



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/106
7 January 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 18 (b) of the provisional agenda

**EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:
NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS**

National institutions for the promotion and protection of human rights

Report of the Secretary-General*

* In order to comply with the General Assembly rules on page limitation, annexes II-V are being circulated as received, in English, French and Spanish only.

Summary

The present report, covering the period January to December 2004, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national institutions, the measures taken by Governments and national institutions in this regard and cooperation between national institutions and international mechanisms to promote and protect human rights. Information regarding the work of national institutions in respect of specific thematic issues is also included. Documents dealing with the events noted in the present report may be found on the forum of national institutions web site (www.nhri.net). Additional information on initiatives and assistance provided to national institutions may be found in the thematic and country reports of the special procedures mandate holders of the Commission on Human Rights, as well as the Secretary-General's report on advisory services and technical cooperation in the field of human rights (E/CN.4/2005/110). Information on ways and means to enhance the participation of national institutions in the work of the Commission on Human Rights and its subsidiary bodies may be found in the Secretary-General's report (E/CN.4/2005/107).

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1	5
I. OHCHR AND NATIONAL INSTITUTIONS	2 - 44	5
A. Advisory services	2 - 6	5
B. Support to international initiatives	7 - 26	6
1. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights	7 - 13	6
2. Seventh International Conference of National Human Rights Institutions	14 - 16	7
3. United Nations bodies	17 - 21	7
4. Information and training activities	22 - 26	8
C. Support to regional initiatives	27 - 44	8
1. The Americas and the Caribbean	28 - 31	9
2. Africa	32 - 36	9
3. Asia and the Pacific	37 - 41	10
4. Europe	42 - 44	11
II. COOPERATION BETWEEN HUMAN RIGHTS TREATY BODIES, SPECIAL MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS AND NATIONAL INSTITUTIONS	45 - 49	12
III. COOPERATION BETWEEN OHCHR, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS	50 - 54	12
IV. ROUND TABLES OF NATIONAL INSTITUTIONS AND THEMATIC ISSUES	55 - 68	13
A. Promotion and protection of economic, social and cultural rights	55	13
B. Racism and racial discrimination	56 - 57	13

CONTENTS (*continued*)

	<i>Paragraphs</i>	<i>Page</i>
IV. C. Migration	58 - 59	14
(<i>cont'd</i>) D. Gender	60	14
E. Good governance	61	14
F. Rights of persons with disabilities	62 - 63	15
G. Indigenous peoples	64	15
H. Minorities	65	15
I. HIV/AIDS	66	15
J. Conflict prevention and prevention of torture	67	16
K. The Paris Principles	68	16
V. CONCLUSIONS	69 - 71	16

Annexes

I. Seventh International Conference for National Institutions for the Promotion and Protection of Human Rights	17
II. International Race Relations Round Table	24
III. Zacatecas Declaration of the International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection	32
IV. Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women	37
V. International Round Table on National Institutions and Good Governance	44

Introduction

1. The present report has been prepared pursuant to paragraph 20 of Commission on Human Rights resolution 2004/75 in which the Commission requested the Secretary-General to report at its sixty-first session on the implementation of the resolution.

I. OHCHR AND NATIONAL INSTITUTIONS

A. Advisory services

2. In his report “Strengthening of the United Nations: an agenda for further change”, the Secretary-General underlined that the capacity of the United Nations to help individual countries to build strong human rights institutions will be strengthened. “Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization. These activities are especially important in countries emerging from conflict” (A/57/387, para. 50).

3. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has, in 2004, undertaken to strengthen the role of national institutions at both the global and country level through the work of the National Institutions Unit (the Unit), located within the Capacity-Building and Field Operations Branch of OHCHR, which has become an integral part of supporting the national human rights promotion and protection system. At their request, practical advice is provided to a growing number of countries on an appropriate constitutional or legislative framework regarding new national institutions and on the nature, functions, powers and responsibilities of such institutions.

4. OHCHR accords priority to the establishment and strengthening of national institutions with due regard for the relevant international standards (the “Paris Principles” adopted by the General Assembly in 1993), works for improvement of United Nations system-wide coordination in the work of national institutions, and supports an increased participation of national institutions in appropriate United Nations human rights and other international forums. OHCHR encourages the sharing of best practices among national institutions and facilitates their access to relevant information, round tables, seminars, workshops and training activities through which advice and assistance were provided. OHCHR also supports the strengthening of their regional networks.

5. Upon request, the Unit provides tailored advice and support on the Paris Principles, national institutions legislation, comparative analyses, technical cooperation needs assessments, project formulation, evaluation missions and training activities to OHCHR colleagues, regional representatives, United Nations country teams, United Nations agencies, non-governmental organizations (NGOs) and other OHCHR partners.

6. Since January 2004, OHCHR has provided advice and information on activities and issues which might assist national institutions, including in relation to constitutional provisions, enabling legislation, comparative legislation, and rules and regulations relating to national institutions in Afghanistan, Albania, Angola, Burundi, China, Colombia, Comoros, Congo,

Côte d'Ivoire, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, Greece, Iraq, Japan, Jordan, Kenya, Lesotho, Maldives, Nepal, the Netherlands, Niger, Norway, Pakistan, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Sri Lanka, the Sudan, the former Yugoslav Republic of Macedonia, Turkey and Uzbekistan. The national institutions of Afghanistan, Mongolia, Nepal, the Occupied Palestinian Territories, Rwanda and Zambia have benefited from the programmes of support provided by the Unit.

B. Support to international initiatives

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

7. The Unit, in its capacity as the secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its Accreditation Subcommittee, provided substantive support and facilitated the holding of the fourteenth session of ICC in Geneva, from 14 to 16 April 2004, during the sixtieth session of the Commission on Human Rights.

8. During the session's thematic discussion on human rights and disabilities, the important role played by national institutions in promoting and protecting the rights of persons with disabilities was recognized. The national institutions' representatives in the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities and the OHCHR focal point on human rights and disability were invited as panellists.

9. During the thematic discussion on human rights education, the important role played by national institutions in promoting human rights education was reaffirmed. The panel included the Special Rapporteur of the Commission on Human Rights on the right to education and representatives of the Fiji Human Rights Commission and the New Zealand Human Rights Commission and the OHCHR focal point on human rights education.

10. A panel discussion was organized by OHCHR and the International Service for Human Rights on best practices of cooperation between NGOs and national institutions.

11. The session was attended by representatives of 37 national institutions from Afghanistan, Algeria, Argentina, Australia, Canada, Denmark, Fiji, France, Germany, Ghana, Greece, Honduras, India, Ireland, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Northern Ireland, Norway, Palestine, the Philippines, the Republic of Korea, Rwanda, Senegal, Spain, Sweden, Switzerland, Togo, Tunisia, Uganda, Ukraine and Venezuela.

12. To date, ICC has accredited 50 national institutions deemed to be in compliance with the Paris Principles, with the number increasing annually (1999: 15; 2000: 26; 2001: 32; 2002: 40; 2003: 45). The Unit, in its capacity as secretariat to ICC, has worked closely with ICC to strengthen its accreditation procedures.

13. The fifteenth session of ICC took place on 14 September 2004 in Seoul, prior to the seventh International Conference of National Institutions. Among matters addressed at the session was the adoption by the members of the draft rules of procedure of the Credentials Committee. A paper on early warning mechanisms was initially discussed and will be moved for adoption at the next session of ICC.

2. Seventh International Conference of National Human Rights Institutions

14. The Conference was held in Seoul from 14 to 17 September 2004, hosted by the Korean National Human Rights Commission and co-organized with ICC and OHCHR, with the financial support of the Asia Pacific Forum and the Agence intergouvernementale de La Francophonie. The overall theme of the Conference was "Upholding human rights during conflict and while countering terrorism". For the first time an NGO Forum was held prior to the Conference with 23 international and 16 local NGOs participating throughout the Conference as observers.

15. The Conference was attended by national institutions' representatives from Afghanistan, Albania, Argentina, Australia, Benin, Bolivia, Bosnia and Herzegovina, Burkina Faso, Chad, Denmark, Egypt, Fiji, France, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, the Hong Kong Special Administrative Region of China, India, Kenya, Kazakhstan, Kyrgyzstan, Luxembourg, Maldives, Malawi, Mauritius, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Northern Ireland, Norway, Palestine, Peru, the Philippines, the Republic of Korea, the Russian Federation, Rwanda, Senegal, South Africa, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Uganda, Ukraine, the United Republic of Tanzania, Venezuela and Zambia.

16. National institutions and NGO representatives participated in five working groups whose reports constituted the main topics included in the Seoul Declaration, which was adopted by consensus (see annex I): (1) Conflict and countering terrorism: economic, social and cultural rights; (2) Conflict and countering terrorism: civil and political rights and the rule of law; (3) The role of NIs in conflict situations; (4) Migration in the context of conflict and terrorism; and (5) Women's rights in the context of conflict. The Declaration has a built-in monitoring/implementation mechanism.

3. United Nations bodies

Commission on Human Rights

17. The Unit assisted some 36 national institutions during their participation in the sixtieth session of the Commission on Human Rights and for the first time a document series was issued (E/CN.4/2004/NI/...) to allow national institutions to submit documents for consideration by the Commission.

18. On the basis of background documents submitted by the *Conseil consultatif des droits de l'homme* of Morocco and the Canadian Human Rights Commission (in cooperation with the national institutions of Australia and France), ICC decided at its last session to establish a working group to draft a paper for its consideration on enhancing and strengthening national institutions' participation in the Commission and its subsidiary bodies.

19. A note by the Secretariat was sent to all national institutions for comment, in view of the submission of the report of the Secretary-General to the sixty-first session of the Commission on Human Rights on the ways and means to enhance the work of national institutions in the work of the Commission and its subsidiary bodies (E/CN.4/2005/107) pursuant to its resolution 2004/75.

Sub-Commission on the Promotion and Protection of Human Rights

20. Since its fifty-fifth session, the Sub-Commission has decided that national institutions could be accredited to its sessions in their own right and speak on any substantive agenda item.

Commission on the Status of Women

21. During the fifteenth session of ICC, the Australian Human Rights and Equal Opportunity Commission made available, on behalf of the Asia Pacific Forum, a paper on ensuring a role for national institutions in the Commission on the Status of Women.

