and plans for the 9th International Conference of NHRIs. The ICC also elected a new Chairperson and Vice-Chairperson (the NHRIs of Canada and the Republic of Korea, respectively). OHCHR also provided support to parallel events on the potential role of NHRIs in torture prevention; on interaction between parliamentary human rights committees and NHRIs; and on cooperation between NGOs and NHRIs.

48. A presentation was given on the implementation of the Convention on the Rights of Persons with Disabilities. It was highlighted that, according to article 33 (2) of the Convention, NHRIs have an explicit role to play. The ICC meeting also expressed support for the Disability Rights Database, developed initially in the Asia-Pacific region to gather and analyse information on how NHRIs handle complaints involving persons with disabilities.

49. Another important outcome of the ICC meeting was the unanimous support of ICC members for the proposal to establish a permanent ICC representation in Geneva, primarily in order for the ICC as well as individual NHRIs to make their voice heard at sessions of the Human Rights Council and treaty body meetings. ICC members also encouraged regional coordinating bodies of NHRIs to actively participate in the sessions of the Council, as is the case with A-status NHRIs and the ICC, in line with Commission on Human Rights resolution 2005/74, subject however to the strict procedures agreed upon at the session; i.e. they can speak on behalf of NHRIs with A-status accreditation only.

50. As agreed upon during the nineteenth session of the annual meeting of the ICC, an interim ICC representative was appointed who represented the ICC Chair and A-status NHRIs and spoke on their behalf at the sessions of the Human Rights Council and the human rights treaty bodies in the second half of 2007. Following consultations with the Director-General of the United Nations Office at Geneva (UNOG), OHCHR facilitated the use by the ICC representative of an office space within the Palais des Nations, making easier the interaction between NHRIs and the international human rights system.

51. From 19 to 22 June 2007, the ICC Bureau met for the first time, in Geneva (then consisting of the ICC Chair (Canada), the ICC Vice-Chair (Republic of Korea), the former ICC Chair (Denmark), and representatives of one NHRI per region (respectively from India, Nigeria, Mexico and Ireland). The Asia Pacific Forum of NHRIs also participated. The ICC Bureau discussed, inter alia, NHRI interaction with the Human Rights Council, the human rights treaty bodies and special procedure mandate holders; the proposal to establish an ICC representative in Geneva; country and early warning mechanisms for NHRIs under threat; as well as organizational issues concerning the ICC.

52. An expanded ICC Bureau met a second time from 12 to 14 December 2007 and discussed, inter alia, ICC activities; ICC accreditation; preparations for the twentieth ICC session; as well as the International Conference of NHRIs planned in Nairobi in 2008. For the first time, all regional coordinating bodies, foremost the one from Africa - for the first time - attended. Sessions were also facilitated by a consultant from the Canadian Institute on Governance (a non-profit organization).

## **2. The Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights**

53. OHCHR provided secretarial support to the meetings of the ICC Sub-Committee on Accreditation, held in April and October 2007 (for a list of NHRIs with ICC accreditation status, see Annex VIII).

54. In 2007, the Sub-Committee reviewed the accreditation status of NHRIs from the 26 following countries: Afghanistan, Bolivia, Colombia, Denmark, Fiji, France, Georgia, Greece, Honduras, Indonesia, Jordan, Malawi, Morocco, Nepal, Nigeria, Peru, Philippines, Poland, Portugal, Senegal, Slovakia, South Africa, Spain, Sri Lanka, Sweden and Togo. As of December 2007, the ICC accredited 60 NHRIs with A-status, i.e. in compliance with the Paris Principles.

55. The ICC accreditation procedure has also been strengthened by the introduction of an appeal process, ensuring greater transparency and due process, especially for NHRIs which are considered not to comply with the Paris Principles. NHRIs now have 30 days to appeal the results of the Sub-Committee review, with the ICC full membership then taking a decision. A more rigorous review of each application for accreditation has also been introduced, including the full documentation and statement of compliance submitted in advance of the session by NHRIs. During the review, the Sub-Committee has the possibility to contact NHRIs themselves, if necessary, through conference calls. Moreover, recommendations of the Sub-Committee are formulated in a more focused manner, sometimes requesting a review of accreditations before the normal five-year time frame. Finally, Sub-Committee recommendations are more widely distributed to NHRIs and other stakeholders for follow-up action.

## **II. COOPERATION BETWEEN UNITED NATIONS HUMAN RIGHTS MECHANISMS AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

### **Human Rights Council**

56. OHCHR has been supporting an enhanced role for NHRIs with regard to the Human Rights Council (HRC), in line with Commission on Human Rights resolution 2005/74 and past practice of the Commission on Human Rights. Human Rights Council resolution 5/1 of 18 June 2007 opens many opportunities for NHRIs and their regional coordinating mechanisms to participate in HRC sessions and to engage with its various mechanisms. NHRIs accredited by the ICC as being in compliance with the Paris Principles, the ICC itself, as well as regional coordinating bodies of NHRIs, may participate and address the Council in an independent capacity and on all agenda items. They may also submit written statements, issue documentation (with a United Nations document symbol number), and have separate seating arrangements.

57. With regard to the mechanisms of the HRC, NHRIs have been given a clear and significant role by resolution 5/1, for example with regard to the UPR mechanism, where one of the three types of documents for review will consist of information provided by stakeholders, including NHRIs. NHRIs may play a crucial role in all phases of the UPR, from the submission of documentation, to attendance of the review, and follow-up to recommendations.

58. Finally, NHRIs can play an important role regarding the HRC Advisory Body as well as, more specifically, the Complaints Procedure.

59. In 2007, A-status NHRIs, the Asia-Pacific Forum of NHRIs as a regional coordinating body, as well as the interim ICC representative (on behalf of A-status NHRIs) intervened during sessions of the Human Rights Council, such as the *Commission Nationale Consultative des Droits de l'Homme de France*, the *Conseil Consultatif des Droits de l'Homme du Royaume du Maroc*, the Mexican National Human Rights Commission, the National Human Rights Commission of Malaysia; the South African Human Rights Commission; the Human Rights Commission of Rwanda, and a joint statement was made by NHRIs from Germany, France, Denmark, Greece, Norway and Morocco. NHRIs have also submitted documentation for processing as official United Nations documents with an own NHRI document symbol number.

### **Treaty bodies**

60. As an ongoing activity, OHCHR has systematically engaged with treaty body members by providing expert analyses concerning NHRIs and their related activities. OHCHR regularly prepares briefs for each treaty body on NHRIs and related issues concerning countries under examination. OHCHR also prepares and regularly updates a compilation of all treaty body concluding observations and recommendations that mention NHRIs (posted on the NHRI website [www.nhri.net](http://www.nhri.net)), and systematically sends concluding observations to the NHRIs of the countries concerned, following their adoption.

61. Since 2003, OHCHR has been involved in the European Union funded project “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms”. This project aims at improving the implementation of conclusions and recommendations of human rights treaty bodies at the

national level through the strengthening of the capacity of the following three main target groups: NHRIs, NGOs and the media. The activities are designed to enhance participation of these actors in the reporting process, as well as to encourage the use of international human rights instruments and treaty body recommendations in their respective areas of work as a tool to further the promotion and protection of human rights. In 2007, NHRIs and other stakeholders from Indonesia, the Philippines and Guyana benefited from this project through preparatory workshops. As revealed by follow-up activities, workshops conducted since 2003 have effectively led to the strengthening of national capacity to implement human rights treaty body recommendations, with NHRIs playing an increasing role in this context.

62. On 20 June 2007, the ICC Bureau participated in the Sixth Inter-Committee meeting of the human rights treaty bodies. The focus of discussion was the outcome document of the round table organized by the German Institute for Human Rights in Berlin, on 23 and 24 November 2006 (HRI/MC/2007/3). This document contains a draft harmonized approach to NHRI engagement with treaty body processes, proposing that NHRIs be involved in the processes of State reporting, follow-up to treaty body recommendations, capacity-building at the national level with regard to the reporting process, as well as petitions and enquiry procedures. Treaty body members responded positively to NHRI participation in treaty body processes.

63. From 26 to 28 November 2007, OHCHR organized in Geneva the National Institutions and Treaty Bodies Workshop (see Annex IX) with the objective to review lessons learned and best practices in terms of NHRI interaction with treaty bodies; to build the capacity of NHRIs in their interaction with treaty bodies, including follow-up action; and to deepen the relationship between NHRIs and treaty bodies in line with the draft harmonized approach on the role of NHRIs in the treaty body process. NHRIs from all geographical regions participated, as well as treaty body members. The Secretary-General welcomes the organization and the outcomes of the Berlin and Geneva events, which strengthen and emphasize the importance of the involvement of NHRIs in treaty body process.

64. In 2007, the NIU of OHCHR addressed several sessions of the treaty bodies, including the Committee on Economic, Social and Cultural Rights, the Optional Protocol to the Convention against Torture and Sub-Committee on Prevention, the Committee on the Elimination of Racial Discrimination, and the Human Rights Committee. This provided useful interaction possibilities, including highlighting the importance of the involvement of NHRIs in the reporting process to treaty bodies.

65. In 2007, several NHRIs made statements and provided reports to treaty bodies in relation to the consideration of reports submitted by their respective countries - France, Bolivia, Croatia, Georgia, Mexico, New Zealand, Norway and the Republic of Korea.

### **Special procedures**

66. NHRIs can be instrumental in the work of special procedure mandate holders, specifically with regard to country visits (preparation; meetings during the visit; follow up to recommendations); letters of allegations or early warning; participation in and organization of thematic studies, conferences and seminars; and interaction in international forums such as the Human Rights Council or the Annual Meeting of Special Procedure mandate holders.



67. OHCHR NIU regularly provides special procedure mandate holders with information concerning the work of NHRIs in the preparation of their country missions. Increasingly, mandate holders look to NHRIs for assistance in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged.

68. On 21 June 2007, OHCHR organized a side event to the Fourteenth Annual Meeting of Special Procedure mandate holders, focusing on the interaction between NHRIs and Special Procedure mandate holders. The background document for this event (see Annex X) contained concrete recommendations, and was met with overwhelming support by the special procedure mandate holders who attended it, including the Chairperson of the Coordination Committee of Special Procedures ([http://www2.ohchr.org/english/bodies/chr/special/annual\\_meetings/14th.htm](http://www2.ohchr.org/english/bodies/chr/special/annual_meetings/14th.htm)).

