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**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\***

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\* In order to comply with the General Assembly rules on page limitation, the annex is being circulated in English, French and Spanish only.

## **Summary**

The present report, covering the period January to December 2005, contains information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions (NHRI), the measures taken by Governments and NHRI in this regard and cooperation between NHRI and international mechanisms to promote and protect human rights. Information regarding the work of NHRI in respect of specific thematic issues is also included. Documents dealing with the events noted in the present report may be found on the website relating to NHRI ([www.nhri.net](http://www.nhri.net)). Additional information on initiatives and assistance provided to NHRI 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.4/2006/104). Information on ways and means to enhance the participation of NHRI in the work of the Commission on Human Rights and its subsidiary bodies may be found in the Secretary-General's report (E/CN.4/2006/102).

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## **Introduction**

1. The present report has been prepared pursuant to paragraph 21 of Commission on Human Rights resolution 2005/74 in which the Commission requested the Secretary-General to report at its sixty-second session on the implementation of the resolution.

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

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) accords priority to the establishment and strengthening of the national human rights institutions (NHRI) with due regard to the relevant international standards in the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles) (General Assembly resolution 48/134). OHCHR also works for the improvement of United Nations system-wide coordination in the work of NHRI, and supports increased participation by NHRI in appropriate United Nations human rights and other international forums. OHCHR also encourages the sharing of best practices among NHRI, supports the strengthening of their regional networks and facilitates their access to relevant information, round tables, seminars, workshops and training activities.

3. During the reporting period OHCHR has sought, through a wide range of activities, to heighten its commitment to supporting the Secretary-General within his Action II programme in the building of strong NHRI at the country level through the National Institutions Unit (the Unit), located within the Capacity-Building and Field Operations Branch of OHCHR. The Unit has been moderately strengthened with new staff members as of January 2005 to address the rapidly increasing number of NHRI (over 100 institutions), which is commensurate with the expansion of their sphere of activities at the national, regional and international levels.

4. NHRI are seen not only as institutions to which assistance may be provided, but also as partners that can provide important human rights knowledge and experience. NHRI are increasingly recognized by the international community as mechanisms that are essential to ensuring respect for the effective implementation of international human rights standards at the national level.

#### **A. Advisory services**

5. OHCHR has undertaken to strengthen the role of NHRI at the global, regional and country levels through the work of the Unit. At their request, tailored advice is provided to a growing number of countries on an appropriate constitutional or legislative framework regarding new NHRI and on the nature, functions, powers and responsibilities of such institutions. Comparative analyses, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken. Training activities are addressed by OHCHR colleagues, regional representatives, United Nations country teams (UNCTs), United Nations specialized agencies and programmes, non-governmental organizations (NGOs) and other OHCHR partners, which are in turn able to address a number of NHRI specific issues within various countries and regions.

6. During the reporting period OHCHR has provided advice and information on activities and issues which might assist NHRI, including in relation to constitutional provisions, enabling legislation, advisory missions and rules and regulations relating to institutions in Afghanistan, Angola, Belgium, Burkina Faso, Burundi, Cameroon, Chile, China, Colombia, the Comoros, the Congo, Côte d'Ivoire, the Democratic Republic of the Congo, Djibouti, El Salvador, Finland, Iraq, Italy, Jordan, the province of Kosovo (Serbia and Montenegro), Lesotho, Liberia, Maldives, Mauritania, Nepal, Niger, Norway, Pakistan, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Sri Lanka, the Sudan, The former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, the United Kingdom of Great Britain and Northern Ireland and Uruguay. NHRIs of Afghanistan, Mongolia, Nepal, the Occupied Palestinian Territory, including East Jerusalem, Rwanda and Zambia have benefited from the programmes of support provided by the Unit, often in collaboration with the United Nations Development Programme (UNDP) and United Nations missions.

## **B. Support to international initiatives**

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

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 Sub-Committee on Accreditation, provided substantive support to, and facilitated the holding of the sixteenth session of ICC in Geneva, from 14 to 15 April 2005, in parallel with the sixty-first session of the Commission on Human Rights. A paper on early warning mechanisms, submitted by the secretariat, was approved during the meeting.

