



大会

Distr.
GENERAL

A/HRC/10/54
26 January 2009

CHINESE
Original: ENGLISH

人权理事会
第十届会议
议程项目 2

联合国人权事务高级专员的年度报告和
人权事务高级专员办事处和
秘书长的报告

秘书长关于国家人权促进和保护机构的报告***

* 为遵守大会关于篇幅限制的规则，附件仅以收到的提交件原文分发。

** 迟交。

内容提要

本报告覆盖时期为 2008 年 1 月至 12 月，介绍联合国人权事务高级专员办事处(人权高专办)在国家人权机构方面的活动；各政府和机构在这方面所采取的措施；与联合国机构及其他国际和区域组织的伙伴关系举措；以及国家人权机构与国际人权机制之间为促进和保护人权的合作情况。

具体地说，本报告着重阐述人权高专办在国家一级的主要成就、挑战和优先事项——在这一层面的工作从鼓励采取初步步骤建立国家人权机构到支持这些机构日常的持久有效努力以完成其任务，范围广泛。报告还论述了人权高专办在推动这些机构之间在区域和国际层面开展合作中所发挥的作用，总结了在这方面所开展的主要活动，如第九届国家人权机构国际会议。对国家人权机构在具体专题问题方面的工作，例如，冲突预防、防止酷刑、世界人权宣言 60 周年纪念、法治和执法、以及过渡期司法等，也做了介绍。

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一、导 言

1. 人权理事会第 2/102 号决定要求联合国人权事务高级专员根据人权委员会通过的所有以往决定继续完成其活动，并更新相关的报告和研究，据此，谨提交本报告。本更新报告简要介绍自秘书长提交理事会的上一份报告(A/HRC/7/69)以来的进展情况。

二、联合国人权事务高级专员办事处 和国家人权机构

2. 联合国人权事务高级专员办事处(人权高专办)充分注意到联大通过的关于国家机构地位的原则(巴黎原则)(第 48/134 号决议，附件)，优先重视建立和加强国家人权机构的工作。人权高专办也参与联合国全系统范围关于国家人权机构工作的协调，支持其更多地参加联合国人权系统。人权高专办鼓励国家人权机构之间交流良好做法，支持强化其区域和国际网络，和推动其接触联合国国家工作队以及联合国系统内外的其他相关合作伙伴。

3. 符合巴黎原则的国家人权机构是国家人权保护系统的核心伙伴，也是人权高专办的重要对口单位，在促进和监测在国家一级有效落实国际人权标准方面可发挥至关重要的作用，这已日益得到国际社会的公认。

4. 正如联合国人权事务副高级专员于 2008 年 10 月 22 日在第九次国家人权机构国际会议的开幕词中所指出的那样，人权高专办在 2008 年继续支持国家人权机构将工作集中在核心保护问题上，如防止酷刑和有辱人格的待遇、即审即决、任意拘留和失踪，以及保护人权捍卫者等。副高专还提到国家人权机构能够也应该在推进法治的所有方面发挥作用，包括司法、执法机构和教养系统的工作。

5. 在报告期内，人权高专办力求通过开展广泛的活动，加大力度支持建设强有力的国家人权机构和提高其区域协调机构的实效。

6. 自 2003 年以来，人权高专办维持了一个关于国家人权机构的网站(www.nhri.net)。该网站与现有的国家人权机构网站和人权高专办主页连接，提供关于国家的信息和介绍这些机构感兴趣的专题问题。2008 年，在与丹麦人权研究所开展了宝贵而有效的合作四年之后，人权高专办同印度国家人权委员会签订了

一项上述网站的管理授权协议，通过开发互联网版本网站将得到加强，国际协调委员会的成员可通过用户名和密码检索。

7. 此外，人权高专办国家机构科于 2008 年推出了一个助研金方案，并发出了征求 2009 年候选人的通知。通过这一方案，国家人权机构的 A 身份的工作人员将被选拔到该科工作六个月以学习联合国人权系统的知识和获得相关经验。从实质性的专门知识和巩固与全球各国人权机构工作人员的直接联系的角度而言，该方案对人权高专办大有裨益。

A. 高专办提供的咨询服务

8. 人权高专办决心在国家、区域和全球各级强化国家人权机构的作用，这主要是通过其国家机构科进行的，该科会同人权高专办的地域科和专题科开展工作。就设立机构有关的适当体制和立法框架问题及机构的性质、功能、权力和责任等问题提供了量体裁衣式的咨询服务。为建立和加强这些机构还开展了比较分析，技术合作需求评估，项目制定和评价的咨询访问工作。

9. 在报告期内，人权高专办为以下国家人权机构提供了咨询和支助：巴林、孟加拉国、布隆迪、柬埔寨、佛得角、中非共和国、智利、丹麦、吉布提、厄瓜多尔、埃塞俄比亚、几内亚比绍、印度、印度尼西亚、伊拉克、吉尔吉斯斯坦、莱索托、利比里亚、立陶宛、马来西亚、毛里塔尼亚、毛里求斯、蒙古、尼泊尔、巴基斯坦、帕劳、巴拿马、卢旺达、斯里兰卡、南苏丹、塔吉克斯坦、东帝汶、多哥、乌干达、乌拉圭。在与其他联合国伙伴协作下还经常提供咨询，这些伙伴包括：联合国开发计划署(开发署)和维和行动部，以及各国家人权机构及其区域网络。

1. 南北美洲和加勒比地区

10. 2008 年，人权高专办继续为在智利设立督察员和人权机构项目提供支持。人权高专办就立法草案和宪政改革提供了法律咨询，并评估其是否符合巴黎原则。

11. 继人权高专办和开发署主持的一个工作组拟定了法律草案之后，作为 2005 年咨询访问的后续行动，2008 年 9 月 17 日至 19 日，开发署和人权高专办就

在乌拉圭建立人权机构问题组织了一次讲习班。除了人权高专办和在乌拉圭的联合国系统之外，秘鲁和委内瑞拉(玻利瓦尔共和国)的代表也参加了访问团，目的是要强调在国会和参议院讨论时确保法律草案与巴黎原则保持一致的重要性，并确认联合国，特别是人权高专办对这一进程的支持。

2. 非 洲

12. 人权高专办支助了印度国家人权委员会的一个代表团从 2008 年 2 月 11 日至 26 日对乌干达人权委员会的访问。印方派了两位工作人员帮助乌方加强其投诉处理机制。

13. 2008 年 3 月，利比里亚司法部要求联合国驻该国的机构的人权科就一项关于设立国家人权机构的法律修正案发表意见。同年 7 月举行了国家磋商；目前该项法律已提交议会。

14. 2008 年 10 月 13 日至 15 日，人权高专办和联合国毒罪办参加了由开发署和毛里求斯联合举办的讲习班，审查毛里求斯人权委员会目前和将来的任务，讨论了该委员会在警务监督和投诉系统方面的作用问题。讲习班还集中讨论了巴黎原则，机构间协委会国际协调委员会资格认证小组委员会的建议，和机会平等和歧视问题方面的最佳做法。

15. 2008 年 11 月，人权高专办南非区域办事处在莱索托参加了与民间社会和议会议员的国家协商会，讨论设立国家人权委员会的法律(人权委员会法案 2007)和相关的宪法条款。

16. 人权高专办东非区域办事处继续支持埃塞俄比亚人权委员会的内部能力建设 5 年项目，条约机构监测是其重点之一。2008 年 11 月 8 日至 15 日，该委员会的委员和工作人员到日内瓦接受了关于条约机构程序的介绍培训，并会晤了条约机构的成员和人权高专办的工作人员。

3. 亚洲及太平洋区域

17. 2008 年 2 月，人权高专办就柬埔寨根据巴黎原则建立人权机构的法律草案提出了意见，并把意见转交给了人权高专办柬埔寨办事处，以便与国家利益攸关方共享。

18. 2008 年 2 月和 3 月，人权高专办与开发署和人权高专办尼泊尔国家办事处密切合作，进行了一次项目制定访问，以根据 2006 年和 2007 年两次评估访问的结果草拟一个为期 3 年的项目来支持尼泊尔国家人权委员会。

19. 人权高专办支持了国家人权机构亚太论坛从 2008 年 5 月 5 日到 23 日由开发署孟加拉国办事处资助的一次访问。访问的目的是就根据将于 2008 年 9 月 1 日生效的“孟加拉国国家人权法令 2007”设立人权机构的问题向孟加拉国政府提供技术援助和咨询。

20. 人权高专办支持了亚太论坛从 2008 年 9 月 10 日至 16 日对斯里兰卡的一次访问。访问是应斯里兰卡人权委员会的邀请进行的，由马来西亚人权机构 (Suhakam) 的代表领队。访问的目的是与该委员会和包括政府、民间社会、联合国和国际社会在内的相关利益攸关方开展讨论。讨论的重点是国际协调委员会的资格认证问题和对该委员会的可能的技术援助项目。

21. 2008 年 12 月 18 日和 19 日，人权高专办和亚太论坛在巴基斯坦为民间社会和国会议员就设立国家人权机构的立法草案组织了国家磋商。访问团由 Suhakam 的代表领队并得到开发署巴基斯坦办事处的支助。

22. 2008 年 12 月，人权高专办与开发署合作对 Suhakam 进行了一次能力需求评估访问。访问是在支持国家人权机构机构能力开发区域举措的框架内进行的——一个由开发署启动的支持亚太区域国家人权机构机构能力开发的项目。

23. 2008 年 12 月和 2009 年 1 月，开发署和人权高专办将对东帝汶进行一次评价访问，审查东帝汶人权和司法机构 Provedoria、开发署和人权高专办于 2007 年建立的一个 Provedoria 机构能力建设的 3 年期项目的情况。访问团将审查项目的活动及其协调情况；从相关性、效率、效果、影响和机构能力的角度评估该项目在协助 Provedoria 履行其任务和实现其宣布的目标方面的成功程度；查明项目有效运行的障碍并提供建议。此外，Provedoria 将在强化其调查和监测能力方面得到由前肯尼亚国家人权委员会主席提供的 4 个月的高级咨询。

