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## Sixty-sixth session

Item 69 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## **National institutions for the promotion and protection of human rights**

### **Report by the Secretary-General**

#### *Summary*

The present report, covering the period from September 2010 to September 2011, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to assist in establishing and strengthening national human rights institutions; measures taken by Governments and national human rights institutions in this regard; support provided to international and regional activities of national human rights institutions; technical assistance provided with regard to national human rights institutions, together with other United Nations system agencies, funds and programmes; and cooperation between national human rights institutions and international mechanisms to promote and protect human rights. Information regarding the work of national human rights institutions in respect of specific thematic issues is also included.

The present report complements the report of the Secretary-General to the Human Rights Council of 7 February 2011 (A/HRC/16/76), which covers activities for the period from January to December 2010.

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\* A/66/150.

## **I. Introduction**

1. The present report is submitted pursuant to General Assembly resolution 64/161, in which the Assembly requested the Secretary-General to report to it at its sixty-sixth session on the implementation of the resolution. The report covers activities for the period from September 2010 to September 2011 and complements the report of the Secretary-General to the Human Rights Council of 7 February 2010 (A/HRC/16/76), which covers activities for the period from January to December 2010.

2. By its resolution 64/161, the General Assembly recognized the multiplicity of actors engaged in the establishment and strengthening of national human rights institutions. It encouraged cooperation among national human rights institutions and the whole spectrum of actors, among which the United Nations, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (International Coordinating Committee), the regional networks of national human rights institutions,<sup>1</sup> as well as the regional and international associations of Ombudsman. In the same resolution, the Assembly also welcomed the efforts made by the High Commissioner to develop partnerships in support to national institutions and it encouraged all United Nations human rights mechanisms as well as agencies, funds and programmes to work within their respective mandates with Member States and national institutions. Among this multiplicity of actors, Member States have a prominent role to play when it comes to the establishment and strengthening of national human rights institutions. In that regard, also in its resolution 64/161, the Assembly encouraged Member States to establish effective, independent and pluralistic national institutions.

3. The present report is aimed at providing a summary of the roles that the above-mentioned actors play in the establishment and strengthening of independent national human rights institutions. It also looks at the partnerships and other cooperation arrangements that have been developed so far at the national, regional and international levels.

## **II. The Office of the United Nations High Commissioner for Human Rights and national human rights institutions**

4. Support and outreach to national human rights institutions is an integral part of the mandate of OHCHR. In her introductory statement at the twenty-fourth annual session of the International Coordinating Committee (Geneva, 17 May 2011), the High Commissioner reiterated that national human rights institutions are critical partners for OHCHR due to the central place they have in the national human rights protection system, particularly in addressing the most critical human rights issues at the national level.

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<sup>1</sup> The European Group of National Human Rights Institutions, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas, the Asia-Pacific Forum of National Human Rights Institutions and the Network of African National Human Rights Institutions.

5. The Office of the United Nations High Commissioner for Human Rights, through the National Institutions and Regional Mechanisms Section, continued to provide legal and technical support for the establishment and strengthening of national human rights institutions. It has continued to develop its long-standing relationship with the International Coordinating Committee by means of providing secretariat support to both the Committee itself and its Subcommittee on Accreditation.

6. The General Assembly has referred to the role of OHCHR in national human rights institutions as a work in progress. Consequently, it encouraged the High Commissioner to further extend activities in support of those institutions (see resolution 64/161, para. 13). In addition to the long-standing mandate of OHCHR to support national human rights institutions, in 2011 the Assembly requested OHCHR to develop and support activities related to two specific categories of institutions: Ombudsman institutions and mediators (see resolution 65/207, para. 5).

#### **A. Advisory services provided by the Office relating to national human rights institutions**

7. The activities of OHCHR to strengthen the role of national human rights institutions at the country, regional and international levels are carried out mainly through the National Institutions and Regional Mechanisms Section, which works in consultation with other parts of OHCHR, including field presences. The Office has continued to provide advice and assistance in the establishment and strengthening of institutions through its country and regional offices, human rights advisers and human rights components of United Nations peace missions, as well as through collaboration with other United Nations partners, including the United Nations Development Programme (UNDP), and regional coordinating bodies of national human rights institutions. OHCHR also works closely with intergovernmental organizations, academic institutions and civil society organizations.

8. The Office provides legal and technical assistance to national human rights institutions and other national stakeholders. Advice is provided on constitutional and legislative provisions regarding national human rights institutions, as well as on their nature, functions, powers and responsibilities. Comparative analysis, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken to assist the institutions' compliance with the Principles relating to the status of national institutions (Paris Principles) (see General Assembly resolution 48/134, annex).

9. The Office continued to host the fellowship programme for staff of A-status national human rights institutions. In the reporting period, staff from institutions in the following countries participated in the programme: Egypt, India, Qatar, Nicaragua, Peru, Uganda and the United Kingdom of Great Britain and Northern Ireland. The aim of the fellowship programme is to give staff members of national human rights institutions from all over the world a better understanding and appreciation of the international human rights system. Through this experience, the fellows gain knowledge and working level experience with the United Nations human rights system, including the treaty body system, the Human Rights Council, the universal periodic review and the special procedures. They are also familiarized with OHCHR work with and for national human rights institutions, and technical

and substantive issues relating to national human rights institutions. Both OHCHR and the national institutions stand to gain from the fellowship programme, in terms of both substantive expertise and experience working within a national human rights institution.