8. The session was attended by representatives of institutions from 56 countries. Support was also provided to the Coordinating Committee of African NHRI, the Network of the Americas, the Asia Pacific Forum of NHRI (the Asia Pacific Forum), the Comité Régional Européen de Coordination des Institutions Nationales, l'Association francophone des Commissions nationales des droits de l'homme and the Federación Iberoamericana de Ombudsman which convened parallel meetings.

9. To date, ICC has accredited 51 NHRI deemed by ICC to be in compliance with the Paris Principles, with the number increasing annually (1999: 15; 2000: 26; 2001: 32; 2002: 40; 2003: 45; 2004: 50). The Unit, as secretariat of ICC, has worked closely with ICC to strengthen its accreditation procedures and will assist in undertaking a systematic and thorough review of the accreditation status of the accredited NHRI to ascertain their conformity with the Paris Principles.

### **2. Eighth International Conference of National Human Rights Institutions**

10. The eighth International Conference of National Human Rights Institutions is expected to be held in October 2006 in the Americas (venue and theme to be confirmed), organized jointly by ICC and OHCHR in cooperation with regional and international partners. Following the

practice of the seventh International Conference held in Seoul, in September 2004, an NGO Forum will be held prior to the eighth Conference with international and local NGOs participating throughout the Conference as observers.

11. In follow-up to the seventh International Conference, ICC agreed in April 2005 to establish a small working group with at least one representative from each region to ensure a sound follow-up to the commitments made at Seoul<sup>1</sup> and based on feedback from a questionnaire provided to all NHRI by the Unit. The Unit is furthermore preparing a compilation of declarations and stocktaking of action taken by NHRI in their regional and international conferences since 1993.

### **3. United Nations bodies**

#### **Commission on Human Rights**

12. The Unit assisted some 56 institutions and their regional networks to participate in the sixty-first session of the Commission on Human Rights.

13. During its last session ICC held a thematic discussion on the increased role of NHRI in the Commission on Human Rights and other United Nations bodies on the basis of the Secretary-General's report to the sixty-first session of the Commission, on enhancing the participation of national human rights institutions in the work of the Commission (E/CN.4/2005/107).<sup>2</sup> Additional information is available in the Secretary-General's report to the sixty-second session of the Commission on the process utilized by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights to accredit National Institutions Units in compliance with the Paris Principles (E/CN.4/2006/102).<sup>3</sup>

#### **Sub-Commission on the Promotion and Protection of Human Rights**

14. At its fifty-fifth session, the Sub-Commission decided that NHRI could be accredited to its sessions in their own right and speak on any substantive agenda item.

15. The Unit has actively supported the Sub-Commission in elaborating detailed principles and guidelines concerning the promotion and protection of human rights when combating terrorism,<sup>4</sup> and was mandated to prepare a study on the rights of victims of terrorist attacks, by distributing a questionnaire among all regional NHRI networks. The Unit provided further assistance regarding a detailed study of the universal implementation of international human rights treaties,<sup>5</sup> by distributing to all networks of NHRI a questionnaire regarding the universal application of international human rights treaties. Both studies are to be presented to the Sub-Commission.

#### **Commission on the Status of Women**

16. At present, NHRI do not have standing in their own right in the Commission on the Status of Women, thus making it necessary for NHRI to participate in its sessions as part of the delegation of their respective Government.

#### **4. Information and training activities**

17. Since 2003 OHCHR maintains, with the support of the Danish Institute for Human Rights, a website on NHRI ([www.nhri.net](http://www.nhri.net)). The site, linked to all existing NHRI websites and to the OHCHR main web page, includes information on country and thematic issues of interest to NHRI. Furthermore, a database of comparative analysis for procedures and methods of complaint handling by NHRI and a news alert, sent by e-mail to all interested parties, were launched in 2004.

18. In May 2005 the United Nations Department of Public Information listed the growth in the number of NHRI among what it deems the world's top 10 underreported big stories ([www.un.org/events/tenstories](http://www.un.org/events/tenstories)).

19. Training modules and materials are being finalized with OHCHR partners. These include a compilation on CD-ROM of NHRI legislation, constitutional provisions and annual reports; a CD-ROM-based training module for UNCTs on NHRI; and an update of the publication, *A handbook on the establishment and strengthening of national institutions for the promotion and protection of human rights (Professional Training Series No. 4)*.