24. 2008 年，人权高专办与开发署和联合国驻印度尼西亚国家工作队紧密合作详细拟订了一个多捐助方技术援助 5 年项目，为印度尼西亚人权机构提供援助。预计项目将于 2009 年启动。

25. 人权高专办目前正在集中努力进行发展太平洋国家能力的活动，增强现有的人权网络，长期目标是发展其自己的符合巴黎原则的人权机制样板。2008 年 8 月，人权高专办就一项设立人权督察员及其运作的法律草案向帕劳政府提供了咨询意见。人权高专办与亚太论坛合作正在组织关于建立巴黎原则人权机制的区域讲习班，预计将于 2009 年上半年在阿皮亚举行。

4. 欧 洲

26. 2008 年 1 月初，在塔吉克斯坦建立国家人权机构的法律草案提交议会。在此之前，开发署—人权高专办联合项目为法律的起草提供了援助。该项目期从 2007 年 10 月至 12 月，包括聘用一位顾问协助政府工作组起草该部法律，和组织一次国家圆桌会议公开讨论法律草案。顾问的最后报告内含对该法律遵守巴黎原则的情况的评估，于 2008 年 1 月提交。

27. 人权高专办参加了 2008 年 3 月 17 日在立陶宛举行的关于在立陶宛建立国家人权机构的可行性问题讲习班，以支持建立一个符合巴黎原则的人权机构。

28. 2008 年 5 月和 6 月，对吉尔吉斯斯坦督察员机构进行了评价(由行动 2、联合国儿童基金会(儿童基金会)和人权高专办出资)，以评估其有效性和能力差距。2008 年 7 月，人权高专办与该机构举行了关于禁止酷刑公约任择议定书规定的国家预防机制问题讲习班。2008 年 7 月 24 至 26 日，为该机构举行了关于根据专门专题部门制定战略规划、确定优先事项和进行机构改革的为期 3 天的讲习班(由人权高专办、儿童基金会和行动 2 出资)。2008 年 9 月，人权高专办为该机构提供了一名顾问，就机构改革问题提供咨询，为期 6 个月。11 月 10 日至 14 日，行动 2 和开发署就投诉处理程序问题为该机构举办了一次为期 5 天的讲习班。联合国与该机构密切合作拟订了为该机构的 2009-2011 年联合技术援助方案项目文件。

29. 2008 年 9 月 10 日，人权高专办参加了由德国人权研究所在柏林举办的一个讲习班。讲习班集中讨论了该研究所如何落实残疾人权利公约第 33(2)条的问题，其中规定了国家人权机构对于公约的监测作用。

30. 2008 年 10 月 31 日，人权高专办参加了由苏格兰人权委员会配合世界人权宣言 60 周年举办的关于坚持国际人权原则的讲习班。Strathclyde 大学法学院和苏格兰人权委员会共同为活动提供了资助。

31. 2008 年 11 月 5 日，人权高专办接待了丹麦人权研究所的五名工作人员的考察访问，向他们简要介绍了国家机构科在支持全世界的人权机构方面的作用、职能和最近的活动。

5. 阿拉伯地区

32. 2008 年 6 月 7 日至 10 日，人权高专办和法语国家人权委员会联合会共同组团对毛里塔尼亚进行评估访问，目的是评估该国国家人权委员会的需要。访问团广泛会见了各利益攸关方，汇聚了对国家人权机构的支持，并就如何加强该委员会的能力制订了建议。

33. 2008 年 7 月 22 日至 24 日，人权高专办与联合国驻巴林的国家工作队和巴林政府紧密合作举办了关于建立国家人权机构的巴黎原则和最佳做法的讲习班，旨在支持政府履行其在 2008 年 4 月普遍定期审议第一次会议上做的关于根据巴黎原则设立人权机构的承诺。人权高专办主持的讨论以及来自摩洛哥、约旦和北爱尔兰的专家的发言有助于人们更好的理解这类机构的主要要求以及人权高专办可能提供的援助。

34. 在 2008 年 11 月 17 日伊拉克独立高级委员会代表理事会通过了人权法之后，人权高专办着手就一项 3 年技术援助项目开展工作，以协助伊拉克政府建立起一个有效的、运作良好的人权机构。联合国伊拉克援助团人权办公室将在负责遴选该机构的专员的专家委员会中发挥作用。这一进程正在展开，人权办公室担任秘书处的工作。

B. 高专办对区域举措的支持

1. 南北美洲和加勒比地区

35. 美洲网在人权高专办的支持下于 2007 年举办了一次关于国家人权机构在落实残疾人权利公约方面的作用问题研讨会。研讨会的一项成果是人权高专办支持出版了国家监测公约手册，已从西班牙文译成英文和法文并在 2008 年初广为发行。

36. 2008 年 6 月 17 日至 20 日，为德班审评会议做准备，人权高专办在巴西为拉美和加勒比地区组织了一次区域会议。这是 2007 年 8 月筹备委员会成立会议

上通过的第 PC.1/11 号决定所要求的区域会议的首个区域会议。来自该区域的 25 个成员国的代表、114 个非政府组织、若干国家人权机构和联合国机构和方案的代表出席了会议。

37. 2008 年 8 月 27 日至 29 日，人权高专办为落实人权条约机构的建议提供了区域培训。会议在巴拿马城举行，欧洲联盟项目“通过提高国家保护机制强化人权条约机构建议的落实工作”提供资助。会议讨论了国家人权机构、非政府组织和媒体等问题。阿根廷、哥伦比亚、塞尔瓦多、危地马拉、墨西哥和巴拿马政府的代表也参加了会议。

38. 美洲国家人权机构和伊美监察员联合会网络大会于 2008 年 11 月 20 日至 21 日在墨西哥梅里达举行。人权高专的一位代表在开幕会上发言，称赞该网络成员在世界人权宣言 60 周年之际在促进和保护人权方面的工作。该代表支持国际协调委员会的机构认证工作，强调通过联合国条约机构和普遍定期审评继续与国际人权系统保持接触十分重要。

2. 非 洲

39. 2007 年，人权高专办为非洲国家人权机构网的成立提供了支助，该网络的主要目的是鼓励在非洲成立于巴黎原则相一致的人权机构，加强其有效性并鼓励它们之间在非洲的合作。该网络包括了国际协调委员会所认可的符合巴黎原则的机构。网络的宪章规定网络的常设秘书处设在内罗毕。在人权高专办的财政支持下，已招聘了一名执行主任和一名助手。2008 年，人权高专办继续为网络常设秘书处提供财政支持。人权高专办也鼓励各合作伙伴为加强网络的能力在财务和技术上提供帮助。

40. 加强非洲国家人权机构网络有助于改善非洲大陆的人权状况。网络着重承诺要加强与在非洲从事保护人权的各利益攸关方的步调一致和更好的协调。2008 年，非洲人权和人民权利委员会与该地区各人权机构的互动进一步发展。2008 年，网络的主席被选为非洲人权和人民权利委员会的五名新成员之一，这为发展非洲各机构与区域人权保护机制之间的协同关系提供了机会。

41. 非洲国家人权机构网参加了分别于 2008 年 5 月 7 日至 22 日在斯威士兰和 2008 年 11 月 10 日至 24 日在阿布贾举行的非洲人权和人民权利委员会第四十

三届和四十四届会议。这两次与会是非洲委员会在班珠尔举行的第二十五届会议期间于 1998 年 10 月 31 日通过的第 31(XXIV)98 号决定的结果，其中，委员会决定给所有在非洲成立的并按国际公认的准则和标准运作的国家机构以特别观察员地位。

42. 2008 年 5 月 6 日至 8 日在拉巴特举行的阿拉伯－欧洲人权对话为欧洲和阿拉伯人权机构讨论与移民的权利相关的立法和实际挑战提供了机会。对话集中讨论了人权机构在促进和保护移民的权利方面的作用问题。

43. 2008 年 8 月 24 日至 26 日，人权高专办组织了一次政府间非洲区域筹备会议，由尼日利亚政府主办，在阿布贾的西非国家经济委员会秘书处举行。邀请信在网络上广为散发。人权高专办为非洲秘书处工作人员和来自马拉维、尼日尔、卢旺达、塞内加尔、坦桑尼亚联合共和国、多哥、乌干达和赞比亚的 A-级地位国家人权机构与会提供了支助。

3. 亚洲及太平洋区域

亚太国家机构论坛第 13 届年会

44. 亚太论坛第 13 届年会于 2008 年 7 月 28 日至 31 日在吉隆坡举行。会议由马来西亚人权委员会承办，人权高专办共同主办，使来自国家人权机构、区域各政府、非政府组织和联合国的近 170 名代表济济一堂，讨论本区域面临的一些主要人权问题，其中包括人权与企业社会责任、普遍定期审议、人权卫士和土著人和少数民族的权利等。

45. 人权高专办在会上的发言中提到其对在本区域建立新的国家人权机构和加强现有的机构的承诺，要与联合国和区域和国家合作伙伴一起开展工作，例如，各政府、本区域现有的机构和区域协调机构等。还介绍了 2008 年 4 月对资格认证程序的改进，强调人权机构与国际人权系统接触很重要，特别是确保在国家一级开展后续活动。人权高专办表示支持成立如东南亚国家联盟人权机制那样的国家人权机构的次区域机构。

46. 在闭幕发言(见附件一)中，论坛再次肯定与人权高专办的伙伴关系是成功的，并期待着加强互相合作与支持，包括通过举行国家人权机构太平洋讲习班

来实施。它还感谢国际协调委员会主席在审评和发展委员会管理方面所发挥的领导作用。

促进和保护移民在多元文化社会中的权利国际会议

47. 2007 年 11 月 10 日至 12 日，韩国国家人权委员会举办了一次促进和保护移民在多元文化社会中的权利国际会议。在录像致词中，人权高专强调国家人权机构可通过推动一个建设性的连贯的全世界范围的战略来发挥其不可或缺的作用，以确保对移民权利的尊重，抑制歧视和增强社会凝聚力。

4. 欧 洲

欧洲联盟基本权利署

48. 2008 年 5 月 16 日，人权高专办出席了欧洲联盟基本权利署在维也纳举办的关于该署与国家人权机构开展合作带来增值效应的会议。来自欧洲联盟成员国的共 13 家机构和欧洲理事会参加了会议。会议确认并肯定了国际协调委员会网络的价值和意义，特别是其资格认证程序，以及该署与人权高专办加强合作的必要性。