4. Information and training activities

22. The Unit maintains, with the support of the Danish Institute for Human Rights, a web site on national human rights institutions (www.nhri.net), launched in 2003. The site, which is linked to all existing national institution web sites and to the OHCHR main web page, includes information on country and thematic issues of interest to national institutions. Furthermore, a database of comparative analysis for procedures and methods of complaint handling by national institutions, as well as a news alert, sent out by e-mail to all interested parties every two weeks, have been launched in 2004.

23. Training modules and materials are in the course of development in collaboration with OHCHR partners. These include a CD-ROM compilation of national institution legislation, constitutional provisions and annual reports; a CD-ROM-based training module on national institutions; and an update of the *National Institutions Handbook Series No. 4*.

24. Based on a questionnaire sent out to all national institutions for comment, OHCHR is developing, in cooperation with the International Council on Human Rights Policy, measurement indicators regarding the effectiveness of national institutions and their compliance with the Paris Principles.

25. In view of the forthcoming ICC session, the Unit is preparing a compilation of declarations issued by national institutions since 1993 and a stocktaking of action taken.

26. The Unit addressed the OHCHR/Inter-Parliamentary Union seminar: "Strengthening Parliament as a guardian of human rights: the role of parliamentary human rights bodies", held in Geneva, from 15 to 17 March 2004, and has spoken at a number of forums concerning national institutions.

C. Support to regional initiatives

27. The Unit provides support to the regional secretariats of national institutions, in collaboration with the OHCHR geographical units and OHCHR regional representatives. This included support not only for annual meetings but for substantive initiatives such as respect for

human rights in combating terrorism, as discussed in Kathmandu in February 2004; investigation techniques, as undertaken for the Sri Lanka Human Rights Commission with the Asia Pacific Forum of National Human Rights Institutions; indigenous people's rights, as discussed by the Network of the Americas in March 2004 in Mérida, Mexico; and also by the Network at a seminar on the prevention of torture held in Buenos Aires in June 2004.

1. The Americas and the Caribbean

28. The Unit provided financial and substantive support to the third General Assembly of the Network of National Institutions of the Americas held from 9 to 11 June 2004 in Buenos Aires with the cooperation of the Defensoría del Pueblo de la Nación of Argentina.

29. The General Assembly was preceded by a seminar on the prevention of torture organized in cooperation with the Association for the Prevention of Torture. The seminar and the Assembly were attended by representatives of the 13 Network members (Argentina, Bolivia, Canada, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru and Venezuela), a representative of the Caribbean Ombudsman Association, and representatives of NGOs and other organizations. For the first time the meeting invited representatives of the Government and the civil society of countries in the region that do not have a national institution: Brazil, Chile and Uruguay.

30. The Coordinating Committee of the Network comprises the national institutions of Argentina, Canada, Mexico and Panama. The National Human Rights Commission of Mexico was selected as the Secretary-General of the Network and will therefore host its secretariat. It was decided that the next annual meeting of the Network will be held in Geneva on the occasion of the sixty-first session of the Commission on Human Rights.

31. The Unit provided support to the third Regional Conference of the Caribbean Ombudsman Association held in Jamaica from 10 to 14 May 2004. OHCHR supported the participation of the former Secretary-General of Canada's Human Rights Commission, who spoke on the Paris Principles and the importance of Ombudsman's offices having a human rights mandate.

2. Africa

32. OHCHR remains committed to supporting the nascent secretariat of the Coordinating Committee of African National Human Rights Institutions. Planning for the fifth Regional Conference of African National Human Rights Institutions, to be hosted by the National Human Rights Commission of Mauritius in 2005, is under way.

33. The African Union, in cooperation with OHCHR and the Coordinating Committee of African National Human Rights Institutions, organized the first African Union Conference of National Human Rights Institutions in Addis Ababa from 18 to 21 October 2004. The objectives of the Conference were to encourage States that had not yet established national institutions to do so, to exchange ideas between existing national institutions and identify areas where national institutions could improve their work, and to work out mechanisms for implementing existing African human rights instruments. Participants adopted a final communiqué (see www.nhri.net).

34. The Unit participated in a seminar on national institutions in Africa, conflict resolution and peace-building organized by the Human Rights and Conflict Management Programme of the Centre for Conflict Resolutions in Cape Town, South Africa, from 29 November to 3 December 2004. Representatives from institutions in Benin, Burkina Faso, Chad, Ghana, Kenya, Malawi, Mauritania, Mauritius, Niger, Nigeria, Senegal, Sierra Leone, South Africa, the Sudan, Togo, Uganda, the United Republic of Tanzania and Zambia and the African Union participated.

35. A pilot distance training on monitoring and investigation of human rights violations for national institutions in Africa, based on a combination of a CD-ROM/tutor-based training programme developed by the South Africa/United Kingdom-based NGO, Fahamu, in cooperation with OHCHR, concluded successfully in 2004. A workshop co-hosted by the National Human Rights Commission of Kenya, bringing together all course participants to share experiences and best practices, was held in Nairobi from 6 to 8 May 2004. National institutions from Ghana, Kenya, Malawi, Mauritius, Nigeria, Rwanda, Uganda, the United Republic of Tanzania, South Africa and Zambia took part. A post-workshop activity provided an opportunity for participants to undertake practical follow-up within their institutions and consolidate learning through practical application.

36. A training workshop for the Zambian National Human Rights Commission was organized in July 2004 by the Unit in cooperation with the OHCHR Regional Representative for Southern Africa and the United Nations Development Programme (UNDP) office in Zambia. A consultant was selected to work with the commissioners and bring them to a common level of understanding on the role of national institutions.

3. Asia and the Pacific

37. OHCHR facilitated the participation of national institutions in the Twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Doha from 1 to 4 March 2004. In its conclusions the workshop identified as main objectives that States should cooperate with the participating national institutions and continue to make available, upon request, technical cooperation and advisory services to support the establishment and strengthening of national institutions, and that they continue to support the work of the Asia Pacific Forum of National Human Rights Institutions. Support for subregional workshops for the Arab and Pacific regions on national human rights protection systems, including national institutions, was encouraged.

38. The OHCHR National Institutions and Asia Pacific Units supported and participated in the eighth Annual Meeting of the Asia Pacific Forum held in Kathmandu from 16 to 18 February 2004. The meeting adopted a Statement of Conclusions that reaffirmed the Forum's commitment to promoting the development of national institutions in conformity with the Paris Principles. The meeting featured the theme "National human rights institutions and the primacy of the rule of law in countering terrorism", which was considered by the Forum's Advisory Council of Jurists. The meeting accepted the Palestinian Independent Commission on Citizen's Rights and the Afghanistan Independent Human Rights Commission as associate members, bringing the membership to 14 national institutions.

39. OHCHR supported and participated in the ninth Annual Meeting of the Asia Pacific Forum held in Seoul on 13 September 2004. The meeting accepted the Jordanian National Centre for Human Rights as an associate member of the Forum. The Forum Council considered a proposal to hold two regional workshops in 2005 on internally displaced persons and on trafficking. The offer by the National Human Rights Commission of Mongolia to host the tenth Annual Meeting in August 2005 was accepted by the Forum Councillors.

40. In July 2004, OHCHR and the Asia Pacific Forum supported a joint mission to strengthen the legislative basis of the Palestinian Independent Commission for Citizens' Rights.

41. OHCHR also offered training to the National Centre for Human Rights in Jordan in the area of complaints handling and human rights education through the New Zealand Human Rights Commission. In February 2004, the Unit provided a preliminary training course to the United Nations Country Team of Jordan concerning the Paris Principles.

4. Europe

42. The Unit has established closer linkages with the Office of the Human Rights Commissioner of the Council of Europe, which is the focal point for the Council's work on national institutions. The Unit and the Council have exchanged information about various national institutions within Europe and have undertaken a first joint mission to Turkey with the Danish Institute for Human Rights. Cooperation is expected to be enhanced through biannual consultations and joint activities.

43. The Unit participated in the third Round Table of National Institutions, hosted by the German Institute for Human Rights and the Council of Europe in Berlin on 25 and 26 November 2004. The round table included observers from the European Union, the Organization for Security and Co-operation in Europe, the United Nations, Amnesty International, the International Commission of Jurists, Medica Mondiale, the Human Rights Grouping of NGOs that hold participatory status with the Council of Europe, as well as government representatives and a number of individual researchers. The Berlin Declaration (see www.nhri.net) deals with the three main themes of the round table: the development of the system of human rights protection within the Council of Europe, the protection of human rights in the context of the fight against terrorism, and the protection of victims of trafficking in human beings.

44. The fifth European Meeting of National Institutions was held in conjunction with the third round table in Berlin. The event was co-organized by the French National Consultative Commission for Human Rights, President of the European Coordinating Group of National Institutions, and the German Institute for Human Rights. The next European regional meeting of national institutions will be hosted by the Greek National Human Rights Commission. Institutions from Denmark, France, Greece and Ireland were elected as the regional representatives to ICC. The Danish Institute for Human Rights will remain the representative to the ICC Credential Committee. The National Consultative Commission remains President of the European Coordinating Group. The final resolution of the meeting is available at www.nhri.net.

II. COOPERATION BETWEEN HUMAN RIGHTS TREATY BODIES, SPECIAL MECHANISMS OF THE COMMISSION ON HUMAN RIGHTS AND NATIONAL INSTITUTIONS

45. The Paris Principles highlight the importance for national institutions to engage in the international human rights treaty body process. The Unit has, therefore, systematically engaged with treaty bodies and their members by providing expert analyses of national institutions.

46. The Unit and the Treaty Body Recommendations Unit of the Treaties and Commission Branch of OHCHR have undertaken training workshops on "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms" in November 2003, May 2004 and November 2004. Representatives of the media, NGOs and the national institutions of Albania, Argentina, Azerbaijan, Colombia, Croatia, El Salvador, Guatemala, Kenya, Latvia, Panama, the Russian Federation, Rwanda, Sri Lanka and Togo participated in the workshops, as well as in the sessions of the committees reviewing the reports of their respective countries. Plans of action have been developed for each country.

47. Pre-sessional and follow-up missions took place in 2004 and are planned for early 2005 to prepare participants for the Geneva-based workshops; for the countries that participated in previous sessions, the missions will assess the impact of the training on the ground. The Unit has one staff member working exclusively on treaty body and national institutions issues.

48. A general recommendation on the work of the national institutions in relation to the treaty bodies is expected to be issued following the meetings of persons chairing the human rights treaty bodies and the third inter-committee meeting held in Geneva in June 2004. The Unit will provide support for the preparation of this recommendation.