20. Based on consultations with NHRI, OHCHR finalized, in cooperation with the International Council on Human Rights Policy, the publication *Assessing the effectiveness of NHRI* on measurement indicators regarding the effectiveness of NHRI and their compliance with the Paris Principles.

#### **C. Support to regional initiatives**

21. OHCHR provides financial and substantive support to the regional secretariats and networks of NHRI.

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

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

22. The Unit provided support to the fourth annual meeting of the Network of NHRIs of the Americas, held in Geneva on 12 April 2005 in parallel with the meeting of the Special Fund for the Ombudsman and NHRI in Latin America and the Caribbean. The annual meeting of the Network agreed on the topic of the substantive workshop to be organized with OHCHR during 2005. The Special Fund agreed to finance projects to support the work of NHRIs in the region.

##### **Workshops, trainings and advisory missions**

23. The Network of NHRI of the Americas organized an international seminar on Illicit trafficking of migrants and smuggling, in Campeche, Mexico, on 10 and 11 March 2005, with financial and substantive contributions from OHCHR. Representatives of NHRI of the region and experts from Canada and Spain, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and the International Organization for Migration (IOM) participated



in the seminar. The conclusions of the seminar refer to commitments from NHRIs to address irregular migration, smuggling and trafficking and related areas requiring the attention of State authorities.

24. The Network of NHRI of the Americas also organized a regional workshop on NHRI and the right to education, in Copán, Honduras, from 21 to 23 September 2005, with the collaboration of the Unit and UNESCO. A main outcome of the workshop was the establishment of a working group composed of representatives of NHRI from Canada, Panama, Paraguay, Nicaragua and Venezuela and of experts such as the Inter-American Institute of Human Rights. The main task of the working group is to create a plan of action for NHRI to promote and protect the right to education more effectively.

25. On 19 and 20 September 2005, the Unit undertook a mission to El Salvador to ensure follow-up to the evaluation report of the technical cooperation project for the protection and promotion of human rights in El Salvador; support the Procuraduría de Defensa de los Derechos Humanos (PDDH) of El Salvador; and strengthen UNCT capacities with regard to addressing human rights issues. Representatives of OHCHR were accompanied by the head of the NHRI of Costa Rica and the executive secretary of the NHRI of Mexico. OHCHR held several meetings with the main stakeholders of El Salvador and in particular with UNCT, PDDH, the deputy minister for Foreign Affairs, and with representatives of the Ministry of the Interior and the National Civil Police. In addition, UNDP and OHCHR organized a seminar on the Paris Principles for some 50 members of civil society, government and the international community in El Salvador.

26. On 3 and 4 October 2005, OHCHR undertook a mission to Chile to support the establishment of a NHRI. The mission was a follow-up to recommendations of the Committee on Economic, Social and Cultural Rights and of the Committee for the Rights of the Child and the invitation from the Capítulo Chileno del Ombudsman. On this occasion representatives of OHCHR were accompanied by the heads of the NHRI of Bolivia and Paraguay and the executive secretary of the NHRI of Mexico. During its mission to Chile, UNDP and OHCHR organized a seminar on the Paris Principles and the form a NHRI could have.

27. From 5 to 7 October 2005, OHCHR undertook a mission to support the establishment of a NHRI in Uruguay. This mission was implemented as a follow-up to the recommendations contained in the evaluation report of the OHCHR and UNDP technical cooperation project "Support to the role of the Parliament of Uruguay to address human rights issues". The mission was accompanied by the heads of NHRIs of Argentina, Bolivia, Mexico and Paraguay. The delegation was received by the President of Uruguay. The mission organized, in cooperation with UNDP and the Government, a seminar on the Paris Principles. One of the main outcomes of the mission was the establishment of a working group to discuss the kind of NHRI that Uruguay could have. The working group is composed of members of different ministries, the commission for human rights of the chamber of representatives and the senate, the public university and civil society. OHCHR offered its advisory services on the establishment and strengthening of NHRI in compliance with the Paris Principles and highlighted its experience in providing advice on the laws establishing a NHRI, on the nominations procedure, mandate, forms of finance, etc.

## **2. Africa**

### **Coordinating Committee of African NHRIs**

28. The Unit provided support to the meeting of the Coordinating Committee of African NHRIs (CCANI), held in Geneva on 12 April 2005 in parallel with the ICC meeting. Further support was provided by the Unit to the CCANI meeting held in Abuja, Nigeria, on 8 and 9 November prior to the fifth Conference of African NHRIs.