欧洲理事会

49. 2008 年 9 月 16 日至 17 日，欧洲理事会人权委员会和爱尔兰人权委员会在都柏林举办了欧洲国家人权机构和专员第五次圆桌会议。会议的主题是：“人权在国内的保护：强化独立的国家结构”。人权高专办、欧洲理事会和欧洲基本权利署承诺要本着在欧洲创建或强化国家人权机构的精神探讨加强合作的问题。人权高专办强调，欧洲理事会和基本权利署有必要支持国际标准和通过国际协调委员会进行的资格认证程序。

5. 阿拉伯地区

阿拉伯—欧洲移民和人权问题对话

50. 2008 年 5 月 6 日至 8 日，人权高专办参加了由丹麦、约旦和摩洛哥国家人权机构在拉巴特举办的第三次阿拉伯—欧洲关于移民和人权问题的人权对话。会议主要讨论了旨在保护移民权利的人权标准方面的挑战和差距，重点是执行方面的差距和与合法和非法移民、劳工市场和移民工人的权利相关的挑战。

人权与反恐区域研讨会

51. 人权高专办人权与反恐区域研讨会于 2008 年 10 月 27 日至 29 日在安曼与开发署合作举办。研讨会在国家人权机构和主要的区域伙伴之间开启了关于反恐事务方面国家的人权义务和承诺的对话。来自阿尔及利亚、巴林、埃及、伊拉克、约旦、科威特、黎巴嫩、阿拉伯利比亚民众国、摩洛哥、毛里塔尼亚、阿曼、沙特阿拉伯、阿拉伯叙利亚共和国、苏丹、突尼斯、卡塔尔、阿拉伯联合酋长国、也门和被占巴勒斯坦领土的政府和机构的代表出席了研讨会。

普遍定期审评经验比较

52. 2008 年 11 月 19 日和 20 日，人权高专办出席了由巴林政府与开发署合作举办的普遍定期审议经验比较国际会议。来自阿拉伯地区的 100 多位代表出席，其中包括伊拉克、卡塔尔、阿拉伯联合酋长国、沙特阿拉伯和埃及，阿拉伯国家联盟的代表以及报告已经审议过的国家(突尼斯、摩洛哥、联合王国和阿根廷)的代表也出席了会议。

第三次开罗国际会议

53. 人权高专办出席了 2008 年 12 月 1 日和 2 日举行的第三次开罗国际会议，主题是：“世界人权宣言，60 年以后：空谈与现实之间”。会议举办方是埃及国家人权理事会和教科文组织。

C. 高专办对国际举措的支持

1. 促进和保护人权国家机构国际协调委员会

第二十届会议

54. 人权高专办作为国际协调委员会及其资格认证小组委员会的秘书处，为 2008 年 4 月 14 日至 18 日在日内瓦举行的委员会第二十届会议提供了实质性支助和方便。会议集中讨论了委员会的职能、结构、管理和运作方面的问题，决定委员会根据瑞士法律组成。代表委员会四个区域的有表决权的 16 个 A-级国家人权机构将组成委员会的主席团。会议还同意本组织将举行年度会议讨论专题事项。将保持举办国际会议的做法。还将向成员征收年度会员费。

55. 会议还重点讨论了实质性问题，如国家人权机构参与国际人权系统问题、它们在商业、减贫和残疾领域的作用、以及世界人权宣言 60 周年纪念和人权机构在这方面的活动等。此外，四个区域小组在全会上介绍了各自的活动。

组建

56. 2008 年 7 月 30 日，委员会为成为根据瑞士法律组建的社团举行了组建大会。人权高专办为组建规约的起草工作提供了投入并推动了组建进程。

第二十一届会议

57. 人权高专办作为委员会及其资格认证小组委员会的秘书处，为第九届国家人权机构国际会议之前于 2008 年 11 月 21 日在内罗毕举行的委员会第二十一届会议提供了实质性支助和方便。

58. 会议集中讨论了委员会的管理和资金问题和设立专题工作组的问题。会议通过了委员会规约修订本(见附件二)，并建议进一步完善规约，还商定 A-级机构的年度会费为 3,200 欧元。会议还就会员资格和可持续的筹资等问题通过了若干决议，其中包括每个 A-级资格认证机构都是组建后委员会的有表决权成员，但须缴年度认捐费；每个 B-级资格认证机构将被接纳为组建后委员会的无表决权成员。委员会下一次例会将于 2009 年 3 月 23 日那一周在日内瓦举行。

59. 会议同意在委员会内设立专题工作组：国家人权机构战略性参与德班审评进程工作组和人权与商业工作组。会议还讨论了各机构参与妇女地位委员会的问题和委员会参与土著人权利机制的问题，并同意在 2009 年 3 月下一届会议上进一步讨论这些问题。

60. 很多国家人权机构对参加德班审评会议表示强烈兴趣和支持，强调它们在增强会议的信誉和在国家一级落实会议成果方面的潜力。德班审评会议工作组由每个区域出两个机构(哥斯达黎加、丹麦、德国、印度尼西亚、墨西哥、大韩民国、卢旺达、和南非)组成，由共同主席(大韩民国和南非)领导。工作组将为德班审评会议的成果文件提供投入。

61. 人权与商业工作组将由所有区域的对该专题有专门知识的机构代表组成。工作组的任务是支持各机构进行战略规划，能力建设，资源统筹和确定议程。已向委员会主席建议 2010 年第 10 届国际会议的主题为“人权与商业”。

62. 四个区域网络的主席汇报了各自在“世界人权宣言 60 周年”纪念框架内的活动，人权高专邀请各国家人权机构带头举办纪念活动。他们表示感谢人权高专办为开展世界人权宣言 60 周年纪念活动提供了财政和技术援助。

第九届国家人权机构国际会议

63. 第九届国家人权机构国际会议于 2008 年 10 月 21 日至 24 日在内罗毕举行。会议的主办、组织和支持方为人权高专办，肯尼亚国家人权委员会和国际协调委员会。会议还得到了法语国家国际组织，瑞典国际开发署和开发计划署的支助。来自世界各地的国家人权机构的 120 多位代表以及区域协调机构、非政府组织和国际人权问题专家出席了会议。为配合会议，还组织了几个场外活动(见下文第 81-85 段)。

64. 会议的主题是“国家人权机构与执法”。与会者讨论了各机构在加强法治的工作方面的良好做法。讨论分成小组围绕以下问题展开：(a)各机构与司法的关系及其在执法中的作用；(b)各机构对国家人权保护体系的关键组成部分的支持；(c)各机构与反对有罪不罚的斗争；(d)各机构与严重违反人权的受害者的复原、赔偿和康复权和冲突后形势下的基本自由；(e)各机构与执法方面的能力建设，特别是通过司法、安全部门和惩罚制度的改革，青少年司法改革，或打击腐败，来加强能力建设。

65. 会议一致通过了内罗毕宣言(见附件三), 为各机构在执法方面发挥作用提供了指导原则。宣言规定, 除其他外, 各机构将在各自的授权范围内努力为加强执法采取举措, 并鼓励在区域和国际层面在这方面开展合作, 包括通过人权高专办乃至更广泛的联合国系统开展合作; 与民间组织结成战略伙伴关系在执法领域开展活动; 以及制定和实施加强执法的战略。宣言还要求人权高专办编写一份报告, 其中要纳入会议期间介绍的最佳做法。

2. 资格认证小组委员会

66. 人权高专办为 2008 年 4 月和 11 月举行的资格认证小组委员会会议提供了秘书处支助(截至 2008 年 12 月的具有资格认证地位的国家人权机构名单见 A/HRC/10/55,附件一)。秘书长的报告(A/HRC/10/55)更详细的介绍了资格认证程序和最近的改进。

三、联合国人权机制与国家人权机构之间的合作

A. 人权理事会

67. 人权高专办根据人权委员会第 2005/74 号决议和以往的做法一贯支持国家人权机构在人权理事会方面发挥更大的作用。理事会第 5/1 号决议为各机构及其区域协调机制参加理事会会议和参与其各种机制开辟了许多机会。经国际协调委员会认证符合巴黎原则的国家机构、国际协调会本身以及国家机构的区域协调机构可以独立的身份就所有议程项目在理事会发言。它们也可提交书面发言, 散发文件(带有联合国文件标志的)和单独的座位安排。

68. 关于理事会机制方面, 第 5/1 决议赋予国家机构以明确和重要的作用, 例如, 在普遍定期审议方面, 要审查的三种文件中有一种要包含包括国家人权机构在内的利益攸关方提供的资料。国家机构在普遍定期审议的所有阶段——从提交文件到参加审议和跟踪建议落实情况——都可发挥重要的作用。它们在咨询委员会——更具体地说, 申诉程序方面, 也可发挥重要作用。

69. 11 月 19 日至 20 日在内罗毕为国家人权机构和非政府组织举行了一次讲习班, 交流关于报告、参加审议和根据审议进行跟踪的良好做法。会议由“权利

与民主”组织，人权高专办、法语国家组织和英联邦秘书处组织。参加审议进程的各人权机构交流了经验。

B. 条约机构

70. 作为一项日常活动，人权高专办与条约机构成员全面接触，向其提供关于国家人权机构及其活动的专家分析。2008 年，有几家机构做了发言并结合对各自国家提交的报告的审议向条约机构提交了报告。

71. 人权高专办将与国家人权机构有关的所有条约机构的结论性意见和建议汇编成册并定期更新(www.nhri.net)，在结论性意见通过后，及时向有关国家的机构发送。人权高专办还鼓励各国家机构参加条约机构的会议，加强互动程序，包括提供关于问题清单的资料、在会上发言和跟踪结论性意见的落实情况。

72. 2008 年 2 月，人权高专办就向联合国条约机构报告做法举办了东非次区域讲习班。来自布隆迪、埃塞俄比亚、埃利特利亚、吉布提、肯尼亚、索马里、苏丹、卢旺达、坦桑尼亚联合共和国和乌干达的国家人权机构和政府代表参加了讲习班。其中一场会议集中讨论了上述机构在条约机构报告程序中的作用问题。