### **III. COOPERATION BETWEEN THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS ON NHRIS**

69. During the period under review, OHCHR has continued and strengthened its cooperation with UNCT members worldwide. On 2 April 2007, OHCHR sent letters to all United Nations Resident Coordinators together with an information note for UNCTs on practical steps they can take in order to facilitate the establishment or strengthen a NHRI, in close cooperation with OHCHR. NHRIs can be of significant support to the efforts of the United Nations in the areas of good governance, rule of law and human rights, and are central to effective implementation of programmes in these areas, especially with respect to sustainability and national ownership. Several positive responses have been received from UNCTs from different regions of the world and a number of joint activities are being discussed in reaction to that initiative.

70. In its work relating to NHRIs, OHCHR also continued its and strengthened cooperation with the *Agence intergouvernementale de la Francophonie*, *l'Association francophone des Commissions nationales des droits de l'homme*, the Inter-Parliamentary Union, the Commonwealth Secretariat, the Council of Europe, OSCE/ODIHR, the Ibero American Federation of Ombudsmen (FIO), the Special Fund for Ombudsmen and National Institutions of Latin America and the Caribbean, the African Union, the African Commission on Human and Peoples' Rights and the Economic Community of West African States (ECOWAS).

71. Regarding the Commonwealth Secretariat, OHCHR participated in meetings of the Conference and Steering Committee meetings, in February and May 2007, respectively, regarding the setting up of a Commonwealth forum of NHRIs, the primary purpose of which is to serve as a platform to strengthen the capacity of NHRIs to protect and promote human rights within the Commonwealth while avoiding duplication of efforts with existing regional NHRI coordinating bodies. It was agreed that one of the main objectives of the forum will be the promotion of increased access, dialogue and interaction of NHRIs with Commonwealth Heads of Government meetings (CHOGM).

72. OHCHR participated in the first meeting of the Commonwealth Forum of NHRIs on 19 November 2007 in Kampala, the conclusions of which stressed the need for all NHRIs in the Commonwealth to respect and function in conformity with the Paris Principles. The Forum also called upon Commonwealth Heads of Government to strengthen NHRIs and adequately support them.

#### **IV. ROUND TABLES OF NATIONAL HUMAN RIGHTS INSTITUTIONS ON THEMATIC ISSUES**

##### **A. Conflict prevention and prevention of torture**

##### **Actors for change project**

73. The project “*Actors for change: Strengthening the capacity of National Human Rights Institutions through distance and regional training*” commenced in 2005 with the aim of strengthening the capacity of NHRIs to prevent torture and engage in the prevention of conflict, including early warning, respectively. The project ended in 2007 and will be reviewed in 2008. Funded by the European Union, the project was implemented by OHCHR in partnership with the United Nations System Staff College (UNSSC), the Association for the Prevention of Torture (APT) and the NGO Fahamu (for a general description of the project, see A/HRC/4/91, paras. 85-88).

74. In collaboration with the UNSSC and Fahamu, a distance training on conflict prevention for NHRIs from Anglophone countries of Africa and the Middle East was organized between 7 May and 15 July 2007. A follow-up workshop was held in Nairobi from 15 to 20 July 2007. Upon successful completion participants received a certificate from the University of Oxford.

75. From 29 May to 2 June 2007, in cooperation with the APT, OHCHR organized a workshop in Rabat on torture prevention for staff of French-speaking NHRIs. The workshop was hosted by the National Human Rights Institution of Morocco. Participants also included staff from NHRIs in Burkina Faso, Cameroon, Haiti, Mauritius, Mali, Niger, Rwanda, Senegal, Togo and Canada. All of them had had successfully completed the first phase of the programme (distance learning course). The Rabat workshop included a visit to a prison. In the third phase of the programme, the participants drafted an action plan on torture prevention for their institution, which they were encouraged to present for actual adoption by their institution at the end of the course.

76. In September 2007, a two-month distance learning exercise started for Spanish-speaking participants from the Americas, monitored by tutors from the APT. From 26 to 30 November 2007, OHCHR held a follow-up workshop in San José, Costa Rica, in collaboration with the APT, which included visits to six prisons in Costa Rica. Twenty-seven participants from 10 NHRIs attended (Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay and Peru).

##### **Prevention of torture**

77. Further to the entry into force of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of the Sub-Committee on Prevention in February 2007, OHCHR launched a survey on the role of NHRIs in torture prevention. NHRIs from Afghanistan, Algeria,

Argentina, Armenia, Azerbaijan, Burkina Faso, Costa Rica, Germany, Greece, Guatemala, India, Ireland, Jordan, Latvia, Luxembourg, Macedonia, Mauritius, Mexico, New Zealand, Nicaragua, Niger, Northern Ireland, Palestine, Poland, Portugal, Rwanda, Slovakia, Spain and Uzbekistan participated in the first turn of the survey. The first results of the survey were very much appreciated by the Sub-Committee on Prevention and other actors.

78. In March 2007, a thematic dialogue was organized by OHCHR on the role of NHRIs and torture prevention, in order to explore opportunities for NHRIs to operate as a national preventive mechanism under the OPCAT.

## **B. Transitional justice**

79. From 23 to 25 November 2007 a round table of NHRIs on transitional justice was organized by OHCHR in Cape Town, in close cooperation with the OHCHR Regional Representative for Southern Africa and the South African Human Rights Commission. It brought together NHRIs with either relevant experience or potential interest in transitional justice issues (i.e. Algeria, Afghanistan, Azerbaijan, Bolivia, Guatemala, Morocco, Nepal, Northern Ireland, Palestine, Philippines, Rwanda, South Africa, Sudan, Sri Lanka and Timor-Leste) to discuss how NHRIs can best perform their institutional role of human rights guarantor during transitional phases. The round table focused on the role of NHRIs in peace processes, their interaction with judicial (e.g. truth-seeking mechanisms, individual and collective reparations, vetting) and non-judicial mechanisms of transitional justice (international, regional, national and hybrid courts) as well as on challenges, opportunities and lessons learned in promoting justice, accountability and peace. Representatives of the Foundation for Human Rights in South Africa, the African Secretariat of NHRIs, the International Criminal Tribunal for Rwanda, the International Centre for Democracy and Electoral Assistance and representatives of South African civil society also participated in the round table, which resulted in the elaboration of draft strategies for NHRI engagement in transitional justice.

## **C. Role of NHRIs in United Nations human rights mechanisms**

80. On 15 November 2007, the National Human Rights Commission of Korea organized an international seminar in Seoul entitled “the Role of NHRIs in the Newly Established UN Human Rights Mechanisms”. Discussions focused on the increasing role of NHRIs in the Human Rights Council; NHRIs and the UPR; NHRIs and the Advisory Committee; NHRIs and special procedures; and the treaty bodies and the role of NHRIs. OHCHR was represented by a delegation and made a substantive contribution. The seminar provided an opportunity for participants to share their expertise with the aim to build the capacity of NHRIs. It highlighted many issues to strengthen the participation of NHRIs in the international human rights system. Finally, participants agreed on the need for NHRIs to stay informed and to develop strategic action plans for engagement with such mechanisms.

## **V. CONCLUSIONS**

81. NHRIs compliant with the Paris Principles are key elements of strong and effective national human rights protection systems. They can also be important partners in the international human rights system, especially through the Human Rights Council, the human rights treaty bodies and special procedures mandate holders. In particular, they can support

Governments in ensuring that international human rights norms are applied at national level, including by facilitating follow-up actions to the recommendations resulting from the international human rights system. Ensuring the independence and autonomy of NHRIs, pluralistic representation, as well as their interaction with a broad range of national and international stakeholders, is a priority.

82. The Secretary-General welcomes the increasingly important role of NHRIs in the work of OHCHR and the deepening of their partnership in connection with the implementation of the High Commissioner's Plan of Action and OHCHR country engagement strategies. The more the United Nations system works closely with and through independent NHRIs, the greater are the chances of success and sustainability of good governance, rule of law and human rights efforts. Working with NHRIs clearly facilitates a stronger sense of national ownership with respect to United Nations human rights programmes.

83. With the support of OHCHR, NHRIs are also engaging more actively in the Human Rights Council, human rights treaty bodies and special procedure mandate holders, directly or through the ICC representative in Geneva. In 2007, OHCHR responded to the increasing demand from Member States and stakeholders for in-depth expertise regarding NHRIs. The Secretary-General welcomes also that the accreditation process in the ICC has become more rigorous and more thorough in order to ensure independence and effectiveness of NHRIs in this important arena.

84. OHCHR is thus encouraged to continue to work on the establishment and strengthening of NHRIs and to enhance its relationship with NHRIs. National consultations and awareness-raising activities involving all major stakeholders, such as Government officials, members of parliament, civil society, and the media, are indispensable in this process. UNCTs should become major partners at the country level in these endeavours and they should increasingly develop partnerships with NHRIs, especially those compliant with the Paris Principles, in connection with programmes and activities in the areas of the rule of law, good governance and human rights.

85. OHCHR is working towards enhancing its support to and relationship with the ICC and its newly established Bureau as well as its accreditation procedure so that NHRIs can more effectively and independently contribute to ensuring that international human rights norms are translated into consistent national laws and practices. I count on OHCHR to provide rigorous secretariat support to the ICC in upholding the Paris Principles and ensure review of NHRI compliance. The importance of this process is witnessed by an increase in applications for accreditation, the rise in the number of A-status NHRIs, as well as in the access recognized for such institutions by international human rights mechanisms.

86. I finally encourage NHRIs to undertake activities for the sixtieth anniversary of the Universal Declaration of Human Rights, the theme of which is "Dignity and justice for all of us".