29. Elected in November 2005 according to the Group's Statutes, the Steering Committee of CCANI comprises: as Chair (and host of the fifth Conference of African NHRI), the National Human Rights Commission of Nigeria; as First Vice-Chair, the National Human Rights Commission of Rwanda (and host of the next biannual Conference); as Second Vice-Chairs, the Uganda Human Rights Commission (and past host of the biannual Conference) and the National Commission on Human Rights of Kenya (as host of the secretariat). Elected as representatives to ICC are the institutions of Malawi, Morocco, Nigeria and Rwanda. The Group's representative to the Sub-Committee on Accreditation of ICC is the NHRI of Nigeria. Members of CCANI are the 14 NHRI accredited in compliance with the Paris Principles by ICC.

### **Permanent secretariat**

30. Following the end of a three-year term by the South African National Human Rights Commission as host of the secretariat (since 2002), CCANI members agreed unanimously during their meetings in April and November 2005 that Kenya should host the secretariat on a permanent basis, clarifying that it would not be under the direction of the Kenya National Commission on Human Rights but remain accountable to CCANI as a whole. The National Commission of Kenya was entrusted with the task of drafting by the end of January 2006 the statute, work plan, budget and terms of reference of the Director of the secretariat in cooperation with the CCANI Task Force, OHCHR and ICC.

### **Fifth Conference of African NHRIs**

31. The fifth Conference of African NHRIs focusing on the role of NHRIs in the promotion and protection of economic, social and cultural rights (ESCR) was held from 8 to 10 December 2005 in Abuja, Nigeria. It was hosted, organized and supported by the National Human Rights Commission of Nigeria, CCANI and OHCHR in cooperation with UNESCO.

32. Twenty-five African countries were represented in Abuja through their NHRIs, NGOs, governmental and intergovernmental organizations. Also present were representatives of ICC, the Commonwealth Secretariat, the Economic Community of West African States (ECOWAS), UNCT, the International Council on Human Rights Policy (ensuring the launch of the joint OHCHR publication on Benchmarks and Indicators for NHRIs) and the Open Society Institute. The British Council financed the participation of one NHRI representative.

33. The final Abuja Declaration, adopted by consensus, highlighted the commitment of African NHRIs to the promotion and protection of ESCR at the national level and to report on their activities at their next conference in 2007.

### **Workshops, trainings and advisory missions**

34. Upon invitation by UNDP, the Unit participated in an assessment mission of the National Human Rights Commission of Rwanda undertaken by an independent consultancy team. The goal of the UNDP-initiated mission, held in March and April 2005, was to formulate a second phase of support to the Commission, based on the first OHCHR-funded project, Capacity-building of the Rwandan Human Rights Commission.

35. OHCHR is actively engaged through its Human Rights Office in Angola, in working with the Government towards the development of the Provedor de Justiça and the drafting of its enabling legislation in accordance with the Paris Principles.

36. OHCHR is working with the United Nations Mission in Sudan (UNMIS) to support the establishment of a NHRI. OHCHR has provided comments on the draft legislation and drafted a NHRI project to be included in the UNMIS global human rights project.

37. In view of enabling the establishment of an independent NHRI, a training workshop was organized on 8 and 9 December 2005 by UNDP in Mauritania with the support of OHCHR.

38. At the request of UNDP, an advisory mission was undertaken in the Comoros by an international NHRI consultant in November and December 2005, with the financial and substantive support of OHCHR.

39. At the request of the United Nations Mission in Sierra Leone, OHCHR provided financial and substantive support in enabling the holding of an advisory mission in December 2005.

40. The United Nations Mission in Liberia has requested OHCHR assistance in the holding of consultations in early 2006 regarding the establishment of a NHRI.

41. OHCHR has engaged with the United Nations Operation in Burundi and the OHCHR Subregional Centre for Human Rights and Democracy in Cameroon with a view to providing support to the establishment and strengthening of NHRI in accordance with the Paris Principles.

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

### **Tenth Annual Meeting of the Asia Pacific Forum of NHRIs**

42. OHCHR supported and participated in the 10th Annual Meeting of the Asia Pacific Forum hosted by the National Human Rights Commission of Mongolia in Ulaanbaatar, from 24 to 26 August 2005.