73. 2008 年 5 月 19 日，人权高专办与伊美监察员联合会和 Alcala 大学合作，在经济、社会、文化权利委员会会议期间举办了关于国家人权机构在保护经济、社会和文化权利中的作用问题讲习班。就此，同与会的西语国家的机构讨论了国家人权机构在促进经济、社会和文化权利的法院可审理性中的作用问题。

74. 2008 年 6 月 23 日至 25 日，举行了条约机构主席会议。高专办国家机构科就国家人权机构与条约机构的互动情况提交了书面的最新动态和介绍了该领域的良好做法一览表。

75. 自 2003 年以来，人权高专办一直参与欧盟资助的项目“通过提高国家保护机制加强落实人权条约建议”，其目的是通过强化国家人权机构、非政府组织和媒体的能力，更好地在国家一级落实人权条约机构的结论和建议。所开展的活动旨在加强这些机构参与报告进程，并鼓励在各自工作领域使用国际人权文书和条约机构建议进一步促进和保护人权。2008 年 8 月 27 日至 29 日，在巴拿马举行了一次区域讲习班，与会者来自阿根廷、哥伦比亚、危地马拉、萨尔瓦多、墨西哥和巴拿马。2008 年 12 月，在摩洛哥和印度尼西亚举办了国家讲习班。

C. 特别程序

76. 人权机构在特别程序受权方的工作中可发挥重要作用，具体在以下方面：国家访问(准备工作、访问期间的会晤、对建议采取后续行动)；早期预警；参与和组织专题研究、会议和研讨会；在国际论坛上的互动，例如，人权理事会或特别程序受权方年度会议。受权方越来越多地向国家机构求助，以确保其建议在国家一级得到跟踪落实。

77. 2008 年 6 月 26 日，特别程序受权方、国家人权机构和非政府组织举行了互动性对话。国际协调委员会就加强国家机构与受权方的合作和建议的跟踪落实问题做了发言，并介绍了关于国家机构与受权方互动关系的论文。

78. 2008 年 10 月 25 日至 26 日，人权高专办与境内流离失所人员人权问题秘书长代表、布鲁金斯—伯尔尼境内流离失所问题项目协作，在内罗毕就非洲国家人权机构在保护境内流离失所人员的人权方面的作用问题举办了一次研讨会。研讨会综合介绍了关于保护境内流离失所人员的法律框架和规范框架；交流了关于制定有关境内流离失所人员的国家法律和政策的指导原则；讨论了国家机构保护和援助境内流离失所人员的具体战略。

四、高专办、联合国机构和方案以及国家人权机构的 国际和区域组织之间的合作

79. 2008 年，人权高专办继续加强与全世界的联合国国家工作队的合作。人权高专办目前正同开发署和丹麦、南非和乌干达的人权机构合作，为开发署的工作人员编写一本国家工作队工具手册，定于由人权高专办和开发署共同于 2009 年 6 月发行。

80. 2008 年 3 月，以“联合国机构和国家工作队在支持国家人权机构方面的作用”为题，举办了人权政策网络(HURITALK)网上讨论。收到的发言来自联合国各机构，民间社会组织和所有区域的专家，强调了可信的、独立的人权机构作为国家合作伙伴在以下方面可发挥的作用：促进法治、良政和人权，或为其他优先

领域(如扶贫)作贡献。网上讨论¹集中在以下问题：(a)人权机构在促进人权和发展目标方面的作用；(b)确保其可信度和独立性，保持与民间社会的关系，和联合国机构在这方面的具体作用；(c)帮助人权机构有效履行其职能的战略和联合国机构的具体作用。

五、与非政府组织和学术机构的合作

普遍定期审议讲习班

81. 2008年4月、7月和10月，“权利与民主”组织、人权高专办、法语国家组织和英联邦秘书处在日内瓦、吉隆坡和内罗毕分别举办了普遍定期审议讲习班。参加审议进程的各国家人权机构交流了经验。

非政府组织论坛(内罗毕)

82. 作为第九届国家人权机构国际会议的一部份，举办了一次论坛会，来自国际、区域和国家组织的100多位代表与会。主题是通过非政府组织和国家人权机构建立伙伴关系改善弱势群体的司法途径。人权高专办向与会者简要介绍了为加强人权机构履行其核心任务的能力当前在开展的活动——包括通过更严格的资格认证程序。在论坛会期间，约50家组织一起拟定了人权机构和非政府组织合作行动计划。包括大赦国际和国际陪审员委员会在内的一些组织表示愿意帮助人权高专办提高人权机构在国家一级的潜在保护能力，使其成为违反人权的受害者和弱势群体的第一“停靠港”。

衡平国际人权教育中心

83. 在上述会议期间，衡平发表了与开发署合作为人权机构编写的妇女的经济、社会和文化权利新手册。

¹ 摘要见 www.nhri.net。

哈佛大学法学院人权方案

84. 在上述会议期间，哈佛大学法学院人权方案主任概要介绍了该方案的情况，阐述了国家人权机构可利用的各种机会，包括助研金、实习以及哈佛法学院学生的全心全意的支持。他还提到了计划要出版的哈佛大学和人权高专办合作的关于人权机构与执法的出版物。

预防酷刑协会

85. 2008 年，人权高专办与预防酷刑协会和亚太国家人权机构论坛合作编写了一份出版物，标题是“防止酷刑：国家人权机构业务指南”，借鉴了欧盟资助的、与人权高专办和非政府组织 Fahamu 一起开展的“变革的行为者”项目的经验。该指南是积极从事酷刑预防工作的人权机构的实用工具，其中强调了参与全球性战略的重要性。该协会在上述会议上介绍了该指南的草案。

六、专题问题圆桌会议

A. 预防冲突和预防酷刑

86. “变革的行为者：通过远程和区域培训强化国家人权机构的能力”项目始于 2005 年，旨在加强人权机构预防酷刑和参与包括早期预警在内的预防冲突的能力。项目于 2007 年结束，2008 年进行了审评。项目由欧盟提供资金，人权高专办与联合国系统员工学院、预防酷刑协会和非政府组织 Fahamu 合作执行。

87. 经过评估，得出的结论是：项目超过了预期目标，获得圆满成功。项目的主要部分，即，变革的行为者远程学习方案，以绝对优势获得参加者的好评，认为教材切合实际、实用、具有挑战性、内容清晰；在项目早期就同人权实际工作者建立了联系，鼓励发展进程中的联系；讲习班提供了实用的真正的学习经验；关于学习在民间社会、监狱管理人员、警察、甚至在军队中传播的事例有非常正面的报道。此外，无论行政指导部门还是参加者都强烈支持利用这种方法进一步就不同的专题开展培训，为机构中的其他同事举办类似的学习班。

B. 世界人权宣言 60 周年纪念

88. 为纪念世界人权宣言 60 周年，秘书长发动了长达一年的以“让我们大家都享有尊严和正义”为重点的宣传运动。在运动中，人权高专办特别注意在监狱和其他拘留场所被剥夺了自由的人的权利。人权高专办特别指定 2008 年 10 月 6 日至 12 日为“被拘留者尊严和正义周”，并邀请人权机构和其他伙伴在那一周和 2008 年全年在拘留场所内和(或)相关的地方开展有针对性的活动。人权高专办计划就各人权机构在该年开展的活动编写一份正式报告，内有案例研究和个人故事，作为进一步努力保护被剥夺自由的人的尊严和正义的指南。

89. 有一些机构在与高专关于拘留问题的举措相关的活动计划方面得到了人权高专办的资助(共计 14 万 3,000 美元)。从以下国家人权机构收到了要求资助的请求：厄瓜多尔、埃塞俄比亚、印度、印度尼西亚、蒙古、巴拿马、卢旺达、斯里兰卡、多哥和乌干达。

C. 过渡期司法

90. 人权高专办和南非人权委员会于 2007 年 11 月 22 日至 25 日在南非开普敦主办了一次过渡期司法问题国家人权机构国际圆桌会议，之后，人权高专办就人权机构和过渡期司法拟定了一份指导说明。该说明旨在协助各人权机构在民主过渡期期间参与过渡期司法，改进其促进和保护人权的机构作用。

七、结 论

91. 国家人权机构遵循巴黎原则是一个强有力的有效的国家人权机构系统的关键。特别是，它们可支持政府确保国际人权准则在国家一级得到实行，包括推动对国际人权体系的建议采取后续行动。秘书长鼓励非政府组织与这些机构更紧密地合作，特别是在核心保护问题方面——包括对人权捍卫者的保护。特别是通过人权理事会、人权条约机构和特别程序，它们也显示出是国际人权体系中的重要伙伴。

92. 秘书长欢迎联大最近通过了关于国家促进和保护人权机构的第 63/172 号决议，其中，大会，除其他外，重申发展符合巴黎原则的有效、独立和多元机构

的重要性；肯定独立的机构在与政府一起努力确保在国家一级尊重人权中的作用，包括在落实国际人权机制的建议方面的作用；鼓励会员国建立或加强人权机构，并欢迎越来越多的国家已经在这样做；肯定了人权机构根据理事会第 5/1 和 5/2 号决议和人权委员会第 2005/74 号决议在人权理事会中所发挥的作用；确认人权机构在加强法治方面的作用；赞扬人权高专办高度优先重视人权机构的工作，并鼓励高级专员确保为继续和进一步扩大这些活动做出适当安排和提供预算资源，并请各政府为此目的提供额外的自愿资金捐助；鼓励各人权机构通过国际协调委员会寻求资格认证地位，并满意地注意到认证程序在不断强化和人权高专办在这方面的不断协助及其对委员会会议的协助。

93. 秘书长还对第九届国家人权机构国际会议通过了内罗毕宣言表示赞赏。代表全世界 51 个完全符合巴黎原则的机构的 150 多名代表一致商定的案文是其在执法和法治中发挥越来越大的作用的证明。鼓励他们充分重视会议关于同司法、警方和监狱行政部门合作行动和在国家一级采取后续行动的实际建议。