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

10. The OHCHR Office for South America organized two workshops to further develop the capacities of the Instituto Nacional de Derechos Humanos of Chile. The workshops focused on human rights indicators (11-12 April 2011) and on reporting to human rights treaty bodies (20 May 2011).

11. On 18 and 19 April 2011, OHCHR, through its Regional Office for South America, organized trainings on human rights indicators for the national human rights institution of Peru (Defensoría del Pueblo). The training targeted more than 30 staff of the national human rights institution, and it focused particularly on economic, social and cultural rights. The workshop aimed at better integrating human rights indicators into the analysis and reports of the national human rights institution.

12. On 20 April 2011, the OHCHR Regional Office for South America co-organized with the national human rights institution of Peru a training session for indigenous peoples. The training aimed at increasing knowledge and awareness of the United Nations Declaration on the Rights of Indigenous Peoples and the international human rights machinery, including how indigenous peoples and civil society can successfully use United Nations mechanisms. The training session targeted members of 30 Peruvian indigenous and civil society organizations.

13. In the context of the appointment process of the head of the national human rights institution of Ecuador (Defensor del Pueblo), OHCHR has provided support with a view to raising awareness on international standards. OHCHR support included a training session in June 2011 for members of the Council for Public Participation and Social Control, the body responsible for the selection of the Defensor.

14. In the context of her visit to Mexico (3-9 July 2011), the United Nations High Commissioner for Human Rights held a meeting with the President of the National Human Rights Commission aimed at discussing further cooperation in areas such as human rights indicators, human rights defenders, migrant worker's rights and the recent constitutional reform. During her visit, the High Commissioner also met with the Mexican Federation of Human Rights Public Institutions that encompasses 32 subnational human rights commissions.

15. In September 2011, the OHCHR Regional Office for South America organized, jointly with the national human rights institution of Argentina (Defensoría del Pueblo de la Nación) a training session for members of civil society and indigenous organizations. It took place in two regions of the country and focused on presenting the rights of indigenous peoples and the international human rights mechanisms.

16. During the reporting period, the OHCHR Regional Office for South America held meetings with parliamentarians and Government officials regarding the establishment of a national human rights institution in Uruguay. OHCHR highlighted the importance of ensuring the institution's independence and autonomy, adequate funding and the commissioners' selection process.

17. During the reporting period, OHCHR continued to support the efforts aimed at establishing a Paris Principles-compliant national human rights institution in Chile. The OHCHR Regional Office for South America organized informational meetings with representatives of the Senate Chamber and distributed fact sheets on national human rights institutions and the Paris Principles. OHCHR addressed a letter to all members of the Parliament to draw their attention on the universal periodic review recommendation related to the establishment of a national human rights institution.

18. During the reporting period, the OHCHR Regional Office for South America liaised with the national human rights institution of the Bolivarian Republic of Venezuela in order to increase its engagement on the protection of the rights of persons deprived of liberty and on the submission to the universal periodic review. OHCHR delivered training to staff of the Defensoría on the universal periodic review (see A/HRC/16/76, para. 14).

19. The Office, UNDP, the Organisation Internationale de la Francophonie and the Office de la Protection du Citoyen et de la Citoyenne developed a three-year joint global strategy for the strengthening of the Office de la Protection, which will be implemented from 2011 to 2013. As part of that project, a consultant was recruited to assist the Office de la Protection in discharging its mandate.

## **2. Africa**

20. In March 2011, further to the adoption of the Act for the establishment of the Independent National Human Rights Commission in Burundi, on 5 January 2011, the United Nations Office in Burundi organized consultations in Rutana, Gitega and Bujumbura. Those consultations aimed at raising awareness of civil society organizations on the new law, as well as at ensuring the transparency of the selection and appointment process of the Commissioners. On 19 May 2011, the National Assembly appointed the seven commissioners, as well as the members of the Bureau.

21. OHCHR, in cooperation with the United Nations country team, organized consultations to raise awareness of the establishment of a new national human rights institution in Niger. A consultation took place with various ministries, from 6 to 8 July 2011. A workshop addressed to civil society organizations was held in Tahoua from 4 to 6 July.

22. In January 2011, the Independent National Commission on Human Rights of Liberia, which was formally established in October 2010, acquired its new office. The United Nations Mission in Liberia Human Rights and Protection Section engaged with the leadership of the Commission to advise on the 2011 workplan of the Commission, including a road map on national reconciliation that was submitted to the President, and the Palava Hut project. The Independent National Commission on Human Rights and the Human Rights and Protection Section agreed on the terms of reference for two national consultants to develop a strategic plan and internal rules of procedure. On 20 May 2011, the Human Rights and Protection Section convened a half-day workshop with the National Commission to discuss the mandates, the organizational charts and the action plans of both entities, and to discuss cooperation between the Commission and the Section.

23. During the reporting period, the OHCHR Regional Office for East Africa supported the Commission on Human Rights and Good Governance of the United

Republic of Tanzania in making a stakeholder submission to the universal period review, including through trainings and a validation exercise. OHCHR is also engaged in the process of developing a national human rights action plan for the United Republic of Tanzania, a process led, inter alia, by the Commission on Human Rights and Good Governance.

24. OHCHR supported the attendance of the national human rights institutions from Namibia, South Africa, Zambia and Zimbabwe to the subregional seminar organized by OHCHR on the follow-up of the concluding observations of the Committee on the Elimination of Racial Discrimination, held in Pretoria, from 22 to 24 June 2011.