43. Present at the Annual Meeting were the 17 member institutions, 35 international, regional and national NGOs, the representatives of Australia, Canada, France, Mongolia, New Zealand and Taiwan, and OHCHR, the United Nations High Commissioner for Refugees (UNHCR), UNESCO, UNICEF and ILO. Also present were observers from the institutions of the Islamic Republic of Iran, Maldives, Saudi Arabia and Uzbekistan.

44. Members of the Forum Council expressed appreciation and commended OHCHR for its continuing commitment to strengthen sustainable partnerships with the Forum and requested OHCHR and the secretariat to jointly explore how this may be realized in the context of the Forum's strategic plan and the United Nations framework on regional cooperation. The Asia Pacific Forum agreed to advocate a joint approach at the 13th Annual United Nations Workshop of the Framework on Regional Cooperation and Protection of Human Rights in the Asian-Pacific Region, held in Beijing, from August to September 2005, based on a "sustainable partnership" between the Forum and OHCHR.

### **Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region**

45. OHCHR facilitated the participation of NHRI in the 13th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Beijing, from 30 August to 2 September 2005.<sup>6</sup> The Workshop was preceded by a one-day consultation for representatives of civil society, NGOs, NHRIs, subregional organizations and the United Nations, held on 29 August 2005. The Workshop was attended by NHRI representatives from 16 countries as well as the secretariat of the Asia Pacific Forum.

46. An independent review undertaken for OHCHR noted that the Asia Pacific Forum and its network of NHRIs are the closest that the Asian-Pacific region has come to a regional arrangement or machinery for the promotion and protection of human rights. Consequently it was recommended that the Framework should continue to support the pillar on NHRIs and the Asia Pacific Forum network as part of the regional programme, based on a sustainable partnership relationship.

47. In its conclusions the Workshop identified as main objectives the continued cooperation among NHRIs, civil society and United Nations specialized agencies, programmes and funds, and expressed its appreciation of the existing support of OHCHR for promoting and facilitating such cooperation and providing advice and appropriate support to existing national human rights institutions. The conclusions noted the important contribution which NHRIs can provide in connection with the development and implementation of national human rights action plans and follow-up activities including monitoring and evaluation as well as in providing advice to Member States in the follow-up to the recommendations of human rights treaty bodies. The Workshop furthermore welcomed the enhanced participation of NHRIs in the sessions of the Commission on Human Rights and other relevant United Nations forums, including in the sessions of human rights treaty bodies in accordance with their rules of procedure.

### **Conference on NHRIs in the Arab Region**

48. The International Conference on NHRIs in the Arab Region, organized by OHCHR, UNDP and the National Council for Human Rights of Egypt in cooperation with the League of Arab States, was held from 6 to 8 March 2005 in Cairo. Representatives of existing NHRIs, parliamentary human rights committees, as well as human rights and justice ministries participated from 22 countries. In addition, representatives of regional coordination committees of NHRI from Africa, the Americas, Asia and the Pacific and Europe, as well as experts from the United Nations were invited. NGOs in consultative status with the Economic and Social Council

and accredited to the Arab Permanent Commission for Human Rights were also present. Awareness was raised regarding the Paris Principles, accessibility, pluralism, broad-based mandates and cooperation with others including on independence.

### **Workshops, trainings and advisory missions**

49. OHCHR supported the Asia Pacific Forum in the holding of the Asia Pacific Regional Training Programme on Human Rights Investigations, held in Tagaytay City, the Philippines, from 18 to 22 April 2005. The training programme, which was developed in consultation with the Philippines National Human Rights Commission, consolidated foundation knowledge and skills in relation to the investigation of alleged violations of human rights

50. OHCHR, through the United Nations Mission in Iraq, has provided substantive input into the drafting process of the new constitution of Iraq, ensuring that a provision regarding the establishment of a NHRI is included.

51. An OHCHR mission was undertaken to Nepal from 29 June to 6 July 2005 to review developments concerning the National Human Rights Commission of Nepal (NHRC); to assess how the context, including conformity with the Paris Principles, may impact the work of NHRC; and to make recommendations to the United Nations High Commissioner for Human Rights on future assistance to NHRC. As provided for in the Memorandum of Understanding between OHCHR and Nepal, the joint mission addressed various issues which included analysing the issue of appointment procedures and the extent to which it affects the independence and effectiveness of the institution, and discussing the Commission's engagement with the Government including in relation to the ability to visit places of detention, freedom of expression, re-arrests and the lack of Government follow-up to the Commission's recommendations. Several meetings were arranged in order to discuss and address these issues, with government institutions, civil society and the diplomatic community.