94. 秘书长鼓励国家人权机构与联合国系统更加紧密的合作，成为联合国系统的合作伙伴，特别是在努力建立或加强法治方面。秘书长还欢迎国际协调委员会根据瑞士法律进行组建以及资格认证小组委员会认证程序方面的最新动态。在人权高专办的支持下，通过更严格的、透明的资格认证制度来坚持巴黎原则，最终会强化国家人权保护制度，从而会促进和保护人权。

Annex I

CONCLUDING STATEMENT OF THE THIRTEENTH ANNUAL MEETING OF THE ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS

28 to 31 July 2008, Kuala Lumpur, Malaysia

Introduction

1. The Asia-Pacific Forum of National Human Rights Institutions (the APF), consisting of the national human rights institutions (NHRIs) of Malaysia, Afghanistan, Australia, India, Indonesia, Jordan, the Maldives, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor-Leste, held this Thirteenth Annual Meeting in Kuala Lumpur, Malaysia from 28th to 31st July 2008.
2. Dato Seri Azalina binti Othman Said, Minister of Tourism read the keynote speech of Datuk Seri Najib Razak, Rt. Hon Deputy Prime Minister of Malaysia who was unable to attend. Tan Sri Abu Talib Othman, Chairperson of the Human Rights Commission of Malaysia delivered a speech at the opening ceremony. The speakers stressed the important role of NHRIs and the APF in the promotion and protection of human rights throughout the Asia-Pacific region and, in particular, in the development of a regional human rights mechanism for the Association of South East Asian Nations (ASEAN) region.
3. The Forum Councillors expressed their gratitude to the Human Rights Commission of Malaysia 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 APF's donors for their financial support. The Forum Councillors expressed their appreciation for the efforts of the Chairperson, Commissioners and staff of the Human Rights Commission of Malaysia and the APF secretariat for their work in the organization of the meeting.
4. The Forum Councillors welcomed the participation and statements by the representative of the OHCHR, Mr Gianni Magazzeni, and the Chairperson of the International Coordinating Committee of National Institutions (ICC), Ms Jennifer Lynch QC.
5. The Forum Councillors encouraged and welcomed the participation and statements of approximately sixty international, regional and national non-governmental organizations (NGOs) and the representatives of the parliaments and/or governments of Australia, Bahrain, Brunei, Malaysia, Maldives, New Zealand, Pakistan, Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, and Thailand and the intergovernmental organizations of the Commonwealth and the Pacific Islands Forum.

Conclusions

The Forum, during its open plenary sessions:

6. Expressed appreciation to the OHCHR for its support in connection with NHRIs and their protection mandates; for the establishment and strengthening of NHRIs; and to the ICC and its accreditation process. The APF reaffirmed the success of their partnership with the OHCHR and looked forward to enhancing their mutual cooperation and support including through the holding of a Pacific workshop on NHRIs.
7. Expressed appreciation to the Chairperson of the ICC for her leadership in the review and development of the governance of the ICC. Forum Councillors therefore welcomed the holding of the first constituent assembly of the ICC during the APF annual meeting and the steps taken to incorporate the organization. They offered their continued support to ensure that the ICC and regional coordinating committees are influential entities in the international human rights system.
8. Informed the conference of the outcomes of the meeting of Forum Councillors held on 29th July 2008. The following decisions were highlighted:
 - The unanimous election of the Human Rights Commission of Malaysia (as the current host institution of the annual meeting) to the position of Chairperson of the APF, the Jordanian National Centre for Human Rights (as the host institution for the next annual meeting) and the Australian Human Rights and Equal Opportunity Commission (as the immediate past Chairperson of the APF) to the two positions of Deputy Chairpersons.
 - The offer to provide associate membership of the APF to the Iranian Islamic Human Rights Commission. The Commission subsequently advised that it did not want to accept associate membership.
 - The decision to defer the review of the associate membership of the Qatar National Human Rights Committee. In doing so Forum Councillors congratulated the institution on the steps taken to comply with the Paris Principles. Forum Councillors requested that the secretariat organise a study visit to seek additional information on their domestic legal system and to review this information at the next annual meeting.
 - The decision to accept with appreciation the offer of the Jordanian National Centre for Human Rights to host the Fourteenth Annual Meeting in 2009.
9. Welcomed the convening of the SEO meeting and encouraged them to strengthen their network.



10. Welcomed the reports of APF members on their operations over the preceding year. Also welcomed the reports of the Hong Kong Equal Opportunities Commission and the Iranian Islamic Human Rights Commission.
11. Noted the reports about regional cooperation activities between APF members. In particular they discussed and welcomed the progress of the NHRIs of Malaysia, Indonesia, Philippines and Thailand to promote the establishment of an ASEAN regional human rights mechanism. They further noted the call for regional standard setting on the human rights of migrants in an irregular situations and migrant domestic workers.
12. Welcomed the reports of the governments of Australia, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa and the inter-governmental Pacific Islands Forum on the activities undertaken to protect and promote human rights including support for NHRIs. In particular they welcomed the commitments made by the governments of Pakistan, Papua New Guinea and Samoa to establish NHRIs and offered these governments the support of the APF.
13. Welcomed the reports of NGOs. Forum Councillors expressed their appreciation for the constructive and coordinated contribution of NGOs, thanked NGOs for their submissions, collective participation and advocacy at the meeting and stressed their commitment to constructive dialogue and practical cooperation. Forum Councillors agreed to further consider:
 - Integrating the issue of human rights defenders into reference topics made to the Advisory Council of Jurists
 - Seeking a dialogue with the United Nations Special Rapporteur on Human Rights Defenders about how NHRIs can effectively engage with her mandate
 - Including the situation of human rights defenders in the annual activity report taking into account the United Nations Declaration on Human Rights Defenders
 - Strengthening follow up mechanisms to recommendations made by the APF, the Advisory Council of Jurists and international mechanisms including the Human Rights Council, the Universal Periodic Review (UPR), treaty bodies and Special Procedures
 - Strategies to strengthen the role of NHRIs in affording immediate protection against human rights violations at the national level
 - Encouraging the development of human rights impact assessment tools in relation to policies adversely affecting economic, social and cultural rights
14. With regard to the current human rights situation in the Islamic Republic of Iran and the difficulties faced by human rights defenders, requested that the Iranian Islamic Human Rights Commission make efforts to protect human rights defenders and promote the registration of such organizations in accordance with the Iranian Constitution and national law. APF members offered to support the Commission in these efforts.


15. Discussed the UPR mechanism and stressed their commitment to actively participate in the process in cooperation with both Government and civil society. Forum Councillors expressed their appreciation to Rights and Democracy for facilitating dialogue on this issue and to the OHCHR and Commonwealth secretariat for their offers to provide practical support. Forum Councillors requested that the APF cooperate in these efforts to ensure APF members can engage effectively in the UPR mechanism. In doing so they noted the experiences of the NHRIs from India, Indonesia, the Philippines and the Republic of Korea who have already participated in the first and second sessions of the UPR mechanism and agreed to develop documentation highlighting 'best practices' for dissemination to all APF member institutions. Forum Councillors also welcomed the proposal of the Human Rights Commission of the Republic of Korea to develop guidelines for the monitoring of the implementation of UPR recommendations.
16. Noted with concern the continuing human rights violations in Myanmar.
17. Considered the issue of human rights and corporate accountability, including the interim report of the Advisory Council of Jurists. The APF warmly thanked the jurists for their expertise and the comprehensive scope of their report. APF member institutions would carefully consider their recommendations and report on their implementation to the next meeting of the APF. Forum Councillors also agreed to forward the recommendations of the Jurists to the ICC for their consideration and possible inclusion in future activities.
18. Issues relating to the rights of Indigenous Peoples and ethnic minorities were raised throughout the conference. The APF agreed to incorporate work on the rights of Indigenous Peoples and ethnic minorities in its programme for 2008-2009.
19. Considered the issue of the meaning and effect of Article 29(2) of the Universal Declaration of Human Rights and stressed that any permissible limitations on fundamental rights and freedoms should be carefully scrutinised in accordance with the accepted international norms.
20. Recorded their sincere appreciation to Mr John von Doussa QC, President of the Australian Human Rights and Equal Opportunity Commission, for his excellent Chairmanship of the APF and his untiring support for the work of the APF, ICC and the promotion and protection of human rights domestically, regionally and internationally.

Annex II

STATUTE OF THE INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Art. 1.1	<p>SECTION 1: DEFINITIONS AND INTERPRETATION</p> <p>In this Statute</p> <p>Former Rules of Procedure means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;</p> <p>ICC means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;</p> <p>ICC Bureau means the committee of management established under Article 43 of this Statute;</p> <p>Days: In this statute, a reference to days means calendar days, not working days;</p> <p>NHRI means a National Human Rights Institution;</p> <p>NIU means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;</p> <p>OHCHR means the Office of the United Nations High Commissioner for Human Rights;</p> <p>Paris Principles means the Principles Relating to the Status of National Institutions, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993;</p> <p>Rules of Procedure of the ICC Sub-Committee on Accreditation mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;</p> <p>Regional Coordinating Committee means the body established by NHRIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:</p> <ul style="list-style-type: none"> • Asia-Pacific Forum of National Human Rights Institutions • European Coordinating Committee of National Human Rights Institutions
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	<ul style="list-style-type: none"> • Network of African National Human Rights Institutions; and • Network of National Human Rights Institutions of the Americas <p>Secretary means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;</p> <p>Sub-Committee on Accreditation means the sub-committee established under the former Rules of Procedure empowered to exercise the mandate given to it under and in accordance with the Rules of Procedure for the ICC Sub-Committee on Accreditation to review and analyse accreditation applications;</p> <p>Voting member means a NHRI which is a member of the ICC and is accredited with an “A” status; and non-voting member means a NHRI which is a member of the ICC and is accredited with a “B” status;</p> <p>Writing or Written includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.</p>
Art. 1.2	References to the “ICC” in the Rules of Procedure for the ICC Sub-Committee on Accreditation shall be read as references to the ICC Bureau established under this Statute, and references to the “ICC Rules of Procedure” shall be read as references to the former Rules of Procedure, and to the corresponding rules in this Statute.
Art. 2	<p>SECTION 2: NAME, LOGO AND REGISTERED OFFICE</p> <p>A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in this Statute referred to as the ICC. The duration of the ICC is unlimited.</p> <p>The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.</p>
Art. 3	<p>The official logo of the ICC, in each of the working languages, is the following image:</p> <div style="display: flex; align-items: center;">  <div style="margin-left: 10px;"> <p>INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)</p> </div> </div> <div style="display: flex; align-items: center; margin-top: 10px;">  <div style="margin-left: 10px;"> <p>COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L'HOMME (CIC)</p> </div> </div>