25. The Zimbabwe Human Rights Commission, which is not yet fully operational, appointed its members in 2010. OHCHR provided substantive comments to the draft bill establishing the Human Rights Commission in Zimbabwe. A consultant was recruited for a period of six months by OHCHR and UNDP in order to provide technical and capacity support to the commissioners. OHCHR and UNDP also undertook capacity-building and awareness-raising meetings with various national stakeholders to promote the establishment and operationalization of the Commission in accordance with Paris Principles. The Deputy Chair of the Commission was invited to the above-mentioned regional seminar held in Pretoria.

26. The Office of the United Nations High Commissioner for Human Rights provided comments to various drafts of a regulation on the appointment of civil society members of the future national human rights institution in Mozambique. OHCHR has been working closely with the United Nations country team in extending technical and advisory services to the Government and the civil society in seeking to establish the national human rights institution in the country.

27. In August 2011, OHCHR supported the recruitment of a consultant in South Sudan to provide technical expertise to the Human Rights Commission and build the capacities of the Commission's staff.

28. The Office continued to work closely with the South African Human Rights Commission through the Anti-Discrimination Initiative, a year-long project funded by OHCHR that started in November 2010. OHCHR held periodic consultations with the officials of the Commission in monitoring the implementation of the project, which is aimed at building the capacity of the Commission in addressing human rights concerns of non-nationals and in countering xenophobia and discrimination.

29. The OHCHR Regional Office for Southern Africa worked closely with United Nations country teams in the region to promote the establishment and strengthening of national human rights institutions in the Comoros and Seychelles.

30. During the reporting period, OHCHR supported the Ethiopian Human Rights Commission to prepare a national human rights action plan. The OHCHR Regional Office for East Africa provided advice to the Commission in order to promote interaction with the United Nations treaty bodies, namely, upcoming reviews of Ethiopia by the Human Rights Committee and Committee on the Elimination of Discrimination against Women. In August 2011, OHCHR, UNDP and the Network of African National Human Rights Institutions carried out a gap analysis of the Ethiopian Human Rights Commission to assess its capacities. OHCHR also provided advice on the process of accreditation before the International

Coordinating Committee, and provided training to staff and commissioners on the Paris Principles.

31. During the reporting period, the OHCHR Regional Office for East Africa supported the National Human Rights Commission of Djibouti in ensuring its attendance of the review of the country by the Committee on the Elimination of Discrimination against Women within the context of a three-year joint programme to implement the universal periodic review recommendations to Djibouti.

32. In the last trimester of 2010, OHCHR carried out capacity-building activities on the establishment of national human rights institutions in the Central African Republic (see A/HRC/16/76, para. 26).

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

33. In the last trimester of 2010, OHCHR carried out, in cooperation with UNDP and Asia-Pacific Forum of National Human Rights Institutions, capacity assessments of the national human rights institutions of Jordan and Thailand (*ibid.*, para. 31).

### **4. Europe and Central Asia**

34. Upon invitation from the Norwegian Centre for Human Rights, OHCHR participated in a discussion entitled “The National Institution for Human Rights in Norway: Quo vadis?”, held in Oslo on 11 January 2011. The meeting was part of the national consultation process on the restructuring of the Centre and was attended by a number of representatives of civil society and staff members of the Ministry of Foreign Affairs of Norway. OHCHR delivered technical assistance and advice with regard to the restructuring of the Norwegian national human rights institution and its reaccreditation before the International Coordinating Committee.

35. During her visit to the Russian Federation, the United Nations High Commissioner for Human Rights addressed the Annual Meeting of the Coordination Council of Subnational Ombudsmen of the Russian Federation, held in St. Petersburg on 18 February 2011. She stated that OHCHR regarded the establishment and support of national human rights institutions and Ombudsman offices in compliance with the relevant international standards as a high priority. In particular, OHCHR could share expertise regarding the role of Ombudsman institutions in the rule of law, conditions of detention and security sector reform. The High Commissioner encouraged the participants to enhance their engagement with the United Nations treaty bodies and the special procedures mechanisms of the Human Rights Council. The High Commissioner appealed to the Federal Ombudsman to create space for the subnational institutions to interact with the Human Rights Council. She also called on them to get access to, and benefit from, the coordination and exchanges which took place at the international level through the International Coordinating Committee.

36. In March 2011, OHCHR provided comments to the rules of procedure of the National Assembly of Serbia. The comments focused on provisions regulating the relationship between the Ombudsman and the Parliament, specifically on mechanisms of oversight and consideration of reports submitted by the national human rights institution to the National Assembly. The comments of OHCHR were considered by the National Assembly while amending the above-mentioned rules of

procedure. OHCHR and the United Nations country team continue to work closely with the National Assembly and the Serbian Ombudsman in order to strengthen the relationship between these two national bodies.

37. In June 2011, the United Nations joint technical assistance programme to strengthen the capacity of the national human rights institution in Tajikistan was officially launched. In addition to the Ombudsman institution, the following agencies are part of the programme: OHCHR, UNDP, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the International Organization for Migration, the United Nations Population Fund, the International Labour Organization, and the Joint United Nations Programme on HIV/AIDS. The programme aims at strengthening the capacity of the national human rights institution of Tajikistan to handle complaints, to carry out education and public outreach activities and to improve its partnership with key State actors and civil society organizations with a view to promoting changes in human rights policies and legislation.

38. In July 2011, upon request from the Ministry of Justice and the Seimas Ombudsman of Lithuania, OHCHR provided comments on the Law of the Seimas Ombudsman. Likewise, on 12 July 2011, OHCHR participated in Vilnius in a consultative meeting organized by the President of Lithuania and the Ministry of Justice on the establishment of a national human rights institution.