52. OHCHR provided legislative scrutiny of the suggested wordings of the different articles in the amended Human Rights Commission Bill of Maldives which was passed on 21 July 2005. Substantive advice was given on the Paris Principles, on the objectives, responsibilities and composition of the Commission as well as on the appointment procedures for members of the Commission.

## **4. Europe**

### **European meetings of NHRIs**

53. The Unit participated in meetings of the European Coordinating Group of NHRIs, hosted respectively by the Commission nationale consultative des droits de l'homme in Paris, on 16 February 2005, and in Geneva on 12 April 2005 during the sixteenth session of ICC, discussing issues such as human rights and the fight against terrorism, trafficking of human beings, racism and cooperation with the Council of Europe, OSCE, the European Union and OHCHR. On 6 and 7 June 2005, the Unit met with the Commission nationale consultative des droits de l'homme in Paris, in order to define a common strategy in establishing and

strengthening NHRIs in Europe and Central Asia, and with representatives of the Ministry for Foreign Affairs to discuss technical cooperation activities regarding the establishment and strengthening of NHRI.

54. The 6th European Meeting of NHRIs will be hosted by the Greek National Human Rights Commission in the fourth quarter of 2006.

### **Council of Europe**

55. The Unit continues to establish close linkages with the Office of the Commissioner for Human Rights of the Council of Europe, focal point for the Council's work on NHRIs, through biannual consultations and joint activities. In July, October and November 2005, the Unit participated in several meetings held in France and Ireland to enhance concerted action on the part of OHCHR, the Council of Europe and the European Coordinating Committee, and to discuss a technical cooperation programme on the establishment and strengthening of NHRIs in member States of the Council of Europe. Further discussed were the cooperation of European NHRIs with OHCHR, the European Union and OSCE, and new legislation introduced on a European level regarding the fight against terrorism.

### **Workshops, trainings and advisory missions**

56. At the invitation of the Government of Finland, the Unit participated on 16 February 2005 in a meeting in Helsinki to advise the Government on the possible establishment of a NHRI.

57. At the request of Amnesty International Switzerland, the Unit participated on 24 November 2005 in a seminar on establishing NHRI in Switzerland placing emphasis on protection, monitoring and the provision of remedies.

58. In February and December 2005, the Unit participated in various workshops in Turkey, to advise on the guiding principles of NHRI and discuss alternative organization models for a NHRI in Turkey.

59. In September and December 2005, the Unit provided legislative advice on United Nations Mission in Kosovo draft regulations on a Human Rights Advisory Panel and on the Ombudsman institution to the United Nations Office of Legal Affairs.

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

### **Treaty bodies**

60. The Paris Principles highlight the importance for NHRIs 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 NHRIs. The Unit has one staff member working exclusively on treaty body and NHRIs issues.