	 <p>COMITÉ INTERNACIONAL DE COORDINACIÓN DE LAS INSTITUCIONES NACIONALES PARA LA PROMOCIÓN Y LA PROTECCIÓN DE LOS DERECHOS HUMANOS (CIC)</p>
Art. 4	The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland.
Art. 5	<p>SECTION 3: PURPOSE</p> <p>Objects</p> <p>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights.</p>
Art. 6	General Meetings of the ICC, meetings of the ICC Bureau and of the Sub-Committee on Accreditation, as well as International Conferences of the ICC shall be held under the auspices of, and in cooperation with, OHCHR.
Art. 7	<p>Functions</p> <p>The functions of the ICC are:</p> <ol style="list-style-type: none"> 1. To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> • Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations • Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees • Communication amongst members, and with stakeholders including, where appropriate, the general public • Development of knowledge • Management of knowledge • Development of guidelines, policies, statements • Implementation of initiatives • Organisation of conferences 2. To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> • Accreditation of new members • Periodic renewal of accreditation • Special review of accreditation

	<ul style="list-style-type: none"> • Assistance of NHRIs under threat • Encouraging the provision of technical assistance • Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs <p>3. To undertake such other functions as are referred to it by its voting members.</p> <p>Principles:</p> <p>In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</p> <ul style="list-style-type: none"> • Fair, transparent, and credible accreditation processes • Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies • The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs • Mandated representation of NHRIs • Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles • Flexibility, transparency and active participation in all processes • Inclusive decision-making processes based on consensus to the greatest extent possible • The maintenance of its independence and financial autonomy
Art. 8	<p>International Conference</p> <p>The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</p>
Art. 9	<p>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs</p> <p>The ICC may liaise with other human rights institutions including the International Ombudsman Institute and non-governmental organizations. The ICC may decide to grant such organizations observer status at any meetings or workshops of the ICC.</p>

	<p>SECTION 5: PARIS PRINCIPLES ACCREDITATION</p> <p>[Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7 (b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11 (a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</p>
Art. 10	<p>Application for accreditation process</p> <p>Any NHRI seeking accreditation under the Paris Principles shall apply to the Chairperson of the ICC. Through the ICC Secretariat, that NHRI shall supply the following in support of its application:</p> <ul style="list-style-type: none"> • A copy of the legislation or other instrument by which it is established and empowered in its official or published format • An outline of its organizational structure including staff complement and annual budget • A copy of its most recent annual report or equivalent document in its official or published format • A detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided <p>The application shall be decided pursuant to Article 11 of this Statute.</p>
Art. 11.1	<p>All questions of accreditation, including whether a NHRI complies with the Paris Principles, shall be decided under the auspices of, and in cooperation with, OHCHR by the ICC Bureau after considering a report from the Sub-Committee on Accreditation on the basis of written evidence submitted.</p>
Art. 11.2	<p>In coming to a decision, the ICC Bureau or the Sub-Committee may adopt processes that facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision.</p>
Art. 12	<p>Where the Sub-Committee on Accreditation comes to an accreditation decision, that decision shall be considered an accreditation status recommendation, with the final decision being taken by the ICC Bureau after the following process has occurred:</p> <ul style="list-style-type: none"> • The recommendation of the Sub-Committee shall first be forwarded to the applicant • An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within

	<p>twenty eight (28) days of receipt</p> <ul style="list-style-type: none"> • Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau • Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information a majority of members of the ICC Bureau notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision • If a majority of members do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau <p>The decision of the ICC Bureau on accreditation is final.</p>
Art. 13	Should the ICC Bureau decide to decline an application for accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the ICC Bureau or its delegate may consult further with that institution concerning measures to address its compliance issues.
Art. 14	Any NHRI whose application for accreditation has been declined may reapply for accreditation, according to the guidelines under Article 10, at any time. Such an application may be considered at the next meeting of the Sub Committee on Accreditation.
Art. 15	<p>Periodic re-accreditation</p> <p>All NHRIs that hold an “A” status are subject to re-accreditation on a cyclical basis. The ICC Bureau may determine the periodicity of re-accreditation, but this cannot be longer than five (5) years. Article 10 applies to NHRIs undergoing re-accreditation. In particular reference to an application for accreditation means both the initial application and the application for re-accreditation.</p>
Art. 16.1	<p>Review of accreditation process</p> <p>Where the circumstances of any NHRI change in any way which may affect its compliance with the Paris Principles, that NHRI shall notify the Chairperson of those changes and the Chairperson shall place the matter before the Sub-Committee on Accreditation for review of that NHRI’s accreditation status.</p>

Art. 16.2	Where, in the opinion of the Chairperson of the ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any NHRI that has been accredited with an “A” status under the former Rules of Procedure may have changed in a way which affects its compliance with the Paris Principles, the Chairperson or the Sub-Committee may initiate a review of that NHRI’s accreditation status.
Art. 16.3	Any review of the accreditation classification of a NHRI must be finalized within eighteen (18) months.
Art. 17	On any review the Chairperson or Sub-Committee on Accreditation shall have all the powers and responsibilities as in an application under Article 10.
Art. 18	Alteration of accreditation classification Any decision that would serve to remove accredited “A” status from an applicant (hereafter referred to as an “adverse decision”) can only be taken after the applicant is informed of this intention and is given the opportunity to provide in writing, within one (1) year of receipt of such notice, the written evidence deemed necessary to establish its continued conformity to the Paris Principles.
Art. 19	An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification. A NHRI whose accreditation is suspended under this Article remains suspended until the body determining accreditation comes to a decision as to its compliance with the Paris Principles or its accreditation lapses.
Art. 20	An accreditation classification may lapse if a NHRI fails to submit an application for re-accreditation within one (1) year of being suspended for failure to reapply, or if a NHRI under review under Article 21 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles.
Art. 21	NHRIs whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses.
Art. 22	NHRIs whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.
Art. 23	In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation are immediately suspended. In the event that a NHRI is under review, it shall retain the accreditation status it has been granted until such time as the body determining membership comes to a decision as to its compliance with the Paris Principles or its membership lapses.

Art. 24.1	<p>SECTION 6: MEMBERS</p> <p>Eligibility</p> <p>Only NHRIs which comply fully with the Paris Principles, being those which have been accredited with an “A” status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to be voting members of the ICC.</p>
Art. 24.2	<p>NHRIs that are only partially compliant with the Paris Principles, being those which have been accredited with a “B” status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member with observer status.</p>
Art. 25	<p>Any eligible NHRI wishing to become a member of the ICC (voting or non-voting respectively) shall apply in writing to the Chairperson of the ICC, giving particulars of the date on which it was accredited with an “A” or “B” status, and agreeing to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.</p>
Art. 26	<p>A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.</p>
Art. 27	<p>Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.</p>
Art. 28	<p>Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.</p>
Art. 29.1	<p>A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.</p>
Art. 29.2	<p>Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.</p>
Art. 30	<p>Independence of members</p> <p>Notwithstanding anything in this Statute, the independence, authority and national status of each member and their powers, duties and functions under their own legislative mandates shall in no way be affected by the creation of the ICC or its functioning.</p>

Art. 31.1	<p>SECTION 7: REGIONAL GROUPING OF MEMBERS</p> <p>For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established:</p> <ul style="list-style-type: none"> • Africa • The Americas • Asia-Pacific • Europe
Art. 31.2	The members within any regional group may establish such sub-regional groupings as they wish.
Art. 31.3	The members of regional groups may establish their own procedures concerning meetings and activities.
Art. 31.4	Each regional group is to nominate four (4) members accredited with an “A” status which shall each have a representative on the ICC Bureau.
Art. 32	<p>SECTION 8: GENERAL MEETINGS OF MEMBERS</p> <p>The General Meeting is composed by the ICC members and constitutes the supreme power of the association.</p>
Art. 33	The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an “A” status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting.
Art. 34	The General Meeting elects the members of the ICC Bureau, including the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an “A” status which have been nominated by their regional groups under article 31.
Art. 35	If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC.
Art. 36	The General Meeting meets at least once a year in conjunction with a meeting of the Human Rights Council upon written notice given by the ICC Bureau to the members at least four (4) weeks in advance and at such other times required according to the law including when a request is demanded by one fifth or more of the members.
Art. 37	The agenda of the meeting shall be submitted to the members with the written notice of meeting.