49. The special procedures mandate holders of the Commission on Human Rights increasingly consult with national institution representatives and are an important mechanism in encouraging compliance with the Paris Principles and providing support to national institutions. The Unit briefed the special procedures mandate holders during their annual meeting in June 2004, in order to support greater interaction between the special procedures mechanisms and national institutions. Information on national institutions is regularly provided to the various mandate holders. National institutions are important in helping to ensure that the recommendations of mandate holders are followed up.

III. COOPERATION BETWEEN OHCHR, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS

50. OHCHR is strengthening its cooperation with UNDP and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in its national institution capacity-building and strengthening activities, while ensuring that the international standards concerning national institutions are maintained.

51. The Unit has been negotiating a joint initiative with the International Federation of Red Cross and Red Crescent Societies aimed at encouraging national Red Cross and Red Crescent societies and national institutions to collaborate. It is hoped that this initiative may be launched in 2005.
52. During the reporting period, two technical cooperation projects, in Mongolia and Rwanda, were implemented jointly by OHCHR and UNDP. Each provided different experiences which will need to be assessed to determine the best modalities for future cooperation.
53. OHCHR is preparing a training module on national institutions which will be used to train United Nations country teams and other United Nations partners on national institutions.
54. The Unit was requested to organize a panel of national institutions for the UNESCO World Forum on Human Rights, Advancing Human Rights in an Era of Globalization, which was held in Nantes, France, from 16 to 19 May 2004. The panel, composed of representatives of national institutions from Denmark, France and Northern Ireland, provided an opportunity for participants to engage with national experts on the role of national institutions in promoting and protecting human rights while countering terrorism and provided a forum for exchanging practices and expertise on the subject, as well as identifying future challenges and strategies. The OHCHR project coordinator on human rights and terrorism also participated in the panel. The panel was attended by government representatives, human rights activists and lawyers, NGOs, United Nations agencies, academic institutions, representatives from national institutions and the media, as well as the Special Representative of the Secretary-General on human rights defenders.

IV. ROUND TABLES OF NATIONAL INSTITUTIONS AND THEMATIC ISSUES

A. Promotion and protection of economic, social and cultural rights

55. OHCHR completed a handbook for national institutions on economic, social and cultural rights, No. 12 in the *Professional Training Series*, which will be released in 2005.

B. Racism and racial discrimination

56. In close cooperation with the OHCHR Anti-Discrimination Unit, the National Institutions Unit established a small-grants scheme for national institutions' activities in follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Initiatives included support for the establishment of a Race Relations Unit in the Fiji Human Rights Commission, translation of educational materials in Mexico into indigenous languages, protecting the rights of the Tsaatan ethnic minority of Mongolia, a study on practices of slavery in the Departments of Maradi and Tahoua of Niger, and, in Venezuela, the provision of training on indigenous peoples' rights and the international human rights instrument.
57. In addition, the two Units cooperated with the New Zealand Human Rights Commission to organize the first-ever meeting of race relations commissioners or focal points to discuss issues of common interest. Representatives of 15 national institutions met in New Zealand as part of a series of focused discussions supported by OHCHR with a view to providing an initial

list of indicators of successes of national institutions' networks in the area of racial or other discrimination. The meeting concluded by identifying the key challenges to race relations (see annex II). It was convened in Auckland from 2 to 5 February 2004. The proceedings of the meeting have been published.

C. Migration

58. The international round table of national institutions on the subject "Causes, effects and consequences of the migratory phenomenon and human rights protection", organized by the National Human Rights Commission of Mexico and the National Institutions Unit, with the support of the Human Rights Commission of Zacatecas, was held in Zacatecas, Mexico, on 14 and 15 October 2004. The objective was to facilitate an exchange of experiences and expertise on the integration of migrants' rights issues into the work of national institutions, and to discuss common methodologies and strategies to promote and protect the human rights of migrants, and the establishment of a system of collection and analysis on best practices with regard to the work of national institutions in this field. Seventeen national institutions, from Albania, El Salvador, Guatemala, Honduras, India, Mexico, Morocco, New Zealand, Nigeria, Panama, Paraguay, Peru, the Philippines, Spain, Thailand, Ukraine and Venezuela were represented by their Chairs or other senior officials. The Zacatecas Declaration was adopted by the participants (see annex III).

59. As part of its efforts to enhance awareness about national institutions, the Unit briefed the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its first session, in March 2004.

D. Gender

60. The international round table of national institutions and national machineries for the advancement of women, held in Ouarzazate, Morocco, from 15 to 19 November 2004, was organized by OHCHR and the United Nations Division for the Advancement of Women/Department of Economic and Social Affairs and hosted by the Conseil consultatif des droits de l'homme du Maroc. Two experts of the Committee on the Elimination of Discrimination against Women also participated. Representatives of national machineries and national institutions from Australia, Bolivia, Cameroon, Costa Rica, Germany, Ireland, Kyrgyzstan, Lithuania, Morocco, New Zealand, Panama, Paraguay, Uganda and Zambia were present. The round table aimed to strengthen the capacity of national machineries and national institutions to promote and protect the human rights of women through the development of institutional links and joint strategies. The Ouarzazate Statement was endorsed by all participants (see annex IV).

E. Good governance

61. The international round table on "National institutions as promoters and protectors of good governance" was organized by the Unit in cooperation with the Fiji Human Rights Commission in Suva, from 13 to 16 December 2004. Participants included representatives of national institutions from Argentina, Australia, Fiji, Honduras, Malawi, New Zealand, Sri Lanka, Northern Ireland and Venezuela, with input provided by the Kenya National Commission on Human Rights. Observers included representatives of the United Nations community in Fiji and

civil society. The meeting was a direct follow-up to the seminar on good governance practices for the promotion of human rights organized by OHCHR and held in Seoul the previous September. The Suva Declaration was adopted by the participants (see annex V).

F. Rights of persons with disabilities

62. National institutions have engaged with the Ad Hoc Committee on an International Convention on the Rights and Dignity of Persons with Disabilities and its Working Group to prepare a draft text for a convention. The Unit was actively involved in supporting a one-day meeting of national institutions to prepare for their participation in the third session of the Ad Hoc Committee held in New York, from 24 May to 4 June 2004.

63. During its fifteenth session the ICC members agreed that the National Human Rights Commission of India should replace the South African Human Rights Commission as the new ICC representative. The OHCHR National Institutions Programme financially supported this participation.

G. Indigenous peoples

64. From 3 to 5 March 2004, the Unit supported a training initiative for national institutions on the human rights of indigenous peoples organized by the Network of the Americas, held in Mérida, Mexico. An expert from OHCHR addressed participants on the international framework for the promotion and protection of the human rights of indigenous peoples. At its third Annual Meeting in June 2004, the Network of the Americas agreed to create a working group to follow up on the recommendations of the March workshop.

H. Minorities

65. Following the decision of the Working Group on Minorities at its tenth session to invite OHCHR to provide it with information on the relevant guidelines and practices of national institutions in relation to minority issues (see E/CN.4/Sub.2/2003/19), the Unit briefed the Working Group in March 2004 about the preparation of a draft pamphlet concerning national institutions and minorities for inclusion in the *United Nations Guide for Minorities*, pursuant to Sub-Commission resolution 2002/16. The pamphlet has now been finalized and awaiting publication. The Working Group noted that it will in future invite national institutions to participate.

I. HIV/AIDS

66. OHCHR, through its National Institutions Unit and the Research and Right to Development Branch, and the Joint United Nations Programme on HIV/AIDS (UNAIDS) have agreed to develop a handbook on the role of national institutions in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination. It is anticipated that the handbook will be available in 2005.

J. Conflict prevention and prevention of torture

67. A three-year project on strengthening the capacity of national institutions through distance and regional training has been launched by OHCHR in cooperation with the NGOs Fahamu and the Association for the Prevention of Torture, as well as the United Nations System Staff College, on the themes of torture and conflict prevention, respectively. OHCHR geographic desks, special procedures mandate holders, committee members, UNDP and regional networks of national institutions will be closely involved. The training modules, based on CD-ROM distance learning, workshops and follow-up tutoring are planned for each region (Africa, the Americas, Asia and the Pacific, and Europe and Central Asia). The first training workshop on torture prevention and detention monitoring for African-English speaking national institutions was organized in cooperation with the Uganda Human Rights Commission and held in Kampala from 11 to 13 November 2004.

K. The Paris Principles

68. To commemorate the adoption of the Paris Principles by the General Assembly in 1993 (resolution 48/134), the Unit undertook several initiatives through small grants, awarded in 2004, relating to the promotion of the Paris Principles at the national level. These were awarded, based on applications received, to the national institutions of Albania, Ghana, Haiti, Mauritius, Morocco, the Philippines and Zambia.

V. CONCLUSIONS

69. During the reporting period OHCHR has sought, through a wide range of activities, to increase its support to the Secretary-General in the building of strong national institutions at the country level. Considerable efforts have been made to consolidate this work within OHCHR so that it is seen as relevant and important to each staff member's daily work.

70. Expert advice continues to be provided to Governments, national institutions, civil society and United Nations partners on a wide variety of matters including legislation, functions and mandates, powers, and thematic and substantive issues. The Unit will continue its outreach to its partners within and outside OHCHR. The increasing number of initiatives involving civil society and regional partners and those within the United Nations has demonstrated that this strategy is working and that the Unit is recognized as a centre of excellence within the United Nations.

71. During 2005, OHCHR will continue to provide a space where national institutions can engage in substantive discussions, learn from each other and share best practices. OHCHR will continue to reaffirm the validity of the Paris Principles and the critical importance of full compliance with them. Additional attention will be paid to providing training on national institutions for United Nations personnel, including United Nations country teams, and to strengthening the National Institutions Unit.

Annex I**SEVENTH INTERNATIONAL CONFERENCE FOR NATIONAL
INSTITUTIONS FOR THE PROMOTION AND PROTECTION
OF HUMAN RIGHTS SEOUL, REPUBLIC OF KOREA,
14-17 SEPTEMBER 2004****The Seoul Declaration**

The Seventh International Conference for National Institutions for the Promotion and Protection of Human Rights was devoted to the theme of upholding human rights during conflict and while countering terrorism. The Conference was organized by the National Human Rights Commission of the Republic of Korea from 14 to 17 September 2004 and arranged in consultation with the Chairperson of the International Coordinating Committee (ICC) of National Human Rights Institutions (NHRIs) with the support of and in cooperation with the Office of the United Nations High Commissioner for Human Rights, and with financial contributions from the Asia Pacific Forum of NHRIs and Agence Intergouvernementale de la Francophonie.