39. OHCHR worked with Government officials of the Republic of Moldova on proposed amendments to the existing legislation of the Republic of Moldova's B-status national human rights institution, focusing, among other things, on the appointment procedures and the selection of the Ombudsman. The OHCHR Human Rights Adviser in the Republic of Moldova and the OHCHR Regional Representative for Europe engaged a range of officials, including officials in the Ministry of Justice and key parliamentarians. In addition, the United Nations High Commissioner for Human Rights sent a communication to the Government urging swift action to improve the national human rights institution, with a view to an application for reaccreditation before the International Coordinating Committee.

40. The OHCHR Human Rights Adviser in the Republic of Moldova provided support to the national human rights institution in a variety of ways, including a training on the universal periodic review and on monitoring institutions for the mentally disabled, strengthening the institution's library and the development of strategic planning for the national human rights institution. The OHCHR Human Rights Adviser participated in the board of a UNDP-European Commission project focused on strengthening the national human rights institution.

41. The Office of the United Nations High Commissioner for Human Rights assisted in the strengthening of the national human rights infrastructures in Croatia, the Netherlands, Norway, Hungary, Lithuania and Slovakia. OHCHR provided advice, including comments on legislation, and drew the attention of Governments, national human rights institutions and other stakeholders involved in these processes to the importance of ensuring genuine dialogue through pluralistic and participatory consultation.

42. The OHCHR Human Rights Adviser in Serbia worked closely with the Office of the Serbian Ombudsman with a view to strengthen the institution's work in

human rights protection and promotion. OHCHR support included the development of a comprehensive report on the human rights of Roma people and on effectiveness of the Roma inclusion measures applied in the country. The report, along with the recommendations to the Government of Serbia, is expected to be submitted to the National Parliament in early 2012.

43. The OHCHR Human Rights Adviser in the former Yugoslav Republic of Macedonia provided support to the Ombudsman's Office in applying for accreditation to the International Coordinating Committee.

44. During the last trimester of 2010, OHCHR supported the national human rights institutions of Serbia and the Netherlands in strengthening their capacities (*ibid.*, paras. 39 and 40).

## **5. Middle East and North Africa**

45. The Office, UNDP and the Asia-Pacific Forum of National Human Rights Institutions provided support to the capacity assessments of the national human rights institution of Palestine (6-8 February 2011 and 3-15 April 2011) and the national human rights institution of Afghanistan (13-26 May 2011). The capacity assessment included interviews with the staff of the institutions, as well with other stakeholders.

46. During the reporting period, OHCHR provided legal advice on draft legislation on the establishment of national human rights institutions in Tunisia and Saudi Arabia.

47. The Office organized a workshop on the Paris Principles in Oman (see A/HRC/16/76, para. 30).

## **B. Support to regional initiatives related to national human rights institutions**

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

48. The Office, in cooperation with the Commonwealth Secretariat, organized a regional workshop on the establishment of national human rights institutions in accordance with the Paris Principles for the Caribbean region. The workshop took place in Port of Spain from 21 to 23 March 2011. Building on recent developments relating to human rights in the Caribbean, including through the Human Rights Council universal periodic review process, the main objective of the workshop was to develop and strengthen the national human rights protection system in the Caribbean States with the short- and medium-term goal of developing the establishment of national human rights institutions. Parliamentarians, Ombudsman institutions and Government officials, including attorneys general, from 12 English-speaking Caribbean States, attended the workshop. Representatives from the United Nations country team in Barbados and from the Organization of Eastern Caribbean States also participated in this activity. The Port of Spain Declaration was adopted (see annex).

49. At the margins of the twenty-fourth annual meeting of the International Coordinating Committee, the Network of National Institutions for the Promotion and Protection of Human Rights in the Americas held a meeting in order to discuss

its work plan for 2011-2012. Participants discussed the creation of a permanent capacity-building programme for national human rights institution staff in the region, and setting up an advisory council to the Americas Network. Participants agreed to develop a website for the Americas Network and to hold their upcoming 2011 annual regional meeting in Guatemala.

## **2. Africa**

50. The United Nations Development Programme, OHCHR and the Network of African National Human Rights Institutions held a meeting in Geneva on 21 May 2011, in order to discuss cooperation and support, including, inter alia, defining the methodology to carry out gaps analyses and the provision of assistance to develop and validate the Network's strategic plan.

51. The Office participated as a facilitator in a training programme for national human rights institutions in Africa (Accra, 30 May-8 June 2011). The workshop was organized by the Raoul Wallenberg Institute, the University of Lund and the Network of African National Human Rights Institutions. The main purpose of the training was to enhance the capacity and knowledge of national human rights institution staff on the Paris Principles. Participants, approximately 26 staff of national human rights institutions, included investigators, trainers, legal officers, administrators and managers from Ethiopia, Ghana, Kenya, Malawi, Namibia, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda, the United Republic of Tanzania and Zambia.

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

52. From 28 to 30 March 2011, a training workshop on capacity assessments of national human rights institutions in the Asia-Pacific region was held in Bangkok by the Asia-Pacific Forum of National Human Rights Institutions, UNDP and OHCHR. The OHCHR workshop supported the participation of one representative from the Network of African National Human Rights Institutions secretariat based in Kenya, in order to promote an effective exchange of experiences and good practices regarding national human rights institution capacity-assessment between the two national human rights institution networks in the Asia-Pacific region and Africa.