**Annex I****SIXTH CONFERENCE OF AFRICAN NATIONAL  
HUMAN RIGHTS INSTITUTIONS****Kigali, 8-10 October 2007****KIGALI DECLARATION**

*Participants at the Sixth Conference of African National Human Rights Institutions, convening in Kigali, Rwanda, from 8 to 10 October 2007 under the theme: “The role of National Human Rights Institutions in the Protection of Refugees, IDPs and Stateless Persons”, under the auspices of the National Human Rights Commission of Rwanda in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Network of African National Human Rights Institutions, the United Nations High Commissioner for Refugees (UNHCR), United Nations Development Programme (UNDP), Brookings Institution-University of Bern Project on Internal Displacement, the Organisation Internationale de la Francophonie (OIF) and the DFID,*

*Expressing deep appreciation to the Government and people of Rwanda for hosting the Sixth Conference of African National Human Rights Institutions,*

*Expressing warm gratitude to the National Human Rights Commission of Rwanda for its notable organization and hosting of the Conference,*

*Expressing their appreciation for the presence at the Conference of the Chair of the International Coordinating Committee of National Human Rights Institutions,*

*Noting with gratitude the continued support of OHCHR towards the strengthening of the Permanent Secretariat of the Network,*

*Reaffirming their commitment to the Abuja Declaration of 10 November 2005 and their attachment to the values enshrined in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and People’s Rights, the International Convention relating to the Status of refugees (1951) and its 1967 Protocol relating to the Status of Refugees (1967), the Convention relating to the Status of Stateless Persons (1954), the Convention on the Reduction of Statelessness (1961), the OAU Convention governing the peculiar aspects of the problem of Refugees in Africa (1969),*

*Expressing with satisfaction that the Constitution of the Network has been signed,*

*Further expressing our satisfaction that the Permanent Secretariat of the Network is being established in Nairobi, Kenya,*

*Taking cognisance of the Pact on Security, Stability and Development in the Great Lakes Region,*

*Recalling* the need for all the African National Human Rights Institutions to respect and function in full conformity with the Paris Principles as adopted by the United Nations General Assembly in its resolution 48/134 of 20 December 1993,

*Recalling also* that the effective promotion of and respect for human rights and fundamental freedoms require that States ratify United Nations instruments and regional instruments concerning human rights, implement them and forward periodically, in conformity with these instruments, reports to the respective monitoring committees,

*Recalling* the right of every person to a nationality and the right not to be arbitrarily deprived of his or her nationality as provided in the Universal Declaration of Human Rights, as well as such international instruments as the Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

*Noting* that the rights of refugees, internally displaced persons (IDPs) and stateless persons remain a concern,

*Concerned* that, in spite of the existence of international and regional refugees and human rights instruments, refugees continue to experience inadequate protection, and further that the rights of IDPs and Stateless persons are not adequately protected at the regional and national level,

*Mindful* of the critical role of African National Human Rights Institutions in protecting and promoting the rights of refugees, IDPs and stateless persons,

*Concerned* about the intractable problems of refugees, IDPs and stateless persons in Africa,

*Affirming* the obligation of States to incorporate into domestic law, international instruments relating to refugees, IDPs and stateless persons,

*Confirming* that national human rights institutions have a crucial role in the promotion, protection and monitoring of refugees, IDPs and stateless persons,

*Aware* of the urgent need to address the above issues concerning the rights of refugees, IDPs and stateless persons:

**(a) Internally displaced persons**

With regards to internally displaced persons the conference resolves:

- To recognize the importance of accurate identification and registration of IDPs in their respective countries;
- To include issues relating to internal displacement into the work plans of National Human Rights Institutions in view of a greater recognition and full protection of all their human rights;

- To educate and sensitise the government, the CSOs and the public on issues relating to IDPs;
- To evaluate and monitor the intervention mechanisms of all actors including government, humanitarian agencies and donors;
- To network with government institutions and other national institutions to address issues of IDPs;
- To ensure the establishment of a proper legal framework and policies, consistent with UN Guiding Principles and other regional instruments such as the Pact on Security, Stability and Development in the Great Lakes Region;
- To involve all stakeholders in the development of early warning mechanisms;
- To support durable solutions in the resettlement or integration of IDPs to their habitual settlements or in other places in their countries in a safe and dignified manner;
- To cooperate with the Representative of the United Nations Secretary General on the human rights of IDPs and the Special Rapporteur of the African Commission for Human and People's Rights on refugees and displaced persons.

**(b) Refugees**

With regard to refugees, intervention is required for prevention, protection and the search for durable solutions.

*Prevention*

The Conference resolves:

- To enhance early warning and monitoring mechanisms especially in conflict prone zones;
- To enhance the mediatory role of NIs in promoting pacific cooperation at the regional and sub-regional level in addressing refugee issues;
- To educate or to train refugees to be aware of their duties towards the host communities and their environment;
- To educate host countries to be tolerant of refugees and recognise their rights;
- To foster cordial relations between refugees and the host communities.

*Protection*

- To carry out advocacy on behalf of refugees;
- To urge the governments to ratify, domesticate and implement regional and international instruments regarding the rights of refugees;
- To partner with the UNHCR and other organisations to guarantee international principles relating to refugees such as the principle of *non-refoulement*;
- To ensure sustained livelihoods of refugees regarding health, education and other aspects;
- To work with government to prevent military activities and all kind of violence including sexual violence in refugee camps;
- To strive to find durable solutions for refugees i.e. voluntary repatriation, local integration and resettlement in a third country.

**(a) Stateless persons**

With regards to Stateless persons the conference resolves:

- To elaborate mechanisms to identify all stateless persons in order understand statelessness on the continent;
- To assess the problems arising from statelessness;
- To evaluate and review existing legislations on citizenship and nationality and ensure that they do not create situations that could lead to statelessness;
- To urge their governments to establish an efficient registration mechanisms;
- To adopt measures that shall eliminate statelessness;
- To encourage and strengthen regional and international cooperation to be able to deal with the situation of statelessness.

1. *Welcome* the support given to the sixth Conference by OHCHR, UNHCR, the Brookings Institution-University of Bern project on Internal displacement, the *Organisation Internationale de la Francophonie* and other partners;

2. *Call* for direct contributions from the African National Human Rights Institutions and continued assistance, substantive and financial, by international and regional intergovernmental organizations and other partners;



3. *Reaffirm* their commitment to cooperate with the African Commission on Human and People's Rights in the area of promotion and protection of the rights of refugees, IDPs and stateless persons in Africa;
4. *Resolve* to work with international and regional organizations, including the African Union, in the promotion, protection of rights of Refugees, IDPs and Stateless persons in Africa;
5. *Agree* to hold its next biannual conference in Morocco, in 2009.

Adopted at Kigali, Rwanda

10 October 2007

## **Annex II**

### **TWELFTH ANNUAL MEETING OF THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**24th to 27th September 2007, Sydney, Australia**

#### **APF CONFERENCE**

#### **Concluding statement**

#### **Introduction**

1. The Asia Pacific Forum of National Human Rights Institutions (the Forum), consisting of the national human rights institutions (NHRIs) of Australia, Afghanistan, India, Indonesia, Jordan, Malaysia, the Maldives, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor-Leste, held this Twelfth Annual Meeting in Sydney, Australia from 24th to 27th September 2007.
2. The Forum conveyed their respect and special thanks to the elders of the Gadigal people of the Eora nation, the traditional owners of Sydney, who offered a warm welcome to their land to all participants.
3. The Hon Philip Ruddock MP, Attorney General of Australia and Mr John von Doussa QC, President of the Australian Human Rights and Equal Opportunity Commission spoke at the opening ceremony. The speakers stressed the important roles of NHRIs and the Forum in the promotion and protection of human rights in the region.
4. The Forum Councillors expressed their gratitude to the Australian Human Rights and Equal Opportunity Commission for hosting the meeting, to the United Nations Office of the High Commissioner for Human Rights (OHCHR) for its co-sponsorship and to all the Forum's donors for their financial support. The Forum Councillors expressed their appreciation for the efforts of the President, Commissioners and staff of the Australian Human Rights and Equal Opportunity Commission and the secretariat of the Forum for their work in the organisation of the meeting.
5. The Forum Councillors particularly welcomed the participation of the Advisory Council of Jurists and thanked them for their important work. They also welcomed, as observers, the representatives of the OHCHR, the Chairperson of the International Coordinating Committee of National Institutions (ICC), a representative from the Iranian Islamic Human Rights Commission, twenty five international, regional and national non-governmental organizations (NGOs) and the representatives of the parliaments and/or governments of Australia, the Maldives and Philippines.

## Conclusions

The Forum, during its open plenary sessions:

6. Expressed appreciation to the United Nations High Commissioner for Human Rights for her message and for her leadership in supporting the establishment and strengthening of NHRIs. The Forum warmly welcomed the strengthened partnership with the OHCHR and looked forward to enhancing this relationship and its participation in the UN human rights system, especially the Human Rights Council and its mechanisms.

7. Informed the conference of the outcomes of the Forum Councillor meeting held on 25th September 2007. The following decisions were highlighted:

- The unanimous election of Mr John von Doussa QC, President of the Australian Human Rights and Equal Opportunity Commission (as the current host institution of the annual meeting) to the position of Chairperson of the Forum, Tan Sri Abu Talib Othman, Chairman of the National Human Rights Commission of Malaysia (as the host institution for the next annual meeting) and Professor Kyong-Whan Ahn, Chairperson of the National Human Rights Commission of the Republic of Korea (as the immediate past Chairperson of the Forum) to the two positions of Deputy Chairpersons;
- Approval of the draft Rules of Procedure for (i) meetings of Forum Councillors; (ii) the Forum's Annual General Meeting and (iii) the Forum's Annual Conference, incorporating amendments that increased the proposed timeframes for submission of documents for Forum Councillors' meetings under paragraphs 3.1 and 3.2;
- Approval of the application for associate membership from the Human Rights Commission of the Maldives;
- The review of the associate membership of the Jordan National Centre for Human Rights. Forum Councillors congratulated the institution for the steps taken to comply with the Paris Principles and resolved to admit the institution as a full member of the Forum;
- The review the candidate membership of the Provedoria for Human Rights and Justice of Timor-Leste. Forum Councillors congratulated the Provedoria on the formation of a pluralistic advisory council and resolved to admit the institution as a full member of the Forum. As a result of these decisions, the Forum is now comprised of 14 full member institutions; and 3 associate member institutions;
- Agreement to make a reference to the Advisory Council of Jurists on the corporate accountability and government responsibility for the activities of transnational corporations which affect human rights and requested the secretariat to develop draft terms of reference, including a term concerning the obligation to respect and protect the legitimate activities of human rights defenders, for the consideration and approval of Forum Councillors. Forum Councillors also approved the proposal for a review of the role and functions of the ACJ and welcomed the offer of the National Human Rights Commission of India to host a meeting for this purpose in February 2008;

- A request that the secretariat examine options and make recommendations to enhance the effectiveness of the role of national institutions in the United Nations for the consideration and decision of Forum Councillors;
- A request that the secretariat examine options and make recommendations concerning the Forum's membership procedures and their relationship to the International Coordinating Committee accreditation process for the consideration and decision of Forum Councillors;
- A request that the ICC and OHCHR increase the provision of information on the activities of the Human Rights Council, treaty bodies and relevant human rights mechanisms to the secretariat for dissemination to all member institutions in a timely manner;
- The establishment of a governing structure for the Senior Executive Officers (SEO) network in line with the governing structure of the Forum. The Forum Councillors therefore welcomed the appointment of the SEO from Australia as Chair of the network, and the SEOs of Republic of Korea and Malaysia to the positions of Deputy Chairs; and
- Accepted with appreciation the kind offer of the Human Rights Commission of Malaysia to host the Thirteenth Annual Meeting in 2008.