NHRIs express their gratitude to the National Human Rights Commission of the Republic of Korea for its excellent organization of the conference and acknowledge the stimulating presentations by the keynote speakers as well as the fruitful discussions and deliberations. Observers from non-governmental organizations (NGO) 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 President of the Republic of Korea and the United Nations High Commissioner for Human Rights.

The Seventh International Conference for NHRIs hereby adopts the following Declaration:

The Seventh International Conference for NHRIs,

Recalling the universal instruments agreed upon by States to safeguard human rights and fundamental freedoms, particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, and the Rome Statute of the International Criminal Court, and underlining the contribution they can make to international peace and security, alongside the Charter of the United Nations, as well as the relevant regional instruments,

Recognizing that these instruments make provisions for and require States to undertake measures to protect the security of their populations, including from threats of an exceptional nature, but that this must be within the framework of respect for human rights, fundamental freedoms and the rule of law,

Reflecting on the severe and unprecedented human rights challenges posed to the international community and to individual States and their inhabitants by the threats of conflict, terrorism and counter-terrorism measures,

Recalling the United Nations International Convention for the Suppression of the Financing of Terrorism as well as the many relevant resolutions and declarations of United Nations organs relating to conflict and to the threat of terrorism, including, inter alia, the United Nations Millennium Declaration (General Assembly resolution 55/2), Security Council resolutions 1269 (1999), 1325 (2000), 1373 (2001) and 1456 (2003), General Assembly resolutions 49/60 containing the Declaration on Measures to Eliminate International Terrorism, 58/187 on the protection of human rights and fundamental freedoms while countering terrorism, and 58/174 on human rights and terrorism, and resolutions of the Commission on Human Rights as well as those of regional bodies,

Expressing solidarity with these bodies in calling upon States to ensure that any measure they take to combat terrorism fully complies with their obligations under international law, in particular international human rights law, refugee law, and humanitarian law,

Welcoming the guidance and jurisprudence on these issues provided by the human rights treaty bodies and special procedures, including the United Nations Human Rights Committee, especially its General Comment N° 29 (2001) on states of emergency, as well as the judgements and findings of regional organizations and mechanisms,

Stressing the particular role played by NHRIs as expressed in the Copenhagen Declaration adopted by the Sixth International Conference of NHRIs, regarding the provision of early warning of situations which risk escalating into genocide, ethnic cleansing or armed conflict,

Recognizing the unique role played by NHRIs in applying international human rights standards at the national level, thereby ensuring sustainability of human rights protection. Furthermore, the unique legislative foundation and pluralistic composition of NHRIs, in accordance with the Paris Principles, enable them to contribute to conflict resolution, including through dialogue between public authorities and civil society groups at national level,

Urging therefore the enhancement of the role and participation of NHRIs in the international human rights system,

Declares that:

1. Terrorism has a devastating impact on the full range of human rights, most directly the right to life and personal security. Respect for human rights and the rule of law are essential tools to combat terrorism. National security and the protection of the rights of the individual must be seen as interdependent and interrelated. Counter-terrorism measures adopted by States should therefore be in accordance with international human rights law, refugee law, and humanitarian law;

2. NHRIs have the mandate to protect and promote human rights in conflict situations as well as in countering terrorism. There is a need to strengthen the effective implementation of this mandate especially in light of the increased pressures against fundamental rights;

3. There is a need for increased cooperation and sharing of information and best practices, including the development of specific tools, among NHRIs at regional and international levels;

I. General principles

4. NHRIs play a vital role in reviewing and commenting on the human rights aspects of security legislation and in emphasizing the importance of adopting long-term measures and policies to rectify inequity, injustice, inequality and insecurity, so as to reduce the potential for terrorism and violent conflict;

5. NHRIs should develop early warning mechanisms and related operational guidelines. This should be linked to encouraging States to put in place mechanisms for early warning and action to address intra-State and intra-community conflicts that could lead to grave violations of human rights;

6. NHRIs should examine violations of human rights committed by the State during violent conflict and advocate against the establishment of national ad hoc tribunals and decision-making bodies. They should also examine infringements of rights by non-State actors in the context of violent conflict and identify potential areas of conflict in a timely and accurate manner;

7. Subsequently, NHRIs should provide advice on human rights and humanitarian law to conflicting parties, or otherwise apply, facilitate and support the utilization of alternative as well as traditional methods of dispute resolution, including mediation;

8. NHRIs and States should integrate these conflict resolution tools into plans, strategies and mechanisms for the peaceful and negotiated resolution of conflict. These strategies should include elements of truth and reconciliation processes and define the role that NHRIs should play in this respect. Particular attention should be paid to the establishment of a victims fund and payment of appropriate compensation;

9. NHRIs should act in a proactive way by placing human rights concerns in a broader societal context so as to focus not only on the manifestations of violent conflict but also on their underlying causes;

10. In time of conflict and in countering terrorism, NHRIs play an important role in promoting a human rights culture, equal opportunities and diversity. NHRIs should reflect these principles by having a fair and equitable representation of women;

II. Economic, social and cultural rights

11. NHRIs should focus on inequities in society, including their socio-economic dimensions. The realization of economic, social and cultural rights can play a key role in preventing conflict and terrorism. There is a need to promote justiciability of these rights and to monitor discriminatory effects of counter-terrorism measures on the economic, social and cultural rights of vulnerable groups;

12. NHRIs should promote and protect economic, social and cultural rights as an indivisible part of the full spectrum of universal human rights, including a reinforced capacity to better guarantee the State's respect for its obligations under the International Covenant on Economic, Cultural and Social Rights;

13. NHRIs should call upon States to pay proper attention to issues of corruption endangering the enjoyment of human rights. NHRIs should encourage States to ensure basic needs, including food and shelter, thereby preventing the development of conditions that give rise to terrorism and conflicts;

14. NHRIs should call upon States to enforce the mechanism for fighting poverty according to United Nations General Assembly resolution (A/57/265) establishing the World Solidarity Fund;

15. NHRIs should call upon States to fulfil their obligations under the International Covenant on Economic, Social and Cultural Rights. NHRIs encourage states to ratify the Optional Protocol to the International Covenant on Economic, Cultural and Social Rights;

III. Civil and political rights and the rule of law

16. NHRIs underline that States have the responsibility, and the duty under international law, to protect their inhabitants from all forms of terrorism. In this relation, States should be encouraged to ratify the Optional Protocol to the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. NHRIs urge States to ratify the Rome Statute of the International Criminal Court and to adopt domestic legislation in line with the Statute;

17. NHRIs play an important role in strengthening and promoting the efficient protection of civil and political rights before a conflict breaks out as well as during and after conflict;

18. NHRIs should pay special attention to signs of xenophobia and discrimination and disproportionate limitations of human rights so as to anticipate conflict;

19. During conflict and in countering terrorism, any measures that may have an impact on the enjoyment of civil and political rights must be both necessary and proportionate. It is important for NHRIs to monitor the limited and justifiable application of such measures. NHRIs should demand of the State that counter-terrorism legislation is neither enacted in haste nor without prior public scrutiny. Furthermore, NHRIs should take the necessary measures to prevent violations of derogable and especially non-derogable rights, such as the fundamental requirements of due process and fair trial, respect for human dignity, freedom from torture and ill-treatment, and arbitrary detention;

20. In post-conflict settlements, NHRIs play a key role in investigating violations and protecting against impunity, as well as preventing the retroactive application of criminal laws;

21. In order to avoid abuse by authorities, NHRIs underline the importance of the principle of legality and precise legal definitions of terrorism and terrorism-related crime. Furthermore, NHRIs stress the need for remedies and judicial review in cases of alleged infringement of human rights in counter-terrorism measures;

22. NHRIs should engage in preventive activities, leading public interventions and debate, and raising awareness about both the origins of terrorism and the most effective and comprehensive responses by including human rights education for the judiciary, the public administration and security forces. Furthermore, NHRIs should stress the media's right to freedom of expression;

23. NHRIs must monitor violations of human rights in the implementation of counter-terrorism measures through periodic review, including their impact on minority communities and human rights defenders;

IV. Migration in the context of conflict and terrorism

24. Terrorism and situations of conflict have affected efforts to ensure protection of migrant workers and other persons who are outside their country of origin as well as those displaced within the borders of their country of origin;

25. International standards exist on the protection of migrant workers. Nevertheless, a majority of migrant workers are received in States that have not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

26. NHRIs should promote and ensure the national implementation of international standards on migrant workers, refugees, asylum-seekers, internally displaced persons (IDPs) and victims of trafficking;

27. NHRIs should advocate the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular among receiving countries, and engage more actively in the monitoring process by the treaty bodies when they consider issues relating to migrant workers and the particular issues facing migrant women and children. NHRIs encourage States to ratify the additional protocol to the International Convention of the Rights of the Child on children in armed conflict;

28. It is recommended that NHRIs from sending, transit and receiving countries should establish bilateral and regional cooperation among themselves to better address the issues of irregular migrants;

29. NHRIs should actively monitor the economic, social and political rights of refugees, asylum seekers, migrant workers and IDPs, including fair procedures, treatment by police and immigration authorities, conditions of detention, access to services, employment conditions and family reunification, in cooperation with the Office of the United Nations High Commissioner for Refugees and other United Nations and regional bodies, and NGOs;

30. NHRIs should promote programmes of human rights awareness for migrant workers, refugees, asylum-seekers, IDPs and victims of trafficking, and programmes of integration and reintegration, where applicable, especially for returning women migrants;

V. Women's rights in the context of conflict

31. NHRIs should play an important role in highlighting invisible and unacknowledged violence against women in the context of conflict. This violence is closely linked to violence against women in everyday life, such as domestic and sexual violence. NHRIs should facilitate counselling for women suffering violence;

32. NHRIs should provide education and raise awareness on women's rights to further their economic self-sufficiency and independence;

33. NHRIs should have an important role in collecting data, investigating allegations and receiving complaints of violence against women during conflict;

34. There is a special need for NHRIs to protect and promote the rights of women refugees and internally displaced women. This should include providing a complaint mechanism, inspection of refugee and IDP camps and monitoring complaints from women in detention centres of other States waiting to receive refugee status, and from forcibly repatriation of women. NHRIs should take measures to protect women refugees and IDPs from being trafficked. NHRIs should contribute to the formulation and implementation of reconstruction and rehabilitation programmes with the participation of women;

35. Any commission of inquiry, truth or reconciliation commission set up as part of a peace process should address past widespread and systematic violence against women, and should have a fair representation of women;

36. During the negotiations for a political settlement of a conflict, States should enact constitutional provisions providing for equality and affirmative action;

VI. The Seoul commitment

37. In order to implement this declaration, NHRIs hereby agree:
- (a) To take all necessary action at the national level as prescribed by the declaration;
 - (b) To promote, where relevant, regional cooperation among NHRIs;
 - (c) To encourage their States to support the establishment of an effective mechanism to monitor the compliance of counter-terrorism measures with human rights standards in the United Nations;
 - (d) To report to the annual meeting of the ICC in April 2005 on national and regional actions taken;
 - (e) To request the ICC to identify ways in which it can further the implementation of this declaration.