61. The Unit and the Treaty Body Recommendations Unit of the Treaties and Commission Branch of OHCHR have since 2003 undertaken training workshops under an ongoing European Union-funded project on “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms”. Representatives of the media, NGOs and the NHRIs of Albania, Argentina, Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, El Salvador, Guatemala, Kenya, Latvia, Mauritius, Panama, the Russian Federation, Rwanda, Sri Lanka, Thailand, Togo, Uganda and Zambia participated in the workshops, as well as in the sessions of the committees reviewing the reports of their respective countries. Plans of action were developed for each country and are being jointly implemented.
62. Pre-sessional and follow-up missions took place in 2005 and more are planned for 2006 under the complementary phase of the project to prepare participants for the Geneva-based workshops. For countries that participated in previous training sessions, follow-up missions were conducted to assess the impact of the training. As follow-up activities have revealed, in countries that have received the training, national capacity to implement human rights treaty body recommendations has been strengthened through the enhancement of national protection systems with NHRIs playing a lead role.
63. Also within the framework of the European Union-funded project, the Unit, in conjunction with the Treaties and Commission Branch, is organizing a judicial colloquium to be held in the African region in February 2006. The colloquium will bring together members of NHRIs, the judiciary, parliamentarians, NGOs, government and the media to discuss strategies relating to implementation of treaty body recommendations at the national level.
64. In follow-up to the commitment made at the third inter-committee meeting of human rights treaty bodies to engage more with NHRIs and issue general recommendations on the work of NHRI in relation to treaty bodies, the Unit, together with the Treaties and Commission Branch, arranged for the participation of NHRI representatives from Denmark, Mexico and Uganda for the first time in the inter-committee meeting of treaty bodies held in June 2005. The possibility of a general recommendation on the work of the NHRIs in relation to the treaty bodies remains under discussion following the meetings of chairpersons of treaty bodies and the third inter-committee meeting. The Unit will provide support for the preparation of this recommendation.
65. In November 2005 an online discussion on treaty body reform and proposals for a unified standing treaty body was launched by OHCHR encouraging the participation of NHRIs among other partners.
66. The Unit prepared a compilation of all concluding observations and recommendations as well as decisions under individual complaints procedures that have been made by the treaty bodies relating to NHRIs since 2000. This compilation, which is regularly updated, has been posted on the NHRI website ([www.nhri.net](http://www.nhri.net)). The Unit continued to systematically and promptly send to the NHRIs of the countries concerned concluding observations and public decisions under individual complaints procedures following their adoption.

**Special procedures**

67. The special procedures mandate holders of the Commission on Human Rights increasingly consult with NHRI representatives and are an important mechanism in encouraging compliance with the Paris Principles and providing support to NHRIs. The Unit briefed the special procedures mandate holders during their twelfth annual meeting in June 2005, in view of ensuring greater interaction between the special procedures mechanisms and NHRIs. The Unit sensitized NHRIs about the seminar organized by OHCHR on Enhancing the effectiveness of the special procedures system<sup>7</sup> on 12 and 13 October 2005 in Geneva. The seminar provided an opportunity for member States, mandate holders of the Commission on Human Rights, NHRIs, NGOs and representatives from United Nations agencies to share ideas and means to strengthen the effectiveness of the special procedures mechanisms.<sup>8</sup>

68. The mandate holders of the Commission are regularly provided with information concerning the work of NHRIs in preparation for their country missions. Increasingly, mandate holders look to NHRIs to assist in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged. The Unit compiled special procedures recommendations relating to NHRI<sup>9</sup> and is in the process of making them available to relevant NHRIs for follow-up.

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

69. OHCHR has strengthened its cooperation with UNDP, UNESCO, UNICEF, the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Division for the Advancement of Women, as well as the Agence intergouvernementale de la Francophonie, l'Association francophone des Commissions nationales des droits de l'homme, the Commonwealth Secretariat, the British Council, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the Ibero-American Federation of Ombudsman (FIO), the African Union, the African Commission on Human and People's Rights and ECOWAS in its work of NHRI capacity-building.

70. OHCHR is preparing a training module on NHRI which will be used to train UNCT and other United Nations partners. The Unit provided a briefing on NHRI activities to WHO staff during the Informal health and human rights consultation on 29 November 2005, in Geneva.

71. The Unit has established closer links with l'Association francophone des commissions nationales de promotion et de protection des droits de l'homme in cooperation with the l'Agence intergouvernementale de la Francophonie. At meetings held on 15 April 2005 in Geneva, and on 6 June 2005 in Paris, it was agreed that OHCHR and the Agence Intergouvernementale de la Francophonie will enhance their cooperation concerning ensuring the conformity of NHRIs with the Paris Principles. The first congress of l'Association francophone des commissions nationales des droits de l'homme on ESCR was held in Montreal, Canada, from 29 September to 1 October 2005 (see section on Round Tables of NHRIs and thematic issues).



72. At the request of the British Council and the Northern Ireland Human Rights Commission, the Unit participated in, and addressed, the International Workshop for Chief Executive Officers and Senior Managers of the NHRIs of the Commonwealth, held in Belfast from 31 January to 3 February 2005.

73. FIO held its 10th Annual Congress in Asunción, Paraguay from 14 to 17 November 2005. The Congress adopted the “Asunción Declaration” to enhance support to the most vulnerable groups in Ibero-America.