8. Welcomed the reports of Forum members on their operations over the preceding year. Also welcomed the report of the Iranian Islamic Human Rights Commission and offered technical support from Forum members and the secretariat.

9. Noted the reports from Forum member institutions about regional cooperation activities. In particular they discussed and welcomed the progress of the national human rights institutions of Indonesia, Malaysia, Philippines and Thailand to strengthen their cooperation towards the establishment of an ASEAN mechanism on human rights. The institutions from Afghanistan, Jordan, Palestine and Qatar expressed their interest in exploring sub-regional cooperation amongst national institutions within West Asia and requested the advice and assistance from the secretariat.

10. Welcomed the reports of governments and parliamentarians on the activities undertaken by States to protect and promote human rights including support for national human rights institutions.

11. Welcomed the reports of non-governmental organisations (NGOs). Forum Councillors expressed their appreciation for the constructive and coordinated contribution of NGOs to the work of the Forum. Forum Councillors thanked NGOs for their submissions, collective participation and advocacy at the meeting and stressed their commitment to furthering constructive dialogue and practical cooperation. In response, the NGOs expressed their appreciation to the Forum for the opportunity of actively participating in dialogue and discussion during the annual meeting. NGOs commended those APF members who held consultations with NGOs prior to the annual meeting and recommended that this practice be implemented by all APF member institutions for future annual meetings. Forum Councillors and NGOs requested that the Forum further consider:

- Practical mechanisms to enhance NHRIs protection of human rights defenders;
- The role of NHRIs and their coordination with States and NGOs in the UN Universal Periodic Review mechanism;
- The role of NHRIs and the Declaration of the Rights of Indigenous Peoples;
- The role of NHRIs in the implementation of the Convention Against Torture and its Optional Protocol, particularly given the requirement to establish a national preventative mechanism in compliance with the Paris Principles; and
- A mechanism to review the implementation of the recommendations of the ACJ.

12. As a matter of urgency given the current demonstrations in Myanmar, agreed to request their national governments to negotiate with Myanmar to bring an end to human rights abuses.

13. Expressed disappointment at the actions of the Fiji Human Rights Commission that have undermined its independence. The Forum offered APF assistance to re-establish the Commission's independence. Forum Councillors urged all Forum members, especially in situations of conflict, to demonstrate independence as required by the Paris Principles.

14. Considered the role of national institutions in protecting and promoting the rights of people with disabilities. Forum Councillors resolved to establish a disability focal point in each institution to liaise and coordinate regionally. The SEO network also resolved to actively engage in this activity and to seek sufficient resources to support it. Forum Councillors requested the Forum secretariat to support and facilitate the work of this disability network.

15. Considered the issue of the right to environment, including the interim report of the Advisory Council of Jurists. The Forum warmly thanked the jurists for their expertise and the comprehensive scope of their report. Forum member institutions would carefully consider their recommendations and report on their implementation to the next meeting of the Forum. Forum Councillors also invited proposals from the jurists concerning both thematic issues for possible future references and administrative issues to ensure the effective and efficient functioning of the Council.

16. Recorded their sincere appreciation to:

- Professor Kyong-Whan Ahn, Chairperson of the National Human Rights Commission of the Republic of Korea for his excellent Chairmanship of the Forum following the resignation of Fiji Human Rights Commission;
- Ms Diana Temby, former Executive Director of the Australian Human Rights and Equal Opportunity Commission, for her important contribution to the Forum; and
- Dr Purificacion Quisumbing for her long service as the Chairperson of the Commission on Human Rights of the Philippines, which will end before the next Annual Conference, and for her untiring support for the work of the Forum.

### **Annex III**

## **14<sup>TH</sup> ANNUAL WORKSHOP OF THE FRAMEWORK ON REGIONAL COOPERATION FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS IN THE ASIA-PACIFIC REGION**

### **Bali action points adopted by Member States on 12 July 2007**

PP Expressing appreciation to the Government of the Republic of Indonesia for hosting the 14<sup>th</sup> Annual Workshop of the framework on regional cooperation for the promotion and protection of human rights in the Asia-Pacific region in collaboration with OHCHR;

PP Expressing appreciation to the representatives of national human rights institutions, international organizations, civil society and resource persons for their inputs to the workshop;

PP Acknowledging the value-added of the thematic discussions at the 13<sup>th</sup> and 14<sup>th</sup> Annual Workshops of the framework on regional cooperation for the promotion and protection of human rights in the Asia-Pacific region in Beijing on human trafficking and Bali on extreme poverty respectively, and supporting the continuation of the good practice of thematic discussions;

PP Noting that 2008 will mark the 60<sup>th</sup> anniversary of the Universal Declaration of Human Rights, the 15<sup>th</sup> anniversary of the process of Regional Cooperation for the Promotion and Protection of Human Rights in the Asia-Pacific Region, as well as the 10<sup>th</sup> anniversary of the Tehran Framework on Regional Technical Cooperation;

PP Welcome the activities by national human rights institutions in support of regional cooperation, including those with the support of the Asia-Pacific Forum of National Institutions and OHCHR;

PP Note the proposal of OHCHR to hold a regional workshop in 2007 on the establishment of national human rights institutions with a view to sharing information and best practice;

The Member States hereby:

1. Recognize the important linkage between human rights and efforts to address extreme poverty, and agree to continue sharing experiences and ideas on the application on this linkage;
2. Agree that the next regional workshop should be a special event to reflect on the progress and achievements made under the Asia-Pacific Framework, including the four Tehran pillars, and define further priorities for regional cooperation for the promotion and protection of human rights;
3. Request OHCHR, in preparation for the 15<sup>th</sup> anniversary, to produce a summary of recommendations made since the first annual workshop in Manila, the Philippines in 1991 and progress made in their implementation;
4. Request OHCHR to prepare a directory of resource materials and resource persons available to assist the implementation of activities under the regional framework;

5. Request OHCHR to prepare a compilation of the outcome documents of the four sub-regional workshops for judges and lawyers on justiciability of economic, social and cultural rights to ensure its effective dissemination;
6. Request OHCHR to engage in consultations with Member States, regional organisations, national institutions, civil society and other stakeholders on follow up to activities under the regional framework;
7. Request OHCHR to engage in follow up consultations and dialogue with other United Nations and multilateral development agencies to harness their resources to achieve progress under the regional framework, including on human trafficking and extreme poverty in the region;
8. Agree to hold regular consultations of Member States among Permanent Missions to the United Nations in Geneva to review progress in implementation of these action points and broader activities under the regional framework.

#### **Annex IV**

### **REGIONAL WORKSHOP ON THE ESTABLISHMENT OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN ASIA**

**Manila, 15-17 October 2007**

#### **Concluding Statement**

In accordance with the Charter of the United Nations and the Universal Declaration of Human Rights, the Office of the United Nations High Commissioner for Human Rights and the Commission on Human Rights of the Philippines, with the support of the Government of the Philippines, organized a three-day Regional Workshop on the Establishment of National Human Rights Institutions in Asia, held in Manila from 15 to 17 October 2007. The workshop participants:

- Express appreciation to the Commission on Human Rights of the Philippines and the UN Office of the High Commissioner for Human Rights as well as the Government of the Philippines for convening this Regional Workshop on the Establishment of National Human Rights Institutions (NHRIs) in Asia;
- Acknowledge the participation of the UNDP Resident Representative/UNCT Resident Coordinator in the Philippines and, as resource persons, the National Human Rights Institutions from India, the Republic of Korea, as well as Indonesia, Malaysia, the Philippines and Thailand as 'ASEAN-4', and the Asia Pacific Forum of NHRIs, as well as the presence of the Head of Delegation of the European Commission in the Philippines;
- Emphasize the relevance of NHRIs as key actors in strengthening human rights promotion and protection;
- Acknowledge the comprehensive overview given and discussions held on the establishment of NHRIs, their historical and legal background, the minimum standards NHRIs have to comply with, as well as the core functions, main features and methods of operation of NHRIs;
- Recognize the importance of taking necessary measures in order to establish NHRIs in compliance with the Paris Principles;
- Emphasize the importance of sensitizing Governments, Parliaments, and other relevant national stakeholders on the values and benefits of establishing NHRIs;
- Recognize the assistance, support and advice from OHCHR, UNCTs, and the commitment of support from APF and other NHRIs in Asia in establishing NHRIs that may be made available at the request of Member States.