Art. 38	<p>SECTION 9: RIGHT TO VOTE AND DECISIONS</p> <p>At General Meetings only members accredited with an “A” status shall be entitled to vote. A member that has been accredited with a “B” status has the right to participate as an observer in General Meetings (and all other open meetings and workshops of the ICC). A NHRI that is not accredited with either an “A” or “B” status may, with the consent of the particular meeting or workshop, attend as an observer. The Chairperson, after consultation with ICC members, may invite NHRIs who are not members of the ICC and any other person or institution to participate in the work of the ICC as an observer without the right to vote.</p>
Art. 39	<p>At General Meetings only one (1) NHRI per Member State of the United Nations shall be eligible to be a voting member. Where more than one (1) institution in a State qualifies for membership the State shall have one (1) speaking right, one (1) voting right, and if elected, one (1) ICC Bureau member. The choice of an institution to represent the NHRI of a particular State shall be for the relevant institutions to determine.</p>
Art. 40	<p>Decisions of the General Meeting are passed by the majority of members present or duly represented. The General Meeting will only deal with matters that are summarized in the Agenda. If necessary, or on the request of more than half of the members present at a General Meeting, the Chairperson can call an Extraordinary General Meeting.</p>
Art. 41	<p>A quorum of at least one half of the total number of members is necessary.</p>
Art. 42	<p>English, French, and Spanish shall be the working languages of the ICC.</p>
Art. 43	<p>SECTION 10: ICC BUREAU</p> <p>ICC is managed by a committee entitled the ICC Bureau which shall comprise sixteen (16) individuals, including the Chairperson and the Secretary, elected by the General Meeting on the nomination of regional groupings of members, comprising four (4) representatives from members of each of the regional groups.</p>
Art. 44	<p>In the event that a representative of a member of a regional group for any reason is no longer able to represent that member, or if the member ceases to hold an “A” status accreditation, the representative shall cease to be a member of the ICC Bureau and the Regional Coordinating Committee may thereupon nominate another representative who shall act as a casual member of the ICC Bureau until the next General Meeting.</p>
Art. 45	<p>The Chairperson and the Secretary shall be elected on a rotational basis by the General Meeting for a term of three (3) years.</p>

Art. 46	<p data-bbox="277 253 644 286">Powers of the ICC Bureau</p> <p data-bbox="277 304 1359 416">The ICC Bureau is empowered to act generally in the name of the ICC and to carry out the purpose and functions of the ICC. Without limiting the generality of the powers of management the ICC Bureau is empowered to:</p> <ul data-bbox="357 434 1359 1915" style="list-style-type: none"> <li data-bbox="357 434 1359 501">• Decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation <li data-bbox="357 524 1007 557">• Decide applications for membership of the ICC <li data-bbox="357 580 895 613">• Summon General Meetings of the ICC <li data-bbox="357 636 1359 860">• Collaborate and work with the OHCHR and its NIU, and in particular to work with the NIU in connection with the ICC accreditation process, annual meetings of the ICC, meetings of the ICC Bureau and international conferences of NHRIs. In addition, the NIU will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies <li data-bbox="357 882 1359 949">• Use and accept the services of the NIU as the Secretariat for the ICC, the ICC Bureau and its Sub-Committee on Accreditation <li data-bbox="357 972 1359 1039">• Appoint from the members of the ICC Bureau a person to be the treasurer of the ICC <li data-bbox="357 1061 1262 1095">• Acquire, lease, dispose of or otherwise deal in property of any kind <li data-bbox="357 1117 1359 1184">• Open bank accounts, appoint signatories thereto and define the authority of the signatories <li data-bbox="357 1207 1359 1274">• Spend money and do all things it considers desirable to promote the purposes of the ICC <li data-bbox="357 1296 1359 1364">• Delegate any function to a nominated person, standing committee or subcommittee of persons or members <li data-bbox="357 1386 1359 1453">• Co-ordinate and arrange conferences, meetings, standing committees and sub-committees, and other activities <li data-bbox="357 1476 1198 1509">• Engage, dismiss or suspend employees, agents and contractors <li data-bbox="357 1532 647 1565">• Enter into contracts <li data-bbox="357 1588 1359 1655">• Engage professional assistance for the preparation of annual and other financial statements, to obtain legal advice, and for any other purpose <li data-bbox="357 1677 1359 1856">• Prepare and disseminate information notes, bulletins and papers of any kind to members, and to promote generally information about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest <li data-bbox="357 1879 1174 1912">• Receive financial grants and donations, and gifts of any kind
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Art. 47	<p>Membership subscription</p> <p>The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.</p>
Art. 48	<p>Meetings of the ICC Bureau</p> <p>A meeting of the ICC Bureau shall be held in conjunction with each General Meeting of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least two (2) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting.</p>
Art. 49	<p>The Chairperson and Secretary</p> <p>The Chairperson, or in his or her absence the Secretary, shall direct the work of the General Meeting and the ICC Bureau. Until otherwise decided by a General Meeting, she or he shall represent the ICC in accordance with developed practices and authorities followed by the Chairperson acting under the former Rules of Procedure.</p> <p>In particular, the Chairperson may speak at the Human Rights Council, its mechanisms, United Nations human rights treaty bodies and, when invited, at other international organisations:</p> <ul style="list-style-type: none"> • On behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau • On behalf of individual NHRIs when authorised by them • On thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau • To promote and protect human rights recognised by international human rights Covenants, the Human Rights Council, its mechanisms and United Nations human rights treaty bodies and • Generally to advance the objects of the ICC
Art. 50.1	<p>Conduct of ICC Bureau business</p> <p>English, French, and Spanish shall be the working languages of the ICC Bureau.</p>
Art. 50.2	<p>A majority of the members of the ICC Bureau shall constitute a quorum.</p>
Art. 50.3	<p>An agenda for each meeting shall be drawn up by the Chairperson in consultation with the members. Agenda items may be added at the meeting if approved by a majority of the members present.</p>

Art. 50.4	Members of the ICC Bureau may be accompanied at meetings by advisers, including, by representatives from the relevant Regional Coordinating Committee. Such persons attend in the capacity of advisers to their members and observers to the meeting, and may participate in discussions at the call and invitation of the Chair.
Art. 50.5	Each member shall have one (1) vote. Where possible, decisions of the ICC Bureau shall be reached by consensus. When consensus is not possible, decisions shall be by a majority of members present and voting. In the event of an equality of votes, the proposal being voted on shall be regarded as being defeated.
Art. 50.6	The Chairperson, after consultation with ICC Bureau members, may invite NHRIs whether or not members of the ICC and any other person or institution to participate in the work of the ICC or the ICC Bureau as an observer without the right to vote.
Art. 50.7	Notwithstanding the forgoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision.
Art. 51	Further procedure Should any question concerning the procedure of the ICC Bureau arise which is not provided for by these rules the ICC Bureau may adopt such procedure as it thinks fit.
Art. 52	SECTION 11: FINANCIAL ADMINISTRATION Accounting year The financial year ends on 31 December of each year.
Art. 53	SECTION 12: ASSETS OF THE ICC The assets of the ICC comprise and include: <ul style="list-style-type: none"> • Grants obtained from international and national public and semi-public organizations • Donations • Subscriptions • Funds entrusted to it by other organizations, associations, businesses or institutions and • Income and property of any kind received from whatever source
Art. 54	The assets of the ICC must be applied solely towards promoting the purposes of the ICC as set out in Section 3.

<p>Art. 55</p>	<p>SECTION 13: DISSOLUTION AND LIQUIDATION</p> <p>Dissolution</p> <p>The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must be reconvened after an interval of at least two (2) weeks. It can then validly deliberate with whatever numbers of members are present. In any case the dissolution can only be approved by a majority of three quarters of the members present.</p>
<p>Art. 56</p>	<p>Liquidation</p> <p>The winding up of the ICC and the liquidation of its assets shall be carried out by one (1) or more liquidators appointed by the General Meeting. The General Meeting must authorize the liquidator or liquidators to distribute the net assets to another association or public organization having similar purposes to the ICC. No part of the net assets available for distribution shall be paid to any member of the ICC.</p>
<p>Art. 57</p>	<p>SECTION 14: AMENDMENT OF STATUTE</p> <p>This Statute may be amended only by a General Meeting of the ICC.</p>
<p>Art. 58</p>	<p>SECTION 15: TRANSITIONAL PROVISION</p> <p>The Sub-Committee on Accreditation and the Rules of Procedure for the ICC Sub-Committee on Accreditation are by this Statute continued in existence, and shall remain in existence until amended or revoked by the ICC Bureau. The Sub-Committee on Accreditation is hereby constituted a sub-committee of the ICC Bureau. The Rules of Procedure for the ICC Sub-Committee on Accreditation are incorporated into this Statute as Annex I.</p>

Annex III

NAIROBI DECLARATION

NINTH INTERNATIONAL CONFERENCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Nairobi, Kenya, 21-24 October 2008

1. The Ninth International Conference of National Institutions for the Promotion and Protection of Human Rights was devoted to the role of national human rights institutions (NHRIs) in the Administration of Justice. The Conference took place in Nairobi from 21 to 24 October 2008 and was organized by the Kenya National Commission on Human Rights (KNCHR), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee (ICC) of NHRIs. Participants thanked the KNCHR, OHCHR, the *Organisation Internationale de la Francophonie*, the Swedish International Development Cooperation Agency (SIDA), the Commonwealth Secretariat and UNDP for their support.
2. NHRIs expressed their gratitude to the KNCHR for the excellent organization and warm hospitality that they had enjoyed. They welcomed the statements of the United Nations Deputy High Commissioner for Human Rights, the ICC Chair, the President of the UN Human Rights Council and other keynote speakers, as well as the fruitful and concrete discussions and deliberations. Non-governmental organizations from around the world made a valuable contribution at a pre-conference Forum and by actively participating in the Conference itself. The Conference was further enriched by the participation of the Prime Minister of the Republic of Kenya, the Minister of Justice, National Cohesion and Constitutional Affairs and the Attorney General of the Republic of Kenya.