Annex II

INTERNATIONAL RACE RELATIONS ROUND TABLE

AUCKLAND, NEW ZEALAND, 2-5 FEBRUARY 2004

Introduction

1. Representatives of fifteen national human rights institutions and specialized agencies dealing with race (NI) met in Auckland, New Zealand, from 2 to 5 February 2004. The meeting was part of a series of focused discussions supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR) with representatives of NI. It was informal, inclusive and participatory. All present emphasized the importance of the Principles relating to the status of National institutions for the promotion and protection of human rights (the Paris Principles) adopted by the United Nations General Assembly on 20 December 1993.
2. This was the first time since 2001 that race relations focal points had met as a specific group, and they were able to exchange best practices and discuss substantive issues including:
 - (a) The general mandates of such institutions and common points of reference;
 - (b) Key challenges for each country;
 - (c) The impact on race relations of legal and security issues (such as immigration policies and policies relating to refugee and asylum-seekers);
 - (d) Impacts of global events on religious tolerance and race relations;
 - (e) Specific actions to combat racism and other intolerance, particularly through effective relationships with government, political parties and government agencies, with the media and communications sector and with the business sector, and dealing with remedies;
 - (f) The development of outcome indicators/measures;
 - (g) Regional perspectives on programmes to achieve equality; and
 - (h) Recent international developments.
3. Specific objectives of the Round-table included:
 - (a) To provide a forum for NI to meet and exchange best practices;
 - (b) To contribute, as appropriate, to the related discussions at the international level;
 - (c) To provide an initial list of indicators of success of NI networks in the area of racial and other discrimination;

(d) To establish an informal network of NI dealing with racism and racial discrimination.

4. Participants found the Round Table valuable as a means of discussing common experiences and challenges.

I. KEY CHALLENGES FOR NATIONAL INSTITUTIONS IN COMBATING RACIAL DISCRIMINATION IN THE TWENTY FIRST CENTURY

5. The following issues emerged as key challenges:

(a) There is widespread denial of racism, racial discrimination, xenophobia and other forms of discrimination, while at the same time there is a continuation of systemic social, economic and cultural patterns of racial inequality, as revealed in persistent social disparities and poverty (including in the areas of health, education and labour);

(b) The observance of fundamental human rights and freedoms is the real basis for the advancement of racial equality;

(c) A wide variety of human rights violations relating to racial inequality continue to occur. New and different forms of racism are a cause of grave concern, even as peaceful solutions to conflicts are reached. Of particular concern are the impact of civil strife and conflict, the different forms of racial discrimination experienced by women and girls, and the impact of new technologies;

(d) Despite important efforts by Governments and civil society, gaps between legislative or policy directives and reality persist for a variety of reasons, including:

(i) Failure to improve access to education and resources;

(ii) Entrenched attitudes;

(iii) Intersectional causes and effects such as gender and race discrimination.

6. Participants highlighted the need for special efforts with regard to:

(a) The wide variety of causes of religious intolerance and religious ignorance. There are strong links between religious intolerance and racism grounded in specific historical contexts and deeply affected by aspects of more recent international and national events;

(b) Specific incidents of religious intolerance towards Muslims that have occurred within national boundaries and in the context of movement across borders; these include harassment, discrimination, assaults, and other forms of serious and extreme violence;

(c) Economic disadvantage that individuals and groups face because of discrimination and other violations of human rights;

(d) A range of contextual matters and challenges which affect the advancement of race relations, including the movement of peoples within and across national boundaries, and the

lack of implementation of international human rights standards at the national, local and territorial levels, including those relating to indigenous peoples, and in particular, land and language;

- (e) The often severe effect on indigenous peoples and minority¹ groups in times of conflict;
- (f) Mechanisms for the participation of indigenous peoples and minority groups in policy and consultative processes due to the existence of specific issues concerning indigenous peoples and territorial and land rights;
- (g) The balancing of the rights of individuals while ensuring the maintenance of law, order and the security of the State in the light of the events of 11 September;
- (h) Persons suffering forms of multiple discrimination, for example, indigenous and migrant women.

The capacity of national institutions to respond to the key challenges

7. There is a need for administrative and financial support for institutions, local and regional links and mechanisms, as well as adequate resourcing, to ensure meaningful access to NI by rights-holders.
8. NI should be pluralist and inclusive in their composition, policy-setting and other work.
9. NI are encouraged to have race relations units or focal points and to develop substantive policy capacity so as to effectively engage on race issues, including through a rights-based approach.
10. Participants noted the various legal and policy functions through which NI could affect race relations, including:
 - (a) Being aware of, and advising on, legal instruments and human rights norms to prevent race-based discrimination, including regional mechanisms, and the need for effective policy development and implementation;
 - (b) Contributing to a clear definition of discrimination and developing mechanisms for the protection of religious rights and freedoms, including national bills of rights;
 - (c) Monitoring activities and developing guidelines for use by government agencies;
 - (d) Advising on the range and efficacy of temporary special measures, inter alia, quotas, specific laws, regional mechanisms and affirmative action, and encouraging a deeper understanding of the efficacy of such measures in advancing the realization of human rights;

¹ Discussions concerning minority groups included the particular concerns of Afro-descendants, the Roma and the Dalits.

- (e) Developing new and innovative strategies, including community dialogue and ways of gathering information beyond traditional forms of complaints-handling processes;
- (f) Ensuring that they have adequate powers and competency to undertake investigations;
- (g) Enhancing cooperation between NI in other countries to facilitate the handling of specific complaints and the sharing of experience;
- (h) Using the range of reporting strategies and mechanisms, including annual, parliamentary and extraordinary reports;
- (i) Using judicial processes to combat racism, including by taking appropriate cases to the courts and exploring different ways of censuring discrimination;
- (j) Using the complaints-handling functions of NI to provide effective redress for those who have suffered racial discrimination;
- (k) Developing indicators, measures and benchmarks of racial inequality, such as data collection and the use of ethnic descriptors, as well as gathering accurate statistics for effective public policy development;
- (l) Working with their respective governments to develop national action plans, including those addressing racism, and monitoring their implementation;
- (m) Developing their own race relations strategies which take into account the need for dialogue frameworks, including specific forums for religious and other leaders to engage with communities affected by religious and racial intolerance, and specific mechanisms to reinforce the importance of building tolerance and respect for religious freedom;
- (n) Developing a capacity to engage with the media and be able to communicate information effectively;
- (o) Encouraging and actively supporting human rights education by a variety of means for rights-holders and public authorities, including the judiciary, and for the wider civil society;
- (p) Undertaking research on racial and religious intolerance;
- (q) Publicizing human rights standards and violations.

II. WAYS AND MEANS OF ACHIEVING CHANGE THROUGH PARTNERSHIP

A. Government, political parties and State agencies

11. States have an obligation to promote and protect human rights and to develop action plans to combat racism. NI have an important role in monitoring State compliance. In working with government, political parties and State agencies to achieve the realization of human rights, NI need to ensure their independence and integrity. Participants highlighted:

(a) The need to encourage the building of cooperative relationships across the political and social spectrum and with other cognate bodies to secure broad-based support for human rights standards and the roles and functions of NI;

(b) The importance of engaging all political parties as well as government and responsible political leadership and offering assistance where appropriate;

(c) The role of NI in articulating major human rights violations across all political lines and the importance of establishing multilateral relationships with parliamentary committees;

(d) The importance of achieving the right to education for all, bearing in mind links between poverty and social development and the need to ensure the full enjoyment by everyone of all rights, whether civil, political, economic, social or cultural;

(e) The importance of the participation of indigenous peoples and minority and marginalized groups in local, territorial and national elections;

(f) The need to respect and promote diversity;

(g) The need to address issues arising from different State policies on race relations, including integration and multiculturalism, and to combat forced assimilation;

(h) The importance of Governments taking more positive measures such as the inclusion of human rights compliance as a requirement in government procurement policies and the issuance of licences.

B. The business sector

12. Participants highlighted the need:

(a) To address both the legal and structural impediments in the key issues of equal working conditions, safety from harassment in the workplace, and equal access to employment;

(b) To address discrimination in the private as well as the public sector;

(c) To engage constructively with transnational corporations;

(d) To reach out to development banks to encourage them to combat discrimination through their respective constituencies and, in particular, the private sector;

(e) To encourage the United Nations to give active life to the Global Compact and to monitor compliance by the businesses that have signed the compact and for NI to monitor such commitments in their own countries;

(f) To reinforce the idea that holistic programmes are required for States and civil society in order to achieve human rights, including legal, political, social, economic, cultural and environmental programmes, and that the business sector, including both employer and employee organizations, need to be engaged in this process;

(g) To break down barriers in order to improve or ensure compliance with human rights standards in employment, including by fostering understanding of cultural practices, for example, in relation to indigenous peoples, and of the changing face of the workforce due to migration, and eliminating persisting occupational stereotypes concerning minorities;

(h) To promote with business the benefits of compliance with human rights, including enhanced public perception of its commitment to social responsibility, benefiting from the advantages of diversity, satisfying consumer demands, and avoiding law-suits and public disapproval;

(i) To encourage and assist in the development of good employer practices through training and education, and the provision of educational resources for businesses;

(j) To encourage the involvement in the decision-making processes of those affected by business practices, particularly in such areas as resource use and tourism;

(k) To recognize that the State has special responsibilities, as it may have a role as both an operator of State business and as the regulator of the business sector.