## **4. Europe and Central Asia**

53. The Office provided support to the European Group of National Human Rights Institutions in its efforts to establish its permanent secretariat. OHCHR supported the organization of a meeting, held in Geneva on 21 February 2011, aimed at identifying concrete steps towards the establishment of the permanent secretariat. The meeting gathered together representatives from 13 European national human rights institutions, and the permanent secretariats of the Asia-Pacific Forum of National Human Rights Institutions and of the Network of African National Human Rights Institutions. The meeting was also attended by delegates from Permanent Missions in Geneva and from regional mechanisms such as the Fundamental Rights Agency, the Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights and the Council of Europe. One of the main outcomes of the meeting was the unanimous support expressed by the participants for this initiative.

54. The Office participated in the Workshop on the Role of National Human Rights Institutions in the Promotion and Protection of Women's Rights and Gender Equality, held in Prague on 28 and 29 March 2011. The workshop was organized by OSCE and the Office for Democratic Institutions and Human Rights for national human rights institutions from Eastern European countries.

55. The Office attended the fourth annual meeting of the European Union Fundamental Rights Agency with national human rights institutions, held on 5 April 2011 in Vienna. OHCHR focused in its statement on the diverse national human rights institution landscape in Europe and the trend to merge human rights and equality institutions or to emphasize cooperation among various types of equality, human rights or Ombudsman institutions. It also underlined the importance of the establishment of a permanent secretariat of the European Group of National Human Rights Institutions.

56. The Office attended the OSCE Supplementary Human Dimension Meeting on 14 and 15 April in Vienna. The Office shared its experience in assisting national human rights institutions to strengthen their role in the Human Rights Council, as a result of the recent review of its working methods, including speaking rights, distribution of written statements and participation in the universal periodic review.

57. On 17 May 2011, at the margins of the twenty-fourth annual meeting of the International Coordinating Committee, the members of the European Group of National Human Rights Institutions held a meeting in order to discuss the following topics: establishment of a permanent secretariat within the European Group; engagement with the European Fundamental Rights Agency, with the Interlaken Process and with OSCE; the European Group Working Group on the Convention on the Rights of Persons with Disabilities; and the National Human Rights Institutions and Equality Bodies (Equinet). During the meeting, the European Group elected the Scottish Human Rights Commission as the Chair of the European Group. The national human rights institutions of France, Luxembourg and Denmark were elected as members of the European Coordinating Committee. The national human rights institution of Germany was elected as the European member of the Subcommittee on Accreditation of the International Coordinating Committee.

58. OHCHR attended a conference on national human rights institutions in the OSCE area, held on 13 and 14 July 2011, in Vilnius. The conference was co-organized by the OSCE/Office for Democratic Institutions and Human Rights and the OSCE Chairmanship-in-Office (OSCE Chair). The conference aimed at facilitating the exchange of experiences by Ombudsman institutions, human rights commissions, institutes and other mechanisms working with the executive, the judiciary, parliaments and civil society.

59. OHCHR attended an informal inter-institutional meeting with the Council of Europe and the Office for Democratic Institutions and Human Rights on 4 and 5 October 2010 in Warsaw. The Office shared experiences in assisting national human rights institutions to build their legislative frameworks and capacity.

60. On 20 and 21 October 2010, OHCHR participated in a Regional Round Table on National Preventive Mechanism under the Optional Protocol to the Convention against Torture in Zagreb, which was organized by UNDP and the Ombudsman of Croatia. The Round Table focused on the prevention of torture and the role of national human rights institutions.

## **5. Middle East and North Africa**

61. On 27 and 28 April 2011, in Nouakchott, the United Nations High Commissioner for Human Rights participated in the seventh Annual Meeting of National Human Rights Institutions in the Arab States on the theme of the role of national human rights institutions in following up on the recommendations of the United Nations treaty bodies. The meeting, hosted by the National Human Rights Commission of Mauritania, gathered together representatives from the national human rights institutions of Algeria, Egypt, Jordan, Mauritania, Qatar and Tunisia. Participants adopted the Declaration of Nouakchott.

## **C. Office of the United Nations High Commissioner for Human Rights support to international initiatives related to national human rights institutions**

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

62. The Office provided support to the International Coordinating Committee in developing and administering its website (<http://nhri.ohchr.org>), which became operational in 2011 and replaced [www.nhri.net](http://www.nhri.net).

63. On 7 August 2011, OHCHR received a letter from the current and incoming Chairs of the International Coordinating Committee, calling upon the United Nations to hold an event in 2013 to mark the twentieth anniversary of the adoption of the Paris Principles. The International Coordinating Committee expressed its belief that preparations for the event should begin in 2012, and that this issue should be placed on the agenda of the sixty-sixth session of the General Assembly. Following the proposal contained in the letter, it is recommended that the General Assembly hold a special plenary meeting at its sixty-eighth regular session in 2013 to mark the twentieth anniversary of the adoption of the Paris Principles and that the General Assembly include a provision to that effect in its regular biennial resolution on national institutions for the promotion and protection of human rights.

#### **(a) Twenty-fourth annual meeting**

64. The twenty-fourth annual meeting of the International Coordinating Committee was held in Geneva from 17 to 19 May 2011. The agenda included best practices of national human rights institutions in following up on the recommendations of the universal periodic review; engagement of national human rights institutions with treaty bodies; national human rights institutions and the rights of indigenous peoples; the role of national human rights institutions in the protection of women's rights; follow-up to the Durban Review Conference; human rights education; and business and human rights. The meeting was attended by members of national human rights institutions from more than 80 countries, as well as government officials, civil society organizations, scholars and intergovernmental organizations.