3. The Ninth International Conference of NHRIs adopted the following Declaration:

The Ninth International Conference of NHRIs,

4. *Noting* the report of the United Nations Secretary-General to the Human Rights Council A/HRC/7/69 acknowledging that NHRIs compliant with the Paris Principles are key elements of strong and effective national human rights protection systems;
5. *Acknowledging* that through the exercise of their mandates, NHRIs can support Governments in ensuring that international human rights norms are applied at the national level, including by facilitating follow-up actions to the recommendations resulting from the international human rights system;
6. *Recalling* Declarations issued by previous international conferences of NHRIs, especially the Seoul Declaration and Santa Cruz Declarations;

7. *Urging* the continued enhancement of the role and participation of NHRIs in the international human rights system and NHRIs' interaction with the UN Human Rights Council, the UN Human Rights Treaty Bodies, the Special Procedures Mandate Holders, the UN Commission on the Status of Women and UN instruments and mechanisms concerned with the rights of indigenous peoples and enforced disappearances. The establishment of a Representative of the ICC in Geneva will assist in this role;
8. *Stressing* that the independence and autonomy of NHRIs, their pluralistic representation, as well as their interaction with a broad range of stakeholders, is necessary for their compliance with international standards and their effectiveness at the national, regional and international levels;
9. *Welcoming* 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 strategy, and in this regard also welcomes the development of a guidance note for NHRIs on transitional justice as well as an operational guide on torture prevention;
10. *Welcoming* the initiative of the High Commissioner for Human Rights in the context of the 60th anniversary of the Universal Declaration of Human Rights with respect to the "Dignity and justice for detainees week" and the action undertaken by NHRIs worldwide in response to that initiative;
11. *Welcoming* the participation of the Harvard University Law School Human Rights Program in the international conference and welcoming closer cooperation between that Program, NHRIs, regional coordinating bodies and OHCHR;
12. *Welcoming* the participation and contribution of Equitas, Rights and Democracy and the Association for the Prevention of Torture in the proceeding of the International Conference and their continuous cooperation with the NHRIs, regional coordinating bodies and the OHCHR;
13. *Recognizing* that 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 and welcoming the cooperation of OHCHR with UNDP in the development of a Toolkit for UNCT staff on NHRIs;
14. *Welcoming* the increasingly important role for NHRIs to work collaboratively with NGOs in implementing their mandate and welcoming the NGOs Plan of Action presented at the NGOs Forum of the 9th International Conference;
15. *Recognizing* that rule of law development requires the full and meaningful participation and support of national stakeholders;
16. *Recognizing* the fundamental importance which the rule of law and administration of justice has in ensuring the promotion and protection of human rights;
17. *Recognizing* the important role of the judiciary in applying human rights standards, in the development of a strong national system for human rights protection;

18. *Recognizing* the importance of the establishment by the United Nations Secretary-General of the Rule of Law Coordination and Resource Group, coordinating UN system-wide attention on the rule of law and welcoming closer cooperation of the UN with NHRIs in implementing programs on the rule of law at the national level;
19. *Recognizing* the important role that NHRIs play in ensuring an effective administration of justice, in particular with regard to access to justice, the judiciary, law enforcement and correctional and detention facilities;
20. *Emphasizing* that the rule of law should be based on a Constitution and national legislation, consistent with international human rights standards and principles;
21. *Acknowledging* that the role of NHRIs with regard to courts is one of support and cooperation, aimed at a constructive engagement in order to ensure the highest standards for the promotion and protection of human rights;
22. *Acknowledging* that the relation between law enforcement and NHRIs is one of oversight on the part of NHRIs and of necessary cooperation;
23. *Acknowledging* that while prisons are places where there is deprivation of liberty, all human rights of detainees must be guaranteed;
24. *Taking note* of the recommendation contained in the report to the 8th session of the Human Rights Council of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3) to appoint a Special Rapporteur on the rights of detainees;

In order to implement this Declaration, NHRIs hereby agree:

25. To undertake initiatives towards the strengthening of the administration of justice, within their mandates, and encourage cooperation in this area at the regional and international level, including through OHCHR and the wider UN system;
26. To publicize and encourage implementation of relevant recommendations of UN Treaty Bodies, as well as the Human Rights Council's Special Procedures to monitor thematic areas in human rights and ensure reporting and proper follow-up;
27. To promote incorporation of international norms into national law;
28. To engage in inter-country and regional/NHRI cooperation and use the ICC network to communicate on the issue of the administration of justice. NHRIs shall also endeavour to form strategic partnerships with civil society organizations to implement their activities;
29. To develop and implement within their institutions a strategy to strengthen the administration of justice;
30. To establish a working group made up of the NHRIs' regional chairs, through the ICC Chair, to define a concrete plan of action for the implementation and follow-up of this Declaration to be reviewed at ICC meetings, starting in March 2009;

31. To request OHCHR to prepare a report which would include NHRIs best practices as emerged during the 9th international conference in strengthening the administration of justice;
32. To widely share this Declaration to relevant partners including members of UN human rights bodies as well as the UN system;

General Guidelines

The State has the primary responsibility to protect, promote and respect human rights and ensure that the administration of justice is in full compliance with both international and domestic human rights obligations. The following are the main areas where NHRIs, through the exercise of their mandate, working closely with partners, including the NGOs, may become involved in order to strengthen the administration of justice:

NHRIs and the Judiciary and Access to Justice

33. NHRIs should consider, in contributing to the promotion of the role of the judiciary in promoting and protecting human rights, the following actions:
 - (a) Role of NHRIs in Receiving Cases of Human Rights Violations and assisting victims: complaints-handling in a sequential nature; i.e. NHRIs may handle complaints submitted to them by a complainant and by settling the case through conciliation and mediation, thereby relieving the existing case-load of courts; Ensuring victims of human rights violations receive compensation, including encouragement of the establishment of the fund for this purpose; Promoting equal access to justice and assisting victims seeking redress with information on the law and the legal system particularly in relation to marginalized or vulnerable groups as well as migrants;
 - (b) Seeking informal legal redress mechanisms through conciliation or through binding decisions;
 - (c) Providing Recommendations to strengthen the legal system and judiciary: Proposing and contributing to legislative reforms to strengthen the judiciary (e.g. procedures related to the level and appointment of prosecutors and judges and qualifying lawyers; the independence of the judiciary and its capacity to adjudicate cases fairly and competently); Advocating for strengthening of laws to improve the judicial or criminal law system including enacting a law against torture where none exist; Strengthening the compliance of informal and traditional justice systems with international human rights standards by monitoring traditional justice mechanisms and addressing all forms of discrimination both in the composition of traditional justice tribunals, their procedures and in terms of substantive outcomes of cases;
 - (d) Promoting adherence and compliance of the judiciary to international human rights norms including through amicus and legal education: Increasing awareness and knowledge by the judiciary of international human rights norms, standards and practices and related jurisprudence, including through training, seminars, study tours, or articles in professional legal publications. Engaging with judicial educational bodies and professional legal training bodies; Assisting in the education of judges,

lawyers, prosecutors and other judicial authorities (e.g. ensuring curricula reflect international human rights law); Providing support for the development of legal education facilities (e.g. library); informing persons who filed petitions with NHRIs of their rights and remedies available intervening in courts as *amicus curiae*, nationally and, if existing, in regional human rights mechanisms;

- (e) Taking action where officials in the judiciary are faced by intimidation, threats or violence;
- (f) Through their research and monitoring functions examining the conditions of access to justice for all, with particular reference to indigent, vulnerable and marginalized groups;

NHRIs and Legal Aid Providers and Systems

- 34. Encouraging and supporting the establishment of legal aid centres that provide out-reach services and enhance access to justice, especially for people living in poverty, and other vulnerable groups;
- 35. Finding appropriate means of cooperating with such centres, in particular to ensure that human rights are thoroughly integrated into the provision of legal aid;
- 36. Encouraging the establishment of autonomously managed legal aid schemes in order to meet obligations in national and international law;
- 37. Working to ensure legal recognition and standardization of paralegalism;

NHRIs and Law Enforcement

- 38. NHRIs, together with relevant stakeholders, should strive to strengthen law enforcement systems, institutions and personnel, including through:
 - (a) Initiating the development, publication and implementation of education and training resources on human rights and international humanitarian law standards, investigation techniques for law enforcement and security forces and encourage them to incorporate human rights and international humanitarian law into all levels of their programs;
 - (b) Developing or revising standing orders that apply to police and security forces to meet international human rights and international humanitarian law standards, in particular related to places of detention, procedures of arrest, investigation and interrogation;
 - (c) Encouraging alternatives to pre-trial detention (such as bail, surveillance reporting and non-cash guarantees);
 - (d) Encouraging non-custodial measures of punishment (such as community service, fines, restitution or compensation to the victim), especially for breast-feeding mothers in detention;

- (e) Presenting concrete proposals aimed at ensuring that minor offences do not come under the ambit of the criminal law system; for instance, by strengthening mediation and direct victim compensation, and promoting local community structures for resolving petty crimes;
- (f) Periodic site inspections (announced and unannounced) of police stations and prisons, in close partnership with other independent structures tasked with this role and law enforcement and other national authorities, encouraging them to take appropriate, prompt action;
- (g) Legislative proposals on the setting up of accountability mechanisms, monitoring systems to ensure their application and internal investigation procedures and sanctions;
- (h) Monitoring and reporting on alleged cases of corruption in the police and security forces;
- (i) Assistance in vetting processes (through the provision of confidential information on past human rights violations -for serious abuses there are no time limits- the violators, as well as cases of corruption and abuse of authority);
- (j) Public awareness-raising on complaints procedures against the police;
- (k) Encouraging fair remuneration and working conditions for law enforcement and security personnel;

NHRIs and places of detention

- 39. NHRIs should encourage their Governments to ratify the Convention against Torture (CAT) and its Optional Protocol (OPCAT), and to consider their designation as national preventive mechanism in this context, only if the necessary powers and resources are made available to them;
- 40. NHRIs should ensure their Governments adopt appropriate measures to ensure that all detainees are able to enjoy their rights to, among other things, health, food, water and education;
- 41. NHRIs should work with their Governments to ensure that those in detention have the opportunity to complain about violations of their rights, including to the NHRI (for example through face-to-face complaints, complaint boxes or on-site human rights counselling services), and, where a violation is found, that detainees have access to a remedy and compensation;
- 42. NHRIs should monitor their Governments' obligation to respect, protect and fulfil the rights of all people in detention, especially vulnerable or marginalised groups, and support their reintegration within society;
- 43. NHRIs should strive to strengthen the correctional system and its personnel, including through:

- (a) Training of correctional staff (on human rights, interviewing and investigatory techniques, the prohibition of torture, OPCAT, etc.);
- (b) Development of training materials for correctional staff on core international human rights standards regarding the correctional system;
- (c) Revision of implementing regulations in line with international standards;
- (d) Visits or periodic inspections (announced and unannounced) of any place of detention and confidential interviews with detainees;
- (e) Investigating complaints;
- (f) Assistance in vetting processes of staff of any place of detention;
- (g) Legislative review and proposals (possibly based on individual complaints), including on minimum standards for correctional facilities; codes of conduct for correctional staffs; the intake, incarceration and transfer of inmates;
- (h) Facilitating assistance to families of detained persons that appeal to the NHRI;
- (i) Appropriate protection and assistance for the best interest of children of women in detention;
- (j) Ensuring the protection of detainees from torture and cruel inhuman and degrading treatments and punishments; and
- (k) Raising community awareness concerning the dignity and justice for detainees.

Adopted in Nairobi,

24 October 2008

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