C. The media

13. Participants highlighted the importance of:

(a) Managing tensions that may arise from journalistic practices and standards, and offering assistance in the development of guidelines or materials to assist journalists;

(b) Enhancing the ways indigenous peoples and minorities are represented in the media and monitoring media coverage in this respect;

(c) Promoting media ownership by indigenous peoples and minorities;

(d) Bearing in mind the powerful intergenerational dynamic that can affect towards attitudes to race relations and the different ways that younger people receive information, devising strategies to deal with the ways in which racism can and does appear in the media, including on the Internet;

(e) Considering some form of joint international media monitoring.

14. Specific initiatives with respect to the media could include:

(a) Maintaining effective links with the media to promote positive stories, including regular meetings with senior editors and other leaders of the media to discuss NI concerns;

(b) Ensuring equitable access by minorities to programming of media outlets;

(c) Establishing media awards for good reporting;

(d) Promoting diversity, noting that journalists who are members of indigenous peoples and minority groups are often best placed to report news concerning their own communities;

(e) Developing media strategies on the basis of robust research;

(f) Engaging the media to provide assistance in campaigns to promote racial equality and harmony;

(g) Producing jointly with the media spots focusing on indigenous and minority groups and issues;

(h) Promoting alternative media such as community programming;

(i) Promoting the importance of indigenous peoples and minorities as media consumers.

III. INTERNATIONAL DIMENSIONS

15. Participants highlighted the importance of:

(a) Ratification by Governments of the International Convention on the Elimination of All Forms of Racial Discrimination and the removal of existing reservations;

(b) Recognition by States parties to the Convention of the competence of the Committee on the Elimination of Racial Discrimination, in accordance with article 14 of the Convention;

(c) NI participation in the human rights treaty reporting process, including monitoring of the implementation of the concluding observations adopted by treaty bodies;

(d) NI participation in international forums dealing with race relations;

- (e) Participation by Government and civil society, including political parties, in meetings of regional human rights mechanisms;
- (f) Greater coordination amongst international actors with respect to race relations and racial discrimination;
- (g) Breaking the deadlock blocking the adoption of a declaration on the rights of the world's indigenous peoples;
- (h) Continuing to strengthen the relationship between NI and the Anti-Discrimination Units in the Office of the United Nations High Commissioner for Human Rights, and the exchange of information between NI.

Expression of Appreciation

Participants expressed their appreciation to the New Zealand Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights for convening and organizing the Round Table.

Adopted at Auckland, New Zealand

5 February 2004

Annex III

ZACATECAS DECLARATION Adopted in Zacatecas, Mexico, 15 October 2004

International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection

The International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection, organized by the National Human Rights Commission of Mexico and the Office of the United Nations High Commissioner for Human Rights with the support of the Human Rights Commission of Zacatecas, was held in Zacatecas, Mexico, on 14 and 15 October 2004.

The Workshop was opened by the Governor of Zacatecas, Ms. Amalia García, and attended by representatives of the Mexican Senate, the government of Zacatecas, and 25 state human rights commissions of Mexico. Seventeen national institutions from Albania, El Salvador, Guatemala, Honduras, India, Mexico, Morocco, New Zealand, Nigeria, Panama, Paraguay, Peru, the Philippines, Spain, Thailand, Ukraine and Venezuela were represented by their Chairs or other senior officials.

The participants in the International Workshop of National Institutions for the Promotion and Protection of Human Rights: Causes, Effects and Consequences of the Migratory Phenomenon and Human Rights Protection.

Hereby adopt the following Declaration:

Recalling the universal instruments agreed upon by States to safeguard the human rights and fundamental freedoms of all individuals, including migrants, including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and underlining the contribution they can make to international peace and security, alongside the Charter of the United Nations, as well as the relevant regional instruments,

Reaffirming the universality, indivisibility and interdependence of all rights, civil, political, economic, social and cultural,

Welcoming the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and recognizing the important work that its Committee to Protect the Rights of all Migrant Workers and Members of Their Families is mandated to undertake,

Recognizing that the International Convention provides an important baseline for assessing respect for migrant workers' rights,

Recognizing also the unique role played by national institutions in applying international human rights standards at the national level, including as provided for in the Principles relating

to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134 of 20 December 1993, annex), regarding the ratification of international human rights instruments, thereby ensuring sustainability of human rights protection,

Noting that the situation of migrant workers and their families has become a critical contemporary human rights issue worldwide, particularly in relation to exploitation by traffickers, people smugglers, recruitment agents and corrupt officials; deaths and injury in transit; discrimination, exploitation, vulnerability and sexual abuse in countries of destination; and treatment in cases of detention, arrest and repatriation,

Recognizing that it is impossible to suppress the desire to migrate by legal means and enforcement, in particular where it results from conflict, unemployment, poverty or oppression,

Noting that migration can also be seen as a positive force and that migrants can make a valuable contribution to economic development, diversity and better relations among peoples,

Noting also the importance of inter- and intra-regional relationships among national institutions, given the nature of migration and their capacity to share information and support each other when dealing with migrants and specific migration issues,

Recognizing the importance of appropriate, complete and current information concerning the status of the rights of migrants, taking note that a number of national institutions have prepared reports containing such information,

Noting the urgent need for a strong global and regional framework for migration that addresses:

- (a) The push factors in countries of origin, including lack of good governance, poverty, civil conflict, unemployment and lack of development;
- (b) Fair and efficient processes to facilitate meeting labour needs in receiving countries;
- (c) Investment in infrastructure, training of personnel and coordination of policy structures to manage migration flows and protect migrant workers; and
- (d) Protecting all the human rights and the dignity of migrants in all circumstances,

Stressing that in order to fulfil their mandates, national institutions require adequate resources and that it is a responsibility of the State to ensure this,

Declare they will:

1. Treat the protection and promotion of migrants' rights as a priority and for that purpose/to that end identify focal points for this area within their institution;
2. Intensify efforts to ensure awareness of the rights of migrants, including through human rights education and awareness-raising campaigns;

3. Undertake measures, together with their Governments, to protect the economic rights of migrant workers, in particular, to promote the establishment of fair tariffs for transferring money earned by migrants from their countries of stay to their home countries;

4. Continue to urge their Governments, particularly those of receiving States, to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

5. Continue to urge their Governments to ratify the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention;

6. Take a more active role in the United Nations treaty body reporting process and request the respective treaty bodies to take into account issues relating to migrants in considering States parties' reports and to engage directly with national institutions on this subject;

7. Engage in legislative advocacy to facilitate the review of domestic legislation regarding the rights of migrants in order to ensure its conformity with international standards and obligations with respect to the protection of human rights, especially in relation to non-discrimination;

8. Make representations to Governments on legislative proposals, in particular to ensure that the human rights of migrants are not breached by counter-terrorism legislation;

9. Encourage the preparation of status reports concerning the rights of migrants and alleged violations of their rights and include in their annual reports particular reference to the rights of migrants and actions undertaken by the national institution and the Government to ensure the promotion and protection of those rights;

10. Encourage States to ensure appropriate broad-based dialogue at the national level among Government, national and state institutions and civil society based on assessments regarding the rights of migrants inter alia through seminars, workshops and media programmes;

11. Encourage the creation of mechanisms for communication and coordination between human rights institutions in order to exchange information on specific cases or general problems relating to violations of the fundamental rights of undocumented migrants as well as migrant workers, which will enhance cooperation and facilitate possible intervention by these institutions, in accordance with their mandates;

12. Encourage, where relevant, the establishment of regional information databases of countries of origin, routes and points of crossing and places of detention of migrants, with a view to reinforcing the work of institutions responsible for migration and consular offices;

13. Work, where possible, with consular services to ensure that migrants, both regular and irregular, are treated according to human rights principles and standards;
14. Promote programmes and information campaigns on human rights awareness for migrant workers, both prior to departure and after arrival, which can also assist in the reintegration of returning migrants, especially women and children migrants who often face stigmatization upon their return;
15. Identify the most cost-effective mechanisms for providing the best possible assistance to migrants in places of detention and share best practices that can strengthen the overall protection of migrants;
16. Establish regional cooperation between national institutions of the countries with major migratory flows, including joint task forces, the establishment of special modes of communication and advocacy for migrant workers abroad, including for the recognition and protection of their cultural rights;
17. Share research findings regarding migrant workers at home and abroad and call for the assistance of the Office of the United Nations High Commissioner for Human Rights in this regard;
18. Provide training to the administrative, judicial, immigration and security sectors to ensure respect for all the human rights of migrants;
19. Provide support, including legal aid, to migrants, who often have difficulty accessing systems of justice;
20. Ensure that States respect their international human rights obligations, particularly in regard to the non-derogable rights of all migrants;
21. Call for support from the Office of the United Nations High Commissioner for Human Rights in relation to its role in combating the trafficking of persons, in particular women and children, including in addressing the causes thereof as well as the provision of adequate remedies;
22. Address the vulnerability of migrants and their families to HIV/AIDS;
23. Promote the adoption of national plans of action and ensure that they take into account the rights of migrant workers, and call upon Governments to ensure that national institutions take their rightful place in the policy-making process in relation to migration;
24. Strengthen links with civil society, including migrants' organizations, in ensuring that all rights of migrants are respected domestically, regionally and internationally;
25. Engage with the International Labour Organization, which has a critical role to play in the protection and promotion of the rights of migrant workers, and call on the Office of the United Nations High Commissioner for Human Rights to facilitate this process;

26. Agree to return to the conclusions of their discussions, preferably no later than at the meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in April 2005.

The participants express their gratitude to the National Human Rights Commission of Mexico and the Office of the United Nations High Commissioner for Human Rights for the organization of the Workshop and to the Human Rights Commission of Zacatecas for its support. They extend particular appreciation to the Governor of the State of Zacatecas and other state authorities for their warm hospitality. They note the important contribution of the Mexican Federation of Public Organizations for the Protection of Human Rights and non-governmental organizations.