#### **(b) Bureau meeting**

65. The meeting of the Bureau of the International Coordinating Committee was held on 16 May 2011 in Geneva. The members of the Bureau discussed the

statements of the International Coordinating Committee to the seventeenth session of the Human Rights Council on the adoption of the draft Optional Protocol to the Convention on the Rights of the Child and to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities. The Bureau also endorsed the proposal that the next biennial conference of the International Coordinating Committee should focus on gender equality and women and girls.

66. The Bureau members decided to establish a Working Group, comprised of representatives from the four regions, to work on the participation of national human rights institutions in United Nations bodies. In addition, the Bureau members agreed to support the adoption of a General Assembly resolution with an emphasis on the Paris Principles and the participation of national human rights institutions in United Nations bodies, as well as to support the adoption of a resolution on national human rights institutions at the seventeenth session of the Human Rights Council.

## **2. Subcommittee on Accreditation**

67. The Office provided secretariat support to the session of the Subcommittee on Accreditation, which took place from 23 to 27 May 2011 in Geneva. The Subcommittee reviewed the following 20 national human rights institutions: new accreditation for Bangladesh, Hungary, Sierra Leone and Sweden; reaccreditation for Australia, Austria, Canada, El Salvador, India, Mauritania, Namibia, New Zealand, Nicaragua, Norway, Romania, Senegal and United Kingdom (Northern Ireland); deferral for Azerbaijan, Nigeria and Slovakia.

## **III. Cooperation between United Nations human rights mechanisms and national human rights institutions**

68. The cooperation of national human rights institutions with the international and regional human rights mechanisms is a key requirement of the Paris Principles. OHCHR continued to assist national human rights institutions to interact with the treaty bodies and the Human Rights Council, including the universal periodic review and the special procedures. The work of OHCHR in this regard is carried out in a coordinated fashion with the International Coordinating Committee Chair and the Geneva representative.

69. During the reporting period, OHCHR continued to support and facilitate the engagement of the International Coordinating Committee in landmark processes aimed at strengthening the international human rights mechanisms, such as the Human Rights Council review and the treaty body reform.

### **A. Human Rights Council**

70. The active engagement of the International Coordinating Committee in the Human Rights Council review resulted in greater participatory opportunities for A-status national human rights institutions in the Council. On 25 March 2011, the Council adopted the outcome of the review of the work and functioning of the Human Rights Council (resolution 16/21, annex). The outcome includes provisions regarding the participation and interaction of A-status national human rights

institutions with the universal periodic review and the special procedures (see respective sections below).

71. In 2011, OHCHR, in cooperation with the Geneva representative of the International Coordinating Committee, continued to support the participation of national human rights institutions in the Human Rights Council. During the sixteenth session of the Human Rights Council (28 February-25 March 2011), eight written contributions were submitted: six from A-status national human rights institutions (Bosnia and Herzegovina, Georgia, Malaysia, Morocco, Nicaragua and Ukraine) and two from regional networks of national human rights institutions (Asia-Pacific Forum and Network of Africa National Human Rights Institutions). During the seventeenth session of the Council (30 May-17 June 2011), three written contributions were submitted: one from the International Coordinating Committee; one from the national human rights institution of the United Kingdom and one from the national human rights institution of the Republic of Korea.

72. On 9 March 2011, at the margins of the sixteenth session of the Council, OHCHR organized, in cooperation with the National Human Rights Council of Morocco, a side event on the implementation of the recommendations of the Truth and Reconciliation Commission (Geneva, 9 March 2011).

73. On 16 June 2011, the Human Rights Council adopted by consensus resolution 17/9 on national institutions for the promotion and protection of human rights.

## **1. Universal periodic review**

74. The Office continued to provide support to national human rights institutions to interact with the universal periodic review mechanism. In 2011, during the tenth (February), eleventh (May) and twelfth (October) sessions of the universal periodic review, the following 19 national human rights institutions submitted contributions to the universal periodic review stakeholders' reports: tenth session: Australia, Austria (A status), Georgia (A status), Namibia (A status), Nepal (A status), Niger and Paraguay (A status); eleventh session: Denmark (A status), Greece (A status), Sierra Leone, Somalia/Somaliland; and twelfth session: Haiti, Ireland (A status), the Republic of Moldova, Swaziland, Thailand (A status), Togo (A status), Uganda (A status) and United Republic of Tanzania (A status).

75. In March 2011, the Human Rights Council stipulated the following participatory rights to A-status national human rights institutions: (a) a separate section with national human rights institution contributions from the State under review shall be included in the stakeholders' report; and (b) the national human rights institution of the State under review shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary (see resolution 16/21, annex, paras. 9 and 13).

## **2. Special procedures**

76. In March 2011, the Human Rights Council granted to A-status national human rights institutions the right to nominate candidates as special procedures mandate holders and to intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedure mandate holder (*ibid.*, annex, paras. 22 (a) and 28).

## **B. Treaty bodies**

77. The Office of the United Nations High Commissioner for Human Rights has continued to support the participation of national human rights institutions in treaty body sessions during the reporting period, by providing information and attending sessions. On 11 July 2011, the Chair of the International Coordinating Committee and the national human rights institutions of Denmark, Ethiopia, France and Germany participated in a session organized by the Human Rights Committee on improving cooperation with national human rights institutions.

78. The Office has developed an information note, to provide practical information to national human rights institutions wishing to access the treaty body system, including various opportunities for national human rights institutions' interaction with the treaty bodies and the working methods and rules of procedure of treaty bodies that are relevant to the participation of national human rights institutions.