Manila, 17 October 2007



**Annex V**

**SUPPORT AND OBSTACLES TO THE PROTECTION OF HUMAN RIGHTS;  
COOPERATION BETWEEN OMBUDSMAN INSTITUTIONS AND PUBLIC  
ADMINISTRATION, MEDIA AND CIVIL SOCIETY**

**REGIONAL OMBUDSMAN CONFERENCE ORGANISED BY THE  
OMBUDSPERSON INSTITUTION IN KOSOVO WITH THE SUPPORT  
OF THE US OFFICE IN PRISHTINË/PRIŠTINA AND THE OSCE**

**8-9 June 2007, Grand Hotel, Prishtinë/Priština, Kosovo**

**Joint recommendations**

- Representatives of ombudsman institutions and international organizations meeting in Prishtinë/Priština discussed ways in which ombudsman institutions can cooperate with the public administration, media and civil society for the realization of human rights.
- Ombudsman institutions will be most effective in the promotion and protection of human rights if, at a minimum, they are in full compliance with the Paris Principles.
- Participants recognized that maladministration and poor quality of public administration staff - including a lack of human rights training - have an adverse effect on the follow-up of recommendations made by the ombudsman institutions.
- Participants also recognized that ombudsman institutions should function independently from Parliament and that they have a mutually reinforcing and reciprocal relationship.
- It was recognized that ombudsman institutions operating in transition or post-conflict situations face unique challenges, such as in awareness-raising, investigation, the provision of advice, and reconciliation. They play a crucial role in the establishment of the rule of law, and are ideally placed to address the human rights concerns of minorities and other vulnerable groups.
- Participants recognized that there are arguments for and against having a specialized ombudsman institution mandated to deal with specific human rights issues such as minority rights. On the one hand, it may contribute to public confusion, contradictions and overlap in mandates, or a weakening of the national ombudsman institution. On the other hand, a specialized institution would allow for specific expertise and authority in addressing certain human rights issues. In any case, taking either direction is crucial for the protection of human rights.
- It was recognized that ombudsman institutions form a crucial part of a national human rights protection system, which also includes an independent judiciary, the proper administration of justice, a representative national parliament and a strong and dynamic civil society. Effective cooperation between these elements is indispensable in establishing and strengthening the rule of law, protecting human rights, and fighting impunity and corruption.

- Ombudsman institutions should engage in exchanging information on approaches, experiences and best practices with international and regional networks and international partners which have a specific mandate in this respect.
- It was recognized that ombudsman institutions in the region operate within a variety of mandates and resource limitations. The following recommendations are intended to present aspirations in the work of these institutions.

#### **A. Cooperation between ombudsman institutions and the public administration**

1. To ensure the proper functioning of a democratic society, the public administration should have an effective working relationship with ombudsman institutions and operate in the service of its citizens. The administration should also be given sufficient space to clarify a situation brought to its attention by the ombudsman institution.
2. Ombudsman institutions should play an important role in addressing maladministration, which is often due to legislative gaps.
3. Ombudsman institutions should address maladministration through proposals for legislative amendments or capacity building initiatives to improve the quality of the work output of public administration staff.
4. Ombudsman institutions should play a role in improving the quality of public administration through individual complaints-handling, the issuing of special reports, training of administrators and personal contact with administrators.
5. The public administration should establish a level of cooperation with the ombudsman institution that is timely, adequate and responsive to the recommendations submitted to it by the ombudsman institution. The public administration is also obliged to cooperate with the ombudsman institution by providing it with information and facilitating its investigations.
6. Ombudsman institutions should ensure engagement with persons whose rights have been violated, through ongoing outreach and awareness-raising activities.
7. In the case of a public administration's non-compliance with the ombudsman institution's recommendations, the latter should, where appropriate and after careful consideration, explore additional avenues - including the media - to ensure compliance.

#### **B. The role of parliament as a partner to the ombudsman institution**

8. Parliaments should establish an appropriate legislative framework for the establishment of an ombudsman institution, in accordance with the Paris Principles.
9. Parliaments should ensure the highest standards regarding the election process and nomination of the ombudsman.
10. Ombudsman institutions should engage in awareness-raising activities for parliamentarians on international human rights, as well as the mandate and work of the ombudsman institution.

11. Parliaments and ombudsman institutions should develop an effective working relationship with the goal of promoting and protecting human rights.
12. Parliament should ensure that adequate resources and facilities are provided to the ombudsman institution to enable it to perform its functions effectively.
13. The ombudsman institution should be under a statutory obligation to submit annual reports to Parliament, as well as special reports in cases where a human rights issue requires urgent attention.
14. The annual and special reports of an ombudsman institution should be sent to Parliament and other State entities promptly, so as to increase transparency and awareness.
15. The annual and special reports should be debated in Parliament promptly, and the Government's response to the reports should be tabled in Parliament promptly.
16. Parliamentarians should invite the ombudsman to meet with them regularly to discuss issues of interest and concern.
17. Parliamentarians should ensure that their constituents, or the public at large, are made aware of the work of the ombudsman institution.
18. Parliamentarians should ensure that part of the mandate of the ombudsman institution is to advise Parliament on the conformity or otherwise of any legislation that may affect the enjoyment of human rights, and to address cases of maladministration.
19. When its mandate allows, an ombudsman institution should advise Parliament on the human rights implications of proposed legislation, constitutional amendments as well as existing laws, and recommend any necessary legislative amendments.
20. Parliamentarians should ensure that recommendations of the ombudsman institution are followed-up.

### **C. The role of the ombudsman institution in post-conflict situations or transition**

21. Ombudsman institutions should be endowed with sufficient powers to play an important role in the reform and strengthening of law enforcement institutions - including the police and prison administrations - and in monitoring the application of standards of good governance.
22. Ombudsman institutions should ensure that the administration of justice conforms to human rights standards and provides effective remedies, particularly to minorities and the most vulnerable groups in society.
23. Ombudsman institutions are crucial in developing transitional justice strategies that can ensure accountability for past crimes, and in facilitating the creation of effective mechanisms for reconciliation.
24. Ombudsman institutions play a key role in fighting impunity and addressing critical human rights issues such as torture and arbitrary detention.

25. Ombudsman institutions should play an educative role in the training and public awareness-raising of human rights issues in order to foster a culture of human rights understanding.
26. Ombudsman institutions should consider the investigation of issues related to the root causes of past conflicts and human rights violations as a priority.
27. Ombudsman institutions should issue recommendations to the Government on how to deal with human rights issues that were the cause or proximate cause of past conflicts.
28. Ombudsman institutions should pay particular attention to cases concerning persons in psychiatric institutions, particularly in a post-conflict environment.
29. Ombudsman institutions, especially those in conformity with the Paris Principles, should remind the Government of their unique position in fulfilling the role of a preventive mechanism, as envisaged under the Optional Protocol to the Convention against Torture.

#### **D. The role of the ombudsman in protecting the rights of minorities and other vulnerable groups**

30. Ombudsman institutions should play an important role in objective mediation between all actors concerned and in the promotion of public debate.
31. Ombudsman institutions have an investigative and enforcement role through the handling of complaints (including between private parties), ex officio investigations, and the provision of legal aid and expert opinions.
32. Ombudsman institutions have a policy and legislative role through the provision of comments and proposed amendments on (draft) legislation, as well as the promotion of the ratification and implementation of international human rights standards.
33. Ombudsman institutions have an educative and information role through the conducting of awareness raising campaigns, promotion of public debate, publication and dissemination of reports, dissemination of international human rights standards, and the provision of training to public officials.
34. Ombudsman institutions should also consider raising public awareness and promoting social dialogue through the use of the media.
35. The ombudsman institution should cooperate, where possible, with civil society in educative and awareness-raising activities, the organization of seminars/roundtables on minority rights issues, and in receiving complaints through NGOs.

#### **E. The media's cooperation with the ombudsman in combating nepotism and corruption**

36. Ombudsman institutions should fight cases of nepotism and corruption in public institutions based upon sound and reliable information and, where appropriate, bring a situation to the attention of the public at large.

37. Ombudsman institutions should keep the specific goals of the media in mind - particularly the need to appeal to as wide an audience as possible - when relying upon it as a source of information.

38. Ombudsman institutions should make appropriate use of the media to give additional weight to its arguments when addressing public authorities, whilst at the same time ensuring that its independence is retained.

39. Ombudsman institutions and the media are natural partners that should complement each other and be well informed about each other's functioning. Ombudsman institutions should also make optimal use of the media to raise awareness among the general public about its mandate and daily work.

## **Annex VI**

### **FIRST ARAB - EURO REGIONAL CONFERENCE FOR NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, AMMAN, 18-19 APRIL 2007**

#### **Conclusions and Recommendations**

The first Arab - Euro Regional Conference for National Institutions for the Promotion and Protection of Human Rights held in Amman was devoted to the theme of protecting human rights while countering terrorism. The conference was organized by the National Center for Human Rights of Jordan and the Danish Institute for Human Rights. A list of participants of the conference is enclosed.

The conference was enriched by stimulating presentations by key note speakers from NIs, OHCHR and independent experts followed by constructive discussions and deliberations.

The first Arab - Euro Regional Conference adopted the following:

*Recalling* the international bill of human rights and other international human rights instruments, freely ratified by states, to promote and protect human rights and fundamental freedoms, particularly the International Covenant on Civil and Political Rights, the Convention against Torture and its Optional Protocol, the International Convention for the Elimination of All Forms of Racial Discrimination and the International Covenant on Economic, Social and Cultural Rights underlining the legally binding obligations they impose on state parties and the contribution they make to international peace, security and development,

*Recalling* that the protection and promotion of human rights and the adoption of effective counter-terrorism measures are complementary and mutually reinforcing objectives that must be pursued together as part of the states' responsibility to protect,

*Welcoming* guidance and jurisprudence on the protection and promotion of human rights provided for in human rights treaty bodies and special procedures while countering terrorism,

*Reaffirming* the principles and recommendations of the Seoul Declaration of 2004 adopted by the Seventh International Conference for Nis,

*Stressing* that international human rights instruments contain provisions for the protection and promotion of human rights of each individual, and at the same time oblige states to provide safety and security for their population,

*Underlining* that non-derogable human rights are absolute and inalienable and that any anti-terrorism measures that have an impact on derogable human rights, must be necessary, proportionate and be in conformity with international law and national legislation, including ensuring legal safeguards,

*Emphasizing* that states are obliged to ensure that anti-terrorist measures comply with international human rights standards and that National Institutions are mandated to advise their governments on compliance with these standards,

*Stressing* the need for non-violent conflict resolution and open, transparent and participatory processes in order to respond to terrorism,

*Urge* governments, politicians and media to avoid describing the fight against terrorism in discriminatory ethnic stereotypes and instead address the root causes and real challenges with regard to preventing terrorism,

*Encouraging* National Institutions to give priority to interaction with governments and other stakeholders regarding anti-terror legislation, its implementation as well as protection of human rights defenders *and urging* governments to pay due attention to advice of NIs and CSO,

*Calling* for the use and application of national, regional and international human rights standards and mechanisms, in combating terrorism and in this respect strengthening collaboration with international and regional organizations such as the UN, including the OHCHR, the Council of Europe, EU, the Islamic Conference and the Arab League and other institutions,

*Declaring* that there is a need for further collaboration, sharing of information and best practices, including the development of specific tools, among NIs in the Arab - Euro regions,

## **Way forward**

NIs should focus on the respect for rule of law and effective administration of justice in line with international human rights treaties. They should carefully study both legislation and procedures and their compliance with international standards making full use of international human rights mechanisms including the United Nations human rights treaty bodies and the special procedures.