Annex IV

ROUND TABLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND NATIONAL MACHINERIES FOR THE ADVANCEMENT OF WOMEN

OUARZAZATE, MOROCCO, 15-19 NOVEMBER 2004

Statement

1. Representatives of national machineries for the advancement of women (NMs) and of national human rights institutions (NIs) from Australia, Bolivia, Cameroon, Costa Rica, Germany, Ireland, Kyrgyz Republic, Lithuania, Morocco, New Zealand, Panama, Paraguay, Uganda and Zambia held a round table in Ouarzazate, Morocco, from 15 to 19 November 2004. The round table aimed to strengthen the capacity of NMs and NIs to promote and protect the human rights of women through the development of institutional links and joint strategies. The round table was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Division for the Advancement of Women/Department of Economic and Social Affairs (DAW/DESA) and hosted by the Conseil consultatif des droits de l'homme du Maroc (CCDH). Two experts of the Committee on the Elimination of Discrimination against Women also participated.

2. The participants noted that this was the first time that representatives of the two sets of institutions had met to discuss ways and means for the promotion of gender equality and full implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Declaration and Platform for Action. The participants in the round table examined how NMs and NIs can better work together on the following issues:

- The role of human rights education in promoting and protecting women's human rights;
- Enhancing enjoyment of human rights by disadvantaged groups of women;
- Institutional dimensions;
- The role of national institutions in the implementation of the Convention on the Elimination of All Forms of Discrimination against Women; and
- Developing national action plans.

3. Participants welcomed the fact that 179 States are party to the Convention, and 68 to its Optional Protocol. They further noted that the Beijing Declaration and Platform for Action devotes one of its critical areas of concern to institutional mechanisms for the advancement of women, defining a national machinery as the central policy-coordinating unit inside Government. They also noted that NMs have been set up in some 170 States. 50 NIs have been accredited by the International Coordinating Committee of NIs, in accordance with the Paris Principles, and approximately 50 additional institutions are moving towards becoming NIs.

4. Participants noted that significant progress has been made in many countries in legislative developments and preparations of national action plans, strategies and policies for

gender equality. Awareness has increased about women's human rights and there is growing public discussion around gender equality issues. An increasing number of entities within Government and outside, especially non-governmental organizations (NGOs) and civil society organizations now work on the realization of equality of women and men. Many countries have developed national action plans on human rights. NIs are also taking a more systematic approach to gender equality and are mainstreaming a gender perspective in their work.

I. CHALLENGES

5. Participants identified a number of challenges that NMs and NIs are facing to promote and protect the human rights of women through the development of institutional links and joint strategies. In particular, participants made the following observations:

1. Challenges common to NIs and NMs

6. Political will and commitment, which are crucial for the implementation of effective gender equality policies and for ensuring effective and adequately resourced NMs and NIs, remain limited in many countries.
7. NMs and NIs often continue to work in isolation from each other without seeking strategic alliances. In addition, both institutions sometimes lack the necessary cooperative links with civil society, including NGOs that work on gender equality and human rights issues.
8. Gender equality acts and other legislation, even when in compliance with a State's commitments under international human rights treaties, are frequently not fully implemented in practice.
9. The lack of a clear and comprehensive policy on gender equality with strategic goals and a coordinating mechanism to ensure implementation and monitoring reduces the impact of important individual initiatives on gender equality.
10. Lack of knowledge about the Convention on the Elimination of All Forms of Discrimination against Women among politicians and public officials at all levels and in all branches of Government hinders progress in its implementation.
11. The lack of knowledge among public officials, especially Government policy-makers, about gender mainstreaming in all policies, programmes and sectors hinders the promotion of gender equality.
12. Strong institutional resistance to apply a human rights approach and engage in gender equality issues persists.
13. Continuous effort and investment are required to build, maintain and enhance skills and knowledge among officials, especially civil servants, on gender equality and human rights issues, because of turnover and mobility of such persons.
14. Access to legal redress for violations of women's human rights is obstructed by financial barriers and inaccessibility of the system.

15. Vulnerable groups of women, including indigenous women, elderly women, migrant women, women from minority groups, women with disabilities, women in conflict situations and women in rural areas continue to experience multiple forms of discrimination.
16. In a number of countries, a backlash against women's rights has been noted. In some, so-called men's rights campaigns have emerged, challenging the equality gains made by women, whereas in others, conservative movements have gained strength and are seeking to limit equality policies.
17. Discriminatory traditional and cultural practices and stereotypes persist, challenging human rights values and the equal rights between women and men. The media in many instances reinforce stereotypes and discriminatory portrayals of women.
18. Women's participation in public life and decision-making remains limited, despite some progress. Gender balance in public and elected office is far from being achieved.
19. Temporary special measures to accelerate achievement of de facto equality between women and men as provided for in article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women are challenged on grounds that they are 'discriminatory'.
20. The collection of data disaggregated by sex necessary for effective and targeted gender equality policies remains inadequate.
21. The absence of a public policy analysis that directly links women's human rights to other objectives of national interest, such as security and economic development, hinders the capacity of NIs and NMs to influence Government policy in these areas.

2. Challenges specific to NMs

22. In some instances, NMs continue to lack the mandate, power, visibility, resources and central location within Government to enable them to effectively become the central coordinating unit within the Government and a catalyst in regard to gender equality policies.
23. Almost ten years after the Fourth World Conference on Women, a number of countries do not yet have national action plans on gender equality called for in paragraph 297 of the Beijing Platform for Action.
24. In some countries, government policies on gender equality, as well as policies and programmes of NMs continue to be unevenly implemented between urban and rural areas, to the disadvantage of rural areas.

3. Challenges specific to NIs

25. Under the Paris Principles a NI is expected to be adequately funded and "not be subject to financial control which might affect its independence". However, lack of guarantee of funding by Governments significantly limits the capacity of NIs.

26. While many NIs have comprehensive and ambitious mandates, they cannot fulfil these expectations because they lack resources and capacity. NIs face the challenge of raised expectations: “justice delayed is justice denied”.

27. NIs continue to lack capacity in the area of gender analysis, in particular in undertaking gender analysis of legislative proposals. Gender balance in many NIs remains to be achieved.

II. RECOMMENDATIONS

28. In light of the above challenges, presentations made and discussions held, the meeting issued the following recommendations:

Recommendations addressed to NIs and NMs

- Continue to use a dual approach in the promotion of gender equality, namely mainstreaming of a gender perspective into all policies and programmes and specific interventions to benefit women;
- Support the development, adoption or regular updating of national action plans or strategies for the advancement of women that use a rights-based approach. Support the development, adoption or regular updating of national action plans on human rights that integrate a strong gender perspective. Ensure that the respective plans are informed by, and consistent with, a comprehensive strategy for gender equality;
- Institutionalize a permanent consultative mechanism between NIs and NMs that would address such issues as: development and/or updating of national action plans; legislative review and reform processes; human rights education and legal literacy strategies; cooperation with the legislature. Also undertake sensitization on the Convention on the Elimination of All Forms of Discrimination against Women and the centrality of the human rights of women to the promotion and protection of human rights;
- NIs and NMs should set dates and benchmarks for initiating and/or expanding collaborative links. Collaborative activities should be widely publicized;
- Create a structure for regular interaction and consultations among NIs, NMs, civil society and NGOs, in particular women’s associations including those focused on minority, migrant, youth and disability issues. Also reach out to other stakeholders, including academic institutions and the media. Ensure that the roles and mandates of all stakeholders are clearly defined and understood. Also ensure that the objectives and purpose of partnerships are clearly spelled out so as to enhance the effectiveness of collaboration and partnerships;
- Use the reporting processes under the Convention on the Elimination of All Forms of Discrimination against Women and other human rights treaties as strategic opportunities for building partnerships and collaborative links among NIs, NMs, civil society and NGOs;

- Consistently ensure that the protection and promotion of women's rights are an integral and consistent part of the work of NIs and NMs, and use the Convention on the Elimination of All Forms of Discrimination against Women as a framework for that work;
- Develop collaborative links with political leadership and with all parliamentary committees, including gender equality and human rights committees, so that greater attention is paid to the Convention on the Elimination of All Forms of Discrimination against Women and to gender perspectives in the legislative process;
- Use legislative review processes to incorporate gender perspectives and use legislative changes to advocate the withdrawal of reservations to the Convention on the Elimination of All Forms of Discrimination against Women. Also advocate the speedy ratification of or accession to the Optional Protocol to the Convention;
- Counteract confrontational arguments that pitch women's interests against men's by engaging in a positive and forward-looking public debate about the status of women and gender equality;
- Include gender equality aspects and specifically target women to enhance their knowledge about their rights in the implementation of human rights education and legal literacy programmes;
- Enhance cooperative relationships with State or provincial (in federal States), municipal and local level entities and with regional and international organizations to pursue gender equality goals;
- Develop new opportunities for engaging with the media in human rights education programmes to combat gender stereotypes and negative portrayal of women. Also undertake sensitization efforts for the media about the Convention on the Elimination of All Forms of Discrimination against Women;
- Emphasize in public discussion that many women face multiple forms of discrimination that have to be addressed through legislation and public policies. Such discrimination may be based on women's age, marital status, disability, ethnic origin, their status as migrants, immigrants, minorities and other characteristics;
- Advocate for and propose measures to increase the participation of women in public and political life and in decision-making positions with a view to achieving 50-50 gender balance. In this regard, call for the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women and the Committee's general recommendation No. 25 (2004), which may include timetables, benchmarks, incentives, targets, quotas, and other measures;
- Develop and strengthen collaborative international research opportunities by using existing international and regional mechanisms such as the NIs Forum web site and regional web sites;

- Support the inclusion of a strong gender perspective in the development of a United Nations convention on the rights of persons with disabilities;
- Collaborate to promote the collection of data disaggregated by sex to properly inform the development and implementation of legislation, policy and practice;
- Develop evidence-based national interest analysis, in areas such as security and economic development, which links directly to the promotion of women's human rights.

Recommendations for NMs

- Insist on the presence of national machinery for the advancement of women with a mandate, power, visibility, human and financial resources and central location within Government to enable it to implement effectively coordination and catalytic work necessary for the promotion of gender equality. The desirability of such a machinery at the ministerial level is underlined;
- Further develop, in cooperation with academic and research institutions, methodological and practical tools for mainstreaming a gender perspective in all policy areas.

Recommendations for NIs

- Advocate the entrenchment and guarantee, from year to year, of an adequate level of funding for NIs. Donor and other voluntary funding, which should not replace core Government funding, is useful to support implementation of additional and supplementary activities above and beyond the regular programmes of work of NIs;
- Implement capacity-building measures on the Convention for all members of NIs and also aim to achieve, within a specified time frame, gender balance in the composition of NIs;
- Place women's human rights at the centre of the work of NIs;
- Advocate the establishment of an independent status for NIs in the Commission on the Status of Women. In particular, NIs should seek support from their Governments for a United Nations resolution to provide this status as soon as possible, in view of the importance of the review and appraisal of the Beijing Platform for Action, which will take place in 2005;
- NIs should seek opportunities to participate in the sessions of the Committee on the Elimination of Discrimination against Women when reports of their countries are being considered.