## **IV. Cooperation between the Office of the United Nations High Commissioner for Human Rights, United Nations system agencies, funds and programmes and international and regional organizations on national human rights institutions**

79. The cooperation of national human rights institutions with the United Nations and United Nations system agencies, funds and programmes is a key requirement of the Paris Principles. In 2008, the General Assembly encouraged all United Nations human rights mechanisms as well as agencies, funds and programmes, to work within their respective mandates with Member States and national institutions in the promotion and protection of human rights. In this regard, the General Assembly welcomed the efforts made by OHCHR to develop partnerships in support of national institutions.

80. During the reporting period, OHCHR has focused in developing United Nations assistance, including the formalization, by an exchange of letter in March 2011, of a tripartite collaboration between the International Coordinating Committee, OHCHR and UNDP. The areas of cooperation of this tripartite collaboration include, inter alia, strengthening the role of national human rights institutions and regional networks, as well as facilitating and supporting engagement of United Nations agencies, funds and programmes with national human rights institutions.

81. The United Nations Development Programme, OHCHR and the International Coordinating Committee held a meeting in New York in February 2011, at which they decided to enter into a tripartite partnership through exchange of letters. Key elements of the partnership include: establishing an annual UNDP-OHCHR-International Coordinating Committee strategic review of the establishment, development and effectiveness of national human rights institutions; engagement with the United Nations human rights mechanisms; joint national human rights institution capacity-assessment and gap analysis projects; engagement on thematic issues; information and knowledge management. The first annual meeting of the strategic review is to take place at the end of August 2011.

## **A. Arab-European Human Rights Dialogue on Torture and Rule of Law**

82. The Office participated in the sixth Arab-European Human Rights Dialogue on Torture and Rule of Law, held in Berlin from 11 to 13 May 2011.

## **B. Association of Mediterranean Ombudsmen**

83. The Office attended the fifth meeting of the Association of Mediterranean Ombudsmen on the theme “The role of the Ombudsman in reinforcing good governance and democracy” in St. Julian, Malta, on 30 and 31 May 2011, as an observer. In its statement, OHCHR familiarized the participants with General Assembly resolution 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, in which the Assembly welcomed the active participation of the Office in all international and regional meetings of the Ombudsman, mediator and other national human rights institutions and requested, in cooperation with OHCHR, their accreditation by the International Coordinating Committee, in order to enable them to interact effectively with the relevant United Nations human rights bodies.

## **C. Ibero American Federation of the Ombudsman**

84. The Office participated in the annual meeting of the Ibero American Federation of the Ombudsman. National human rights institutions and Ombudsman institutions from Latin America, Portugal and Spain attended the meeting, held from 1 to 3 June 2011 in Alcala de Henares, Spain. Participants discussed, among other things, the current and future challenges for the Defensorias del Pueblo in promoting and protecting human rights, the Millennium Development Goals and national human rights institutions; the promotion of human rights and reports of national institutions; the role of national human rights institutions in the implementation of economic, social and cultural rights; national human rights institutions and international human rights mechanisms; and national human rights institutions and the protection of vulnerable groups.

## **V. Cooperation with non-governmental organizations and academic institutions**

85. The Office worked in promoting the participation of non-governmental organizations (NGOs) in the activities of the International Coordinating Committee and its Subcommittee on Accreditation. On 7 October 2010, a Forum of Non-Governmental Organizations preceded the tenth International Conference of National Human Rights Institutions (Edinburgh, United Kingdom) (see A/HRC/16/76, para. 70). In May 2011, the annual meeting of the International Coordinating Committee (Geneva) was attended by 50 members of civil society organizations from around the world. The session of the Subcommittee on Accreditation held after the annual meeting, benefited from the inputs received by NGOs from Austria, India and Mauritania.

## VI. Thematic issues

### A. Indigenous peoples

86. The Office of the United Nations High Commissioner for Human Rights and the Asia-Pacific Forum of National Human Rights Institutions are developing a joint publication entitled “The United Nations Declaration on the Rights of Indigenous Peoples: an operational guide for national human rights institutions”, aimed at supporting and strengthening the work of national human rights institutions in the protection and promotion of indigenous peoples’ rights.

87. On 11 July 2011, in conjunction with the fourth session of the United Nations Expert Mechanism on the Rights of Indigenous Peoples, a national human rights institutions consultation took place in Geneva. The main objective of the consultation was to exchange good practices in advancing the rights of indigenous peoples which could be reflected in the guide.

### B. History, principles, roles and responsibilities of national human rights institutions

88. During the reporting period, the Office launched an updated version of the OHCHR Professional Training Series No. 4 entitled *National Human Rights Institutions: History, Principles, Roles and Responsibilities*.<sup>2</sup> Based on the 1995 version, the publication provides an overview of the current key topics related to the establishment and strengthening of independent national human rights institutions, including the roles those institutions play within the national systems of promotion and protection of human rights as well as their interaction with the international human rights system. The publication also encompasses the latest international developments in this area, such as the most recent General Assembly resolutions and materials from the International Coordinating Committee.

### C. National human rights institutions in federal States

89. At the margins of the twenty-fourth annual meeting of the International Coordinating Committee, OHCHR organized a side event on national human rights institutions in federal States. Participants discussed the particularities of those States (including decentralization and local self-governance), as well as the strengths and challenges of national human rights institutions in countries with federal systems of governance.