NIs should demand from the state that counter terrorism legislation is neither enacted in haste nor without public scrutiny. NIs should focus on and take steps to prevent violations of human rights, in particular non-derogable rights.

1. An Arab - Euro working group (WG) should be established consisting of representatives from two Arab NIs and two European NIs. A technical advisor of the OHCHR will be requested to be actively involved:

(a) Exploring possible definitions of terrorism in order to ensure the principle of legality and precise legal definition of terrorism. In its deliberations, the WG shall look into ways of distinguishing between “terrorism” and “the right of self-determination and legitimate resistance” and take into account work already prepared in this respect;

(b) Developing practical steps and tools that NIs can implement with regard to human rights responses to counter-terrorism measures. The WG should in particular consider entering into a dialogue with governments and politicians, professional groups such as the police, intelligence service, prosecutors, courts and defense lawyers, civil society and the media.

2. When working on this topic, NIs should explore the root causes of terrorism in their national context and monitor human rights violations in connection with implementation of anti-terrorism measures in order to prepare for an Arab - Euro strategy for protection of human rights in the implementation of counter terrorism measures.



## **Annex VII**

### **RABAT DECLARATION**

#### **THE THIRD CONFERENCE ON THE “ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS IN PROMOTING THE INDEPENDENCE OF THE JUDICIARY IN THE ARAB REGION”**

**12-14 November 2007, Rabat, Morocco**

The Advisory Council for Human Rights in Morocco and the Office of the United Nations High Commissioner for Human Rights organized the Third Conference on the Role of National Human Rights Institutions (NHRIs) in Promoting the Independence of the Judiciary in the Arab Region from 12 to 14 November 2007, in Rabat, Morocco.

The Conference aimed at supporting national and regional initiatives to strengthen the role of NHRIs and other actors, in promoting the rule of law and the independence of the judiciary in accordance with international human rights norms.

The Conference brought together representatives of existing NHRIs in the region, the judiciary, regional organizations including the League of Arab States, United Nations, and experts on the administration of justice, as well as non-governmental organizations.

#### **Preamble**

*We representatives of NHRIs participating in the Conference,*

*Recall the principles of universality, indivisibility and inalienability of human rights as well as principles of the Charter of the United Nations;*

*Recall international human rights instruments, which guarantee the right to a fair hearing in all proceedings before a competent, independent and impartial court or tribunal, notably in article 10 of the Universal Declaration for Human Rights, article 14 of the International Covenant on Civil and Political Rights (ICCPR), article 37 of the Convention on the Rights of the Child, and article 18 of the International Convention on the Protection of the Rights of all Migrant Workers and members of their Families;*

*Recall regional human rights instruments, principles and guidelines, which guarantee the right to a fair hearing before a competent, independent and impartial court or tribunal, notably in article 7 of the African Charter on Human and Peoples' Rights, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa, and the provisions of the Arab-Charter for human rights related to the independence of the judiciary;*

*Take note that the protection of international and regional human right instruments to a fair hearing, and normative guidance provided by international and regional principles and guidelines, is also applicable to military courts and tribunals and during states of emergency;*

*Recognize the Basic Principles on the Independence of the Judiciary of 1985 as important benchmarks to assist Member States in endorsing the independence of the judiciary in the Constitution or the law of the country, the Guidelines on the Role of Prosecutors of 1990, and the Basic Principles on the Role of Lawyers of 1990, which provide protection for the independence and professional integrity of lawyers and prosecutors so that they can carry out their role in maintaining the rule of law;*

*Recall the Bangalore Principles of Judicial Conduct adopted by the Judicial Integrity Group in 2002 and noted by the former Human Rights Commission in 2003, and the Economic and Social Council in 2006;*

*Welcome General Comment No. 32 on article 14 of the ICCPR on the “Right to equality before courts and tribunals and to a fair trial”, adopted by the Human Rights Committee in 2007;*

*Reiterate the importance given to the conformity of the NHRIs with the Principles relating to the Status of National Institutions as adopted by the UN General Assembly resolution 48/134, on 20 December 1993 (known as “the Paris Principles”), and the need to build partnerships among NHRIs, governments and non-governmental organizations to promote the administration of justice and the rule of law,*

*Note that the Third Conference on the role of NHRIs in Promoting the Independence of the Judiciary in the Arab region has identified challenges and gaps in law and practice, as well as urgent requirements with regard to the independence of the judiciary in the Arab region;*

*Declare that the NHRIs from the Arab region agree to develop and strengthen regional and cross-regional cooperation aiming at exchanging experiences and good practices that support their endeavours to promote and protect human rights at the national level and promote the independence of the judiciary;*

*Emphasize further the key role of the media in raising public awareness on human rights and acknowledging the progress made also by Arab media in dealing with human rights issues;*

### **Recommendations**

We recommend:

1. Arab States that have not yet established NHRIs to do so in accordance with the Paris Principles, to strengthen their independence and effectiveness in law and practice, and to endow them with adequate financial resources;
2. Arab States to reinforce national legal frameworks to promote and protect human rights, the rule of law and an effective administration of justice;

3. Arab States, which have not done so, to ratify the core international human rights treaties, including Optional Protocols, notably the Optional Protocol to the International Covenant on Civil and Political Rights, proceed with the ratification of the Arab Charter for Human Rights, remove reservations that contradict the essence of the treaties and accept the competency of the UN treaty bodies to consider individual complaints;
4. Ensuring conformity between international human rights norms and national legislation, and follow-up on the implementation of the recommendations of treaty bodies and special procedures, as well as observations resulting from the Human Rights Council;
5. Strengthening constitutional, legislative and practical measures aiming at ensuring that judicial proceedings are conducted fairly in accordance with international norms and that the rights of the parties are respected;
6. Promoting the independence of the judiciary while adopting national human rights plans of action and establishing mechanisms of implementation in partnership with NHRIs, governments and non-governmental human rights organizations;
7. NHRIs to contribute in developing national strategies comprising activities aiming at raising awareness among relevant stakeholders in respecting the independence of the judiciary;
8. Promote and participate in monitoring cases of arbitrary arrest and detention, including the conditions of detention, and observe trials as practical measures to evaluate whether a court or tribunal is competent, independent and impartial;
9. NHRIs to engage in joint research and analysis to develop indicators and criteria to monitor and report on cases of arbitrary arrest and detention, inhumane conditions of detention and unfair trial;
10. NHRIs to provide effective legal assistance for victims of unfair trial and valuable and timely remedies for human rights violations in conformity with international standards and within the limits prescribed by the law; and ensure accessible complaint handling mechanisms guaranteeing everyone to obtain redress for violations committed during judicial proceedings;
11. NHRIs to promote public awareness programmes on the rule of law and the administration of justice through media outlets and encouraging liaison with the media;
12. The League of Arab States to facilitate the procedures of accreditation, as observers, of Arab NHRIs and non-governmental organizations to the Arab Permanent Commission for Human Rights, and to promote the status and participation of these institutions and organizations in the work of the Commission;

The participants in the Conference, finally,

Express their gratitude to the Kingdom of Morocco, the Advisory Council for Human Rights and the Office of the United Nations High Commissioner for Human Rights for organizing the Third Conference on NHRIs in the Arab region under the auspices of the Kingdom of Morocco on the theme of the independence of the judiciary in the Arab region;

Praise the Moroccan experience in the area of transitional justice and consider it as foremost among the reconciliation, truth and equity committees;

Agree on holding the Fourth Conference on common challenges facing the work of NHRIs in the Arab region, and elaborating adequate mechanisms to develop their capacities and independence in conformity with the Paris Principles and to open a discussion on those Principles;

Welcome the invitation made by the Algerian National Advisory Commission for Protection and Promotion of Human Rights to hold the Fourth Conference in Algiers;

Request the Advisory Council for Human Rights in Morocco and the host country to submit the recommendations of the present Conference, as an official document to the United Nations Human Rights Council.

Rabat, 14 November 2007

**List of NHRIs participating in the Conference**

1. The National Advisory Commission for Protection and Promotion of Human Rights in Algeria (*Commission nationale consultative de promotion et de protection des droits de l'homme (CNCPPDH)*)
2. The National Council for Human Rights in Egypt (NCHR)
3. The Advisory Council for Human Rights in Morocco (Conseil consultatif des droits de l'homme au Maroc (CCDH))
4. The National Committee for Human Rights in Qatar
5. The Office of the Commissioner for Human Rights, the Fight against Poverty and the Insertion in Mauritania (Commissariat aux droits de l'homme, à la lutte contre la pauvreté et à l'insertion en Mauritanie)
6. Human Rights Commission of the Kingdom of Saudi Arabia (HRCSA)
7. Palestinian Independent Commission for Citizen's Rights (PICCR)
8. The Supreme Committee for Human Rights and Fundamental Liberties in Tunisia (*Comité Supérieur des Droits de l'Homme et des Libertés Fondamentales (CSDHLF)*)

**Annex VIII**

**CHART OF THE STATUS OF NATIONAL INSTITUTIONS  
ACCREDITED BY THE INTERNATIONAL COORDINATING  
COMMITTEE OF NATIONAL INSTITUTIONS FOR THE  
PROMOTION AND PROTECTION OF HUMAN RIGHTS**

In accordance with the Paris Principles and the ICC Sub-Committee Rules of Procedure, the following classifications for accreditation are used by the ICC:

- A:** Compliance with the Paris Principles;
- A(R)** Accreditation with reserve - granted where insufficient documentation is submitted to confer A status;
- B:** Observer Status - Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;
- C:** Non-compliant with the Paris Principles.