29. Participants agreed to take these recommendations back to their respective institutions for appropriate follow-up. They also agreed that this statement should be widely circulated among NMs, NIs, and relevant intergovernmental and treaty bodies.

30. Participants expressed their satisfaction with this first ever meeting between NIs and NMs. They considered it a worthwhile experience and recommended that opportunities be sought for similar events in the future. Participants also strongly recommended that in order to enhance the impact of future meetings of this type, representatives from both NIs and NMs from all invited countries should attend to maximize the benefits and potential for collaboration and partnerships.

Annex V

INTERNATIONAL ROUND TABLE ON NATIONAL INSTITUTIONS AND GOOD GOVERNANCE

SUVA, FIJI, 13-15 DECEMBER 2004

Concluding Statement and Recommendations

The following are the essential conclusions of the discussions held by Chairs, Members and representatives of national human rights institutions (NIs) from Argentina, Australia, Fiji, Honduras, Malawi, New Zealand, Sri Lanka, the United Kingdom (Northern Ireland) and Venezuela regarding NIs and good governance. Those present welcomed the input provided by the Kenya National Commission on Human Rights. Observers included representatives of the United Nations community in Fiji and civil society. The International Round Table was co-organised by the Fiji Human Rights Commission and the Office of the United Nations High Commissioner for Human Rights.

This was the first time that NIs met specifically to discuss their place in ensuring good governance and assessing their fundamental contribution in this area. The meeting was a direct follow-up to the seminar on good governance practices for the promotion of human rights held in Seoul, Republic of Korea, on 15 and 16 September 2004. The International Round Table drew on the resources and expertise of the participants rather than on external speakers. Its purpose was to share experiences in relation to the major common issues and challenges facing NIs and to identify practical actions that can be taken in the respective NIs and countries on the basis of those experiences.

The issues of the host institution, the Fiji Human Rights Commission, formed a backdrop to the conference, given its central role in strongly supporting the Constitution with its entrenched Bill of Rights, one of the most important tenets of an effective system of governance.

Topics discussed included the role of NIs in promoting good governance, and the interrelationship between full respect for all human rights – civil, political, economic, social and cultural – and good governance. Specifically, institutions discussed Governments' response to NIs' role in governance; societal change and its impacts on governance; corruption, cronyism, nepotism and impunity; working with parliaments, Governments, political parties and financial institutions; and combating inequity. NIs also discussed the importance of ensuring effective governance within their institutions, as a good example. The discussions will be reflected in a paper containing the proceedings.

The participants in the International Round Table on National Institutions and Good Governance

Appreciative of the joint efforts of the Office of the High Commissioner for Human Rights and the Fiji Human Rights Commission in hosting the International Round Table,

Guided by the Universal Declaration of Human Rights as the common standard of achievement of all peoples and all nations applying to every individual and every organ of society, and also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights, which affirmed that all human rights are universal, indivisible, interdependent and interrelated,

Recalling resolution of 2004/70 of the Commission on Human Rights of 21 April 2004, and all previous relevant resolutions on the role of good governance in the promotion of human rights, as well as the United Nations Millennium Declaration,

Recognizing that transparent, responsible, accountable, accessible and participatory government, responsive to the needs, aspirations and human rights of the people, is the foundation on which good governance rests,

Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level rests with the State concerned,

Recalling the Pacific Islands Human Rights Consultation co-organised by the Asia Pacific Forum of National Human Rights Institutions and the Office of the High Commissioner for Human Rights from 1 to 3 June 2004 and the observations in relation to good governance generally made at that Consultation,

Welcoming and building upon the statement by the Chair of the seminar on good governance practices for the promotion of human rights convened in Seoul, Republic of Korea, from 15 to 16 September 2004,

Reaffirming the importance of international and regional cooperation by national institutions in order to facilitate the implementation of good governance practices at all levels,

Adopted the following conclusions and recommendations:

Definitional elements

1. Good governance cannot exist without respect for human rights. Good governance relates to all people, and human rights are central to it. It is a State's obligation to ensure good governance and the protection of human rights. NIs have a responsibility to ensure that human rights are central to understandings of, and approaches to, good governance;
2. Essential elements of good governance include:
 - safeguarding the rule of law, including due process;
 - verifying elections to ensure a representative and responsible government;
 - respect by public officials for the rule of law;

- fostering investment and respect for property rights;
- promoting accountable administration to ensure that public money is well spent;
- equitable economic and social development (social justice and affirmative action);
- transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development;
- the right to development;
- striving for equitable economic and social outcomes for the people irrespective of their personal circumstances or characteristics, including political affiliation;
- participation in government and public life;
- fairness in decision making;
- representative and responsible government structures;
- an independent judiciary.

It is clear from this list that the elements of good governance are inseparable from international human rights standards;

3. Creating a culture of human rights and fostering the necessary political will are central to establishing an enabling environment for good governance. NIs have a critical role in fostering such an environment. Integrating human rights into school curricula is an example of a good practice by NIs;

Rule of law

4. NIs should promote initiatives that enhance the human rights elements of the legal framework, including the Constitution, as well as the reform and better implementation of existing legal frameworks in conformity with international human rights standards. This should include the ratification of international human rights instruments and the withdrawal of existing reservations and advising on the adoption of measures to ensure implementation of their provisions at the national level;

5. NIs should assist in ensuring that various sectors of society are consulted when States parties are preparing reports to the respective human rights treaty bodies;

6. NIs need to pay appropriate attention to strengthening the legal framework to ensure free, fair, transparent and democratic electoral processes as a cornerstone of good governance;

7. NIs should encourage ratification of the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime;

8. The provision of independent expert advice to the court by an NI contributes to good governance by ensuring that relevant human rights standards are taken into consideration in judicial decisions. The participation of the NI in the judicial process should not be determined by any body other than the court itself;

9. NIs need to work to enhance, in particular, the legal protection of the human rights of the poor, marginalized groups and other vulnerable people, including by strengthening the effectiveness and independence of the judiciary and enhancing access to courts or quasi-judicial mechanisms;

10. Particular attention needs to be paid to the protection and promotion of human rights and the rule of law in the context of counter-terrorism measures;

Participatory processes

11. NIs need to foster a culture of human rights among public officials and at the same time the development of strategies for consultation and involving the public;

12. NIs should facilitate consultation with local communities and take local conditions into account. They are encouraged to reflect with Governments, parliaments, business and civil society on governance and human rights at their respective national levels;

13. NIs play an important role in the development of a human rights framework for their countries. This could include facilitating the development of National Plans of Action as well as Bills of Rights;

14. The participatory development of National Plans of Action can be an effective tool in enhancing systems of governance with a human rights-based approach. National Plans of Action can help prioritise the main issues and ensure that the rights of vulnerable groups are included. Government commitment, with adequate resourcing for implementation of the Plan, is critical to its success;

15. NIs need to work at ensuring appropriate access to all sectors of the population to governance practices. This could be done through empowerment practices and possibly decentralisation of decision-making processes. Good practices include working with local committees and bodies in ensuring that they make decisions within a human rights framework;

16. NIs need to encourage, and advise on, appropriate programmes to ensure gender balance in governance structures;

Accountability

17. NIs, in combating corruption, may encourage the establishment of a professional and adequately paid civil service; the promotion of ethical conduct in the public sector; penalizing corruption with adequate penalties accompanied by effective enforcement and compensation; the adoption of monitoring procedures for awarding contracts; the establishment of appropriate oversight bodies and performance appraisal systems; appropriate punishment of

fiscal fraud, including declaring certain contracts null and void, such as those that promote illicit enrichment; the promotion of measures against transnational forms of corruption; the establishment of transparency measures; and media monitoring and awareness raising;

18. NIs may examine the causes and consequences of corruption in their respective countries, in order to determine which practices are best suited to the circumstances in question;

Equity and inclusiveness

19. NIs should encourage the adoption of legislation and other measures to eliminate *de facto* and *de jure* discrimination;

20. NIs should combat discrimination and inequity in government structures by addressing lack of understanding of cultural diversity and gender equality. Through the use of education and media, NIs must pursue the promotion of values of inclusiveness and participation of all stakeholders in the democratic process, and the development of public awareness of efforts to combat all forms of discrimination;

21. NIs should advise on the range and efficacy of temporary special measures, *inter alia*, quotas, specific laws, regional mechanisms and affirmative action, and encourage a deeper understanding of the efficacy of such measures in advancing the realization of human rights and good governance;

22. NIs should be active participants in this process by seeking to integrate the human rights agenda into their country's poverty reduction strategy, development and governance programming;

Human rights and governance in situations of conflict

23. NIs should promote harmonious relations between peoples within the society and work against sectarianism;

24. There may be a need to look at truth and reconciliation and transitional justice processes to ensure effective good governance and that there is no impunity in relation to past violations, including involuntary disappearances;

NIs as models

25. In order to promote good governance NIs must have broad-based mandates based on the Paris Principles with no zones of exclusion. It is critical that they have a mandate to work with all institutions, including security forces, in the promotion of human rights as a key to good governance;

26. NIs must be models of good governance. They need to ensure that their internal management structures demonstrate good governance including through the development of internal codes of conduct or ethics. This requires strategies for continuing development;

27. The use of NI resources should be based on efficient and effective management and in consonance with the human rights mandate of the institution;

28. It is essential for NIs to comprise persons of integrity, quality and with conviction to be able to bring about positive change and effectively influence decision makers. Open, inclusive and transparent appointment procedures are critical;

29. NIs need to have a pluralist dimension to their structure and work;

30. NIs' capacity to strengthen governance is enhanced where their powers are clearly entrenched in law. Specific powers include procedures for complaints, the provision of remedies, advocacy, education, monitoring, investigation, and public inquiries;

31. It is critical for an NI to be empowered to manage its own finances. Supporting the institution is the primary obligation of the State. Financial support should be directly provided to the NI and not subject to any interference;

32. NIs, particularly in situations of conflict, require specific knowledge and expertise, including on the prevention of torture, the ability to visit to places of detention, and mediation and investigation techniques.

Adopted in Suva, Fiji

15 December 2004