## VII. Conclusions

**90. Compliance with the Paris Principles is a key requirement for ensuring the effectiveness, independence, autonomy and pluralism of national human rights institutions. National institutions, as well as Governments, parliaments and other relevant stakeholders, shall take all the necessary measures to ensure the continuing operation of national human rights institutions, in accordance**

<sup>2</sup> United Nations publication, Sales No. E.09.XIV.4.

with the Paris Principles. Ombudsman institutions and mediators are also encouraged to act in accordance with these principles, and to seek accreditation before the International Coordinating Committee.

91. The establishment of a Paris Principles-compliant national human rights institution in countries where it does not exist is welcomed. Observance of the Paris Principles in the pre-establishment phase is key to ensuring the independence and legitimacy of the new institution. It is recommended to carry out broad and participatory consultation processes with civil society organizations while drafting the enabling legislation for national human rights institutions.

92. It is strongly recommended to pay particular attention to the Paris Principles while appointing the members of national human rights institutions. Members States and national human rights institutions are encouraged to promote a transparent appointment process and ensure the pluralistic representation of civil society organizations involved in the promotion and protection of human rights.

93. As key parts of the national human rights system, national human rights institutions are encouraged to work cooperatively with other components of this system, namely, the executive, the judiciary, the parliament, civil society, the media and academia.

94. United Nations country teams' inter-agency joint programmes to support national human rights institutions and the engagement of national, regional and international partners in these programmes are encouraged. The establishment of the annual UNDP-OHCHR-International Coordinating Committee strategic review of activities related to national human rights institutions is welcomed.

95. It is recommended that subnational human rights institutions work together with the federal national human rights institution to ensure that all human rights are equally protected across the country. Interaction by subnational human rights institutions with the international human rights system, including the universal periodic review, the treaty bodies and the special procedures, is strongly encouraged.

96. By its resolution 16/21 on the review of the work and functioning of the Human Rights Council, the Council strengthens the role of A-status national human rights institutions in the universal periodic review and the special procedures.

97. National human rights institutions are encouraged to play an active role during the second cycle of the universal periodic review of the Human Rights Council (2012-2016). A-status national human rights institutions are encouraged to make use of their participatory rights as spelled out in Human Rights Council resolution 16/21.

98. The adoption of the Port of Spain Declaration on the establishment of national human rights institutions in accordance with the Paris Principles in the Caribbean is welcome. Similar initiatives in other subregions are encouraged.

99. The decision of the European Group of National Human Rights Institutions to establish a permanent secretariat is welcome. This secretariat will consolidate the regional architecture and it is expected to have a positive impact in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles across Europe.

## Annex

### **Regional Workshop on the Establishment of National Human Rights Institutions in compliance with the Paris Principles in the Caribbean**

**Port of Spain, Trinidad and Tobago, 21-23 March 2011**

#### **Port of Spain Declaration**

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 Commonwealth Secretariat, with the support of the United Nations country team in Trinidad and Tobago, organized a three-day Regional Workshop on the Establishment of National Human Rights Institutions in compliance with the Paris Principles in the Caribbean, held in Port of Spain, Trinidad and Tobago from 21 to 23 March 2011.

The Workshop participants from the English Caribbean States of Antigua and Barbuda, Bahamas, Barbados, Belize, Bermuda, Dominica, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, Suriname, Trinidad and Tobago, and representatives of the United Nations country teams from Barbados and Trinidad and Tobago:

- Express appreciation to the Government of Trinidad and Tobago for hosting this Regional Workshop on the Establishment of National Human Rights Institutions in compliance with the Paris Principles in the Caribbean and, in particular, to the Attorney General, the Hon. Anand Ramlogan, for officially opening the Workshop.
- Express appreciation to the Office of the United Nations High Commissioner for Human Rights and the Commonwealth Secretariat for co-organizing this Regional Workshop.
- Acknowledge the participation of the Acting United Nations Resident Coordinator's Office in Trinidad and Tobago and, as resource persons, the representatives of the National Human Rights Institutions from the Philippines and Canada.
- Emphasize the importance of sensitizing Governments, Parliaments, and other relevant national stakeholders on the values and benefits of establishing national human rights institutions.
- Recognize the importance of building on existing human rights frameworks to create Caribbean models of national human rights institutions in compliance with the Paris Principles.
- Emphasize the importance of national human rights institutions, including Ombudsman institutions, to making human rights values part of everyday life and language.
- Emphasize the relevance of national human rights institutions, including Ombudsman institutions, as key actors in strengthening human rights promotion and protection.

- Recognize the role and leadership that civil society actors bring to human rights protection and promotion.
- Recognize the role of national human rights institutions, including Ombudsman institutions, in empowering all people to understand and exercise their human rights.
- Acknowledge the comprehensive overview given and discussions held on the establishment and strengthening of national human rights institutions, their historical and legal background, the minimum standards national human rights institutions have to comply with, as well as the core functions, main features and methods of operation of national human rights institutions.
- Recognize the importance of taking necessary measures in order to establish national human rights institutions in compliance with the Paris Principles and to seek accreditation to the International Coordinating Committee of national institutions for the promotion and protection of human rights.
- Acknowledge the significant role that national human rights institutions in compliance with the Paris Principles can play at the international level by interacting with the international human rights mechanisms, including the Human Rights Council, treaty bodies and special procedures.
- Welcome the practical focus of the Workshop in facilitating the sharing of expertise and experiences in connection with the establishment of Paris Principles-compliant national human rights institutions.
- Recognize that, while Caribbean countries have unique challenges concerning the establishment of national human rights institutions, assistance and support from the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, other United Nations agencies, the International Coordinating Committee, as well as the Commonwealth Secretariat, in establishing national human rights institutions may be made available at the request of Members States.

Port of Spain, Trinidad and Tobago, 23 March 2011

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