**A Status Institutions**

National Institution	Status	Year reviewed
<b>Asia and the Pacific</b>		
Afghanistan: Independent Human Rights Commission	A	October 2007 Will be reviewed in October 2008
Australia: Australian Human Rights and Equal Opportunity Commission	A	1999 October 2006
India: National Human Rights Commission of India	A	1999 October 2006
Indonesia: National Human Rights Commission of Indonesia	A	2000 March 2007
Jordan: National Centre for Human Rights	A	April 2006 March 2007 October 2007 Will be reviewed in October 2010
Malaysia: Human Rights Commission of Malaysia (SUHAKAM)	A	2002
Mongolia: National Human Rights Commission of Mongolia	A	2002 - A(R) 2003
Nepal: National Human Rights Commission of Nepal	A	2001 - A(R) 2002 - A A status placed under review April 2006; under review in March 2007 October 2007 Will be reviewed in October 2008

National Institution	Status	Year reviewed
New Zealand: New Zealand Human Rights Commission	A	1999 October 2006
The Philippines: Philippines Commission on Human Rights	A	1999 March 2007 October 2007
Republic of Korea: National Human Rights Commission of the Republic of Korea	A	2004
Thailand: Office of the National Human Rights Commission of Thailand	A	2004
Africa		
Algeria: Commission Nationale des Droits de l'homme	A	2000 - A(R) 2002 - A(R) 2003
Egypt: National Council for Human Rights	A	April 2006 - B October 2006
Ghana: Commission on Human Rights and Administrative Justice	A	2001
Kenya: Kenya National Commission on Human Rights	A	2005
Malawi: Malawi Human Rights Commission	A	2000 March 2007
Mauritius: Commission Nationale des Droits de L'homme	A	2002
Morocco: Conseil Consultatif des Droits de L'homme du Maroc	A	1999 - A(R) 2001 October 2007 Will be reviewed in October 2010
Namibia: Office of the Ombudsman	A	2003 - A(R) April 2006
Niger: Niger Commission Nationale des Droits de L'homme et des Libertés Fondamentales	A	2001 - A(R) 2002 - A April 2006 (reviewed)
Rwanda: National Commission for Human Rights	A	2001 October 2007
Senegal: Comité Sénégalais des Droits de L'homme	A	2000 October 2007 Will be reviewed in October 2010
South Africa: South African Human Rights Commission	A	1999 - A(R) 2000 October 2007
Tanzania: National Human Rights Commission	A	2003 - A(R) 2005 - A(R) October 2006

National Institution	Status	Year reviewed
Togo: National Commission for Human Rights	A	1999 - A(R) 2000 October 2007
Uganda: Uganda Human Rights Commission	A	2000 - A(R) 2001
Zambia: Zambian Human Rights Commission	A	2003 - A(R) October 2006
The Americas		
Argentina: Defensoría del Pueblo de la Nación Argentina	A	1999 October 2006
Bolivia: Defensor del Pueblo	A	1999 - B 2000 March 2007
Canada: Canadian Human Rights Commission	A	1999 October 2006
Colombia: Defensoría del Pueblo	A	2001 October 2007
Costa Rica: Defensoría de los Habitantes	A	1999 October 2006
Ecuador: Defensor del Pueblo	A	1999 - A(R) 2002
El Salvador: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Guatemala: Procuraduría de los Derechos Humanos de Guatemala	A	1999 - B 2000 - A(R) 2002
Honduras: Comisionado Nacional de los Derechos Humanos de Honduras	A	2000 October 2007
Mexico: Comisión Nacional de los Derechos Humanos	A	1999 October 2006
Nicaragua: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Panama: Defensoría del Pueblo de la República de Panamá	A	1999 October 2006
Paraguay: Defensoría del Pueblo de la República del Paraguay	A	2003
Peru: Defensoría del Pueblo	A	1999 March 2007
Venezuela: Defensoría del Pueblo	A	2002
Europe		
Albania: Republic of Albania People's Advocate	A	2003 - A(R) 2004
Armenia: Human Rights Defender of Armenia	A	April 2006 - A(R) October 2006



National Institution	Status	Year reviewed
Azerbaijan: Human Rights Commissioner (Ombudsman)	A	October 2006
Bosnia and Herzegovina: Human Rights Ombudsman of Bosnia and Herzegovina	A	2001 - A(R) 2002 - A(R) 2003 - A(R) 2004
Denmark: Danish Institute for Human Rights	A	1999 - B 2001 October 2007
France: Commission Nationale Consultative des Droits de L'homme	A	1999 October 2006 review deferred to October 2007 October 2007
Georgia: Public Defender's Office	A	October 2007
Germany: Deutsches Institut für Menschenrechte	A	2001 - A(R) 2002 - A(R) 2003
Greece: National Commission for Human Rights	A	2000 - A(R) 2001 October 2007 Will be reviewed in October 2009
Ireland: Human Rights Commission of Ireland	A	2002 - A(R) 2003 - A(R) 2004
Luxembourg: Commission Consultative des Droits de L'homme du Grand-Duché de Luxembourg	A	2001 - A(R) 2002
Norway: Centre for Human Rights	A	2003 - A(R) 2004 - A(R) 2005 - A(R) April 2006
Northern Ireland (UK): Northern Ireland Human Rights Commission	A	2001 - B April 2006 - B October 2006
Poland: Commissioner for Civil Rights Protection	A	1999 October 2007
Portugal: Provedor de Justiça	A	1999 October 2007
Spain: El Defensor del Pueblo	A	2000 October 2007
Sweden: Ombudsman Against Ethnic Discrimination	A	1999 Requested a deferral in October 2007

**A Reserve Status Institutions**

National Institution	Status	Year reviewed
Asia and the Pacific		
Palestine: The Palestinian Independent Commission for Citizen's Rights	A(R)	2005
Africa		
Chad: Commission Nationale des Droits de L'homme	A(R)	2000 - A(R) 2001 - A(R) 2003 - A(R)
Democratic Republic of Congo: Observatoire National des Droits de l'Homme	A(R)	2005

**B Status Institutions**

National Institution	Status	Year reviewed
Asia and the Pacific		
Qatar: National Human Rights Committee of Qatar	B	October 2006
Sri Lanka: Human Rights Commission of Sri Lanka	B	2000 A status placed under review March 2007 Reviewed in October 2007
Africa		
Cameroon: National Commission on Human Rights and Freedoms	B	1999 - A October 2006
Burkina Faso : Commission Nationale des Droits de L'homme	B	2002 - A(R) 2003 - A(R) 2005 (B) April 2006, March 2007
Nigeria: Nigerian Human Rights Commission	B	1999 - A(R) 2000 - A October 2006 (special review) Placed under review March 2007 October 2007
Europe		
Austria: The Austrian Ombudsman Board	B	2000
Belgium: The Centre for equal opportunities and opposition to racism	B	1999
The Netherlands: Equal Treatment Commission of The Netherlands	B	1999 - B 2004

National Institution	Status	Year reviewed
Slovakia: National Centre for Human Rights	B	October 2007
Slovenia: Republic of Slovenia Human Rights Ombudsman	B	2000
Switzerland: Federal Commission against Racism (FCR)	B	1998
Russia: Commissioner on Human Rights in the Russian Federation	B	2000 2001

### C Status Institutions

National Institution	Status	Year reviewed
Africa		
Benin: Commission Béninoise des Droits de L'homme	C	2002
Madagascar: Commission Nationale des Droits de l'Homme de Madagascar	C	2000 - A(R) 2002 - A(R) 2003 - A(R) April 2006 - status withdrawn October 2006
Americas		
Antigua and Barbuda: Office of the Ombudsman	C	2001
Barbados: Office of the Ombudsman	C	2001
Puerto Rico: Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico	C	March 2007
Asia and the Pacific		
Hong Kong: Hong Kong Equal Opportunities Commission	C	2000
Iran: Commission Islamique des Droits de L'homme	C	2000
Europe		
Romania: Romanian Institute for Human Rights	C	March 2007
Slovakia: Slovakia Commissioner for Human Rights	C	2002

**Pending or suspended Institutions**

National Institution	Status	Year reviewed
Africa		
Americas		
Asia and the Pacific		
Fiji: Fiji Human Rights Commission	Suspended Note: Fiji resigned from the ICC on 2 April 2007	2000 Accreditation suspended in March 2007 for review in October 2007 Commission resigned from the ICC 2 April 2007
Europe		

## **Annex IX**

### **WORKSHOP OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND TREATY BODIES**

**Geneva, 26-28 November 2007**

#### **Conclusions**

##### **Introduction**

1. Representatives of nine National Human Rights Institutions met with members of four UN human rights Treaty Bodies on 26-28 November in Geneva to deepen the discussion that was started in Berlin in November 2006 on the interaction of NHRIs and UN human rights Treaty Bodies and review current practices.

2. The NHRIs present all had recent experience of engaging with the UN human rights Treaty Body process. They were from Germany, Guatemala, Ireland, Kenya, Mauritius, Mexico, New Zealand, South Africa and South Korea. Members of treaty bodies present were from the Human Rights Committee (3), the Committee Against Torture (2), the OPCAT Subcommittee on Prevention (1) and the Committee on the Elimination of Racial Discrimination (3). Also present were staff of OHCHR, an expert from Bristol University (UK) and representatives of NGOs, including the Association for the Prevention of Torture and the International Human Rights Service.

##### **Role of NHRIs**

3. It was noted that NHRIs play three distinct roles: at the national, regional and international levels. While NHRIs are the key element of strong national human rights protection systems, the international role is critically important. The more NHRI's are able to contribute information to, participate actively in the international human rights system, and follow up to their recommendations, the more they enhance and strengthen their national position. NHRIs and UN human rights Treaty Bodies are natural partners in the protection and promotion of human rights.

4. The ICC Sub-Committee on Accreditation acknowledged this international role of NHRIs in a General Observation at its meeting in October 2007. It specifically "highlights the importance for NHRIs to engage with the international human rights system – in particular the Human Rights Council and its mechanisms (Special Procedures Mandate Holders) and the United Nations Human Rights Treaty Bodies. This means generally NHRIs making an input to, participating in these human rights mechanisms, and following up at the national level to the recommendations resulting from the international human rights system".

5. The importance of NHRIs engaging with Indigenous Peoples as part of their involvement in treaty body processes was emphasised.

### **Principal conclusion: Implementing the harmonised approach to NHRIs engagement with Treaty Body Processes**

6. Participants shared and reflected on practical experiences of engagement since the Berlin meeting. On the basis of these discussions, they *endorsed* the harmonised approach to NHRI engagement with Treaty Body processes agreed upon in Berlin (attached to these conclusions) and *recommended* that NHRIs and treaty bodies work towards its implementation. The increased communication and sharing of practices between different UN human rights treaty bodies on engaging NHRIs was welcomed, and the Inter Committee Meeting of Treaty Bodies was encouraged to continue to focus on harmonising their approach working methods and interaction with NHRIs, and prioritise this discussion at the next Inter Committee Meeting of Treaty Bodies.

### **Encouraging participation**

7. Treaty Body Secretariats and the National Institutions Unit of the OHCHR were asked to actively invite and encourage NHRI's to participate in the UN treaty body processes and to provide them well in advance with information on the annual programme of consideration of state party reports as well as with summaries of previous recommendations by the international human rights system by country. Lists of Secretariat focal points for each Committee would also be made available.

8. They were also asked to provide guidelines on interaction with UN human rights Treaty Bodies, rules of procedure, development of reports by NHRIs and NHRI follow-up to concluding observations. The use of web technology to inform and familiarise NHRI's and others with these procedures was supported.

9. The availability of an ICC Geneva Representative who could speak on behalf of A status NHRIs in UN human rights treaty body sessions was noted and supported.

10. The forthcoming publication by the German Institute for Human Rights of a Hand-Book on NHRI's interacting with the treaty body system was welcomed.

### **NHRI and Treaty Bodies: Good Practices**

11. The good practices shared by NHRIs concerning their interaction with Treaty Body secretariat staff ahead of the session; with individual members of the Treaty Bodies, their participation in informal/formal sessions and then the follow-up action at the national level to treaty body concluding observations were commended. Particular emphasis was placed on the need to envisage follow up mechanisms by NHRIs to Treaty Bodies recommendations in order to ensure oversight to Government action - acknowledging also that it is the State that has the primary responsibility for follow up. This included bringing together various national actors, such as Parliament, engaging the media, advocating for implementation, monitoring the State party's response, and providing feedback to the relevant Treaty Body. Especially important was also the contribution of NHRIs to the identification of the list of issues to be discussed with the State party prior to the consideration of the report as well as their support in sharpening the focus of the concluding observations.

**NHRIs as advocates for ratification and use of complaints mechanisms**

12. It was noted that NHRIs can make an important contribution by advocating for ratification of international human rights treaties, optional protocols, removal of reservations and the acceptance of treaty provisions relating to individual complaints (such as Article 14 of ICERD which has been accepted by only 51 State parties and used by individuals or groups of individuals from 9 States parties).

13. The role of NHRI's in supporting the individual complaints mechanisms of specific UN human rights Treaty Bodies was emphasized, including raising public awareness of their availability, potentially providing support for petitioners, and monitoring follow up by the State party.

**NHRI involvement in OPCAT**

14. Examples of good practice were discussed in relation to the process of establishing National Preventive Mechanisms (NPM) under the OPCAT, the role of NHRI's, their relationship with NGOs, and the importance and complementarity of cooperation between the Subcommittee and National Preventive Mechanisms. It was also noted that some NHRIs have been identified as the NPM and this in recognition of their independence and adherence to the Paris Principles.

**Dissemination of the conclusions and report**

15. The OHCHR and ICC of NHRIs as well as regional coordinating bodies of NHRIs were asked to widely disseminate the conclusions and report of the meeting to NHRI's, Treaty Body members and States parties, including the harmonised approach to NHRI interaction with treaty body processes. In addition, it was pointed out that the report and conclusions of this meeting should be circulated by one or more NHRIs with A status as an official document of the Human Rights Council.

## **Annex X**

### **DISCUSSION PAPER ON INTERACTION BETWEEN NATIONAL HUMAN RIGHTS INSTITUTIONS AND SPECIAL PROCEDURES**

The purpose of this document is to identify areas for strengthened interaction between national human rights institutions (NHRIs) and Special Procedures (SPs) of the Human Rights Council (especially those NHRIs which are fully compliant with the Paris Principles, i.e. with A-status ICC accreditation<sup>a</sup>). NHRIs and SPs have much to gain from each other in performing their responsibilities for the promotion and protection of human rights.<sup>b</sup>

At the 12<sup>th</sup> annual meeting of SP mandate holders (Geneva, 21-25 June 2005), the need was recognized to strengthen follow-up to SP recommendations and to enhance their impact at the country level. Strengthened cooperation between SPs and NIs in these and other areas can make an important contribution to the effectiveness of both SPs and NIs, and to the effective realisation of human rights for people everywhere.

The potential for successful cooperation between NHRIs and SPs has recently also been acknowledged by the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, when she addressed the 19th annual meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on 21 March 2007. She mentioned that NHRIs take a pivotal position at the national level as the key-stone of a strong national human rights protection system. Moreover, she expressed her conviction that NIs are the best relay mechanism at country level to ensure the application of international human rights norms, and specifically mentioned the Special Procedures in this regard.

On the occasion of the 20th anniversary of the Danish Institute for Human Rights, the Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang, also reiterated this on 3 May 2007 when stating that NHRIs are key dialogue partners to Special Procedure mandate holders, contributing to the preparation, implementation and follow up action to country visits.

The important and mutually reinforcing role of NHRIs and SPs has been already acknowledged in several fora. The Annex to this paper lists areas for strengthened cooperation building on existing practices.

---

<sup>a</sup> The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights has an accreditation procedure through which NHRIs are examined on their compliance with the international standards for NHRIs, the Paris Principles. Those NHRIs deemed to be in full compliance with the Paris Principles receive an A-status accreditation.

<sup>b</sup> NHRIs in this document refer to those national institutions with a constitutional or legislative mandate to protect and/or promote human rights.



## **Proposals for the interaction between NHRIs and SPs**

### **Country visits: standing invitations and visit requests**

1. NHRIs can encourage the Government to extend a standing invitation to all thematic SPs.
2. NHRI can bring specific human rights developments to the attention of the relevant SPs, and when warranted encourage them to request a country visit to the Government.

### **Preparation of a country visit**

3. NHRIs are encouraged to propose reliable and relevant interlocutors, as well as provide SPs with relevant background information/materials, including relevant annual or thematic human rights reports.

### **During a country visit**

4. SPs are encouraged to routinely include in their schedule a meeting with the NHRI.
5. NHRIs might be requested to assist in the organization of the “unofficial” part of the agenda.

### **Recommendations after a country visit**

6. SPs are encouraged when feasible to involve NHRIs in the process of formulating the recommendations, so as to sharpen their focus and specificity.
7. SPs could include in their recommendations that an NHRI in full compliance with the Paris Principles be set up, that an existing NHRI be strengthened so that it fully complies with the Paris Principles, that adequate resources be provided to NHRIs, that an NHRI seeks accreditation through the ICC, etc.
8. If an SP mandate holder issues a press release or public statement after the country visit, NHRIs are encouraged to widely publicize the statement at the national level.

### **Follow-up to a country visit**

9. SPs are encouraged to approach NHRIs to widely disseminate and translate the country visit report to their national contact network, including selected Government officials, Members of Parliament or NGOs and civil society groups.
10. SPs might wish to recommend in their country visits report that NHRIs actively monitor the follow-up of SP recommendations.
11. SPs are encouraged to actively request information from the NHRI in order to assess the status of implementation of the recommendations made following a country visit, for example through a questionnaire. NHRIs are also encouraged to regularly provide information to mandate-holders on the implementation of their recommendations (or lack thereof).

12. NHRIs are encouraged to take relevant SPs' recommendations into account when submitting opinions, recommendations, proposals and reports to the Government, Parliament or other public body.
13. NHRIs can act as reliable partners at the national level for the monitoring of any retaliatory action against sources of information that have cooperated with a SP during a country visit. NHRIs are encouraged to promptly inform OHCHR of such events, for the attention of the SP mandate holder.
14. NHRIs could organize follow-up seminars, either at the request of SPs or at their own initiative, including all the human rights stakeholders as well as the SP mandate holder.
15. NHRIs are encouraged to take relevant SPs' recommendations into account when preparing their work-plan and when assisting in the formulation of National Human Rights Action Plans and in other human rights related programming activities.

### **Communications**

16. The SP can make use of an NHRI as (1) a reliable and available source of information; (2) a potentially good partner to verify the accurateness of information obtained from other sources; and (3) an effective intermediary to obtain information from third parties.
17. In case of an anticipated or ongoing human rights violation, NHRIs can act as an important link for early warning and may bring such situations to the attention of the SP for their action.
18. Because of their mandate regarding existing or draft legislation, NHRIs are optimally placed to flag relevant (draft) laws to the SP, who may act upon this information.

### **Protection capacity**

19. Whenever an NHRI is under threat, relevant SPs could act to protect it through communications or other measures.
20. SPs could make effective use of regional networks of NHRIs to mobilize public opinion to address particular human rights issues.

### **Thematic studies**

21. NHRIs could bring a specific situation to the attention of the relevant SP and suggest specific issues be the subject of, or be included in a thematic study. NHRIs can also be approached with a further request for information or the dissemination of a questionnaire among the national contacts of the NHRI for the preparation of thematic studies.
22. NHRIs can organize thematic conferences or seminars and invite the relevant SP mandate holders to attend.
23. Thematic studies should be more systematically shared with NHRIs, so that their conclusions may be taken into account by NHRIs when formulating legislative proposals.

### **International meetings**

24. Those NHRIs which are in compliance with the Paris Principles (having received an A-status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights) could attend sessions of the Human Rights Council and make an oral statement during the interactive dialogue after the presentation by the relevant SP mandate holder.
25. The 14<sup>th</sup> Annual Meeting of SPs could recommend that interaction between SPs and NHRIs be discussed on a regular basis during the Annual Meeting. When feasible, NHRIs should have a regular interaction with SPs at their Annual Meeting. This would provide for a venue to discuss and identify best practices and lessons learned.

-----