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

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

74. The Committee on Economic, Social and Cultural Rights has recognized in its general comment No. 10 (1989) on the role of national human rights institutions in the protection of economic, social and cultural rights, that NHRIs have a “potential crucial role” to play in promoting and protecting ESCR. OHCHR published the *Economic, Social and Cultural Rights: Handbook for national human rights institutions*, No. 12 in the *Professional Training Series*, which was released in July 2005 and launched during the fifth Conference of African NHRI held in Abuja, Nigeria, in November 2005, which focused on the role of NHRIs in the promotion and protection of ESCR (see section under Africa) and the International Round Table on NHRI and the implementation of ESCR, held in India, December 2005 (see below). The aim of the handbook is to help NHRI maximize the effectiveness of their functions and powers in addressing ESCR. It is intended to assist NHRI in the development of policies, processes and skills to integrate ESCR further into their work, thereby enabling them to address poverty and development.

##### **International Round Table on NHRIs and the implementation of ESCR**

75. The Unit and the National Human Rights Commission of India jointly organized an International Round Table on NHRIs and the implementation of ESCR, in New Delhi from 29 November to 1 December 2005. The objective of the Round Table was to strengthen the capacity of NHRIs to address ESCR and to advance knowledge on the international human rights instruments and the principles that guide State responsibilities in relation to ESCR. Subsequent hereto the discussions focused on NHRIs in the context of ESCR with a special emphasis on the mandate and the potential role that NHRIs hold vis-à-vis implementing ESCR. NHRIs from 24 countries participated in the event. The New Delhi Concluding Statement was adopted by the participants (see annex I).

##### **Regional workshop on women’s economic, social and cultural rights**

76. OHCHR is organizing, in cooperation with the Canadian Human Rights Commission, the Commonwealth Secretariat and UNDP a workshop on ESCR and women’s rights, to be hosted by the Philippines Commission on Human Rights in January 2006. The objective of the workshop will be to strengthen the capacity of NHRIs to promote and protect women’s

ESCR in the Asian-Pacific region. The workshop will provide participants from the Asian-Pacific region, including senior staff and members of NHRIs, with the opportunity to deepen their understanding of the consequences of women's inequality and to examine their role in promoting and protecting women's ESCR.

### **First congress of the Association francophone des commissions nationales des droits de l'homme**

77. On the occasion of the first congress of the Association francophone des commissions nationales des droits de l'homme on economic, social and cultural rights held in Montreal, Canada, from 29 September to 1 October 2005 a statement on ESCR was delivered on behalf of the United Nations High Commissioner for Human Rights by the Unit. The congress brought together members of the Association Francophonie, NGOs, civil society, academics and others supporting the realization of ESCRs. A main outcome of the congress was the adoption of the Montréal Declaration on ESCR.

### **Meetings on ESCR**

78. The Network of NHRIs of the Americas organized in cooperation with OHCHR a workshop on "NHRIs and the Right to Education" in Copán, Honduras, from 21 to 23 September 2005 (see section under the Americas and the Caribbean).

79. Representatives from the South African Human Rights Commission and the Uganda Human Rights Commission participated as panellists in the Social Forum organized by OHCHR in Geneva on 21 and 22 July 2005.

## **B. Racism and racial discrimination**

80. In close cooperation with the OHCHR Anti-Discrimination Unit, the Unit has sent a questionnaire to all NHRIs with a view to preparing a comprehensive study on discrimination.<sup>10</sup> The information provided by NHRIs on their mandates, cases, work and general experiences on racism and racial discrimination within their countries will subsequently form part of the study to be produced by the appointed Special Rapporteurs of the Sub-Commission on the Promotion and Protection of Human Rights.

## **C. Migration**

81. At its sixteenth session in April 2005, ICC devoted its thematic discussion to the issue of migration and NHRIs. In addition, OHCHR participated in the international seminar on Illicit trafficking of migrants, human rights and NHRIs held in March 2005 in Campeche, Mexico (see section under the Americas and the Caribbean). The Unit participates actively in the migration task force that has been established in OHCHR to mainstream the work of NHRI in addressing migration issues.

## **D. Gender**

82. The gender component is mainstreamed throughout NHRI activities and mandates. For example, within the framework of the project, Actors for change: Strengthening the capacities

of NHRI through distance and regional training (see below), OHCHR is actively promoting the participation of female staff members of NHRIs in its training programmes on the prevention of conflict and torture, respectively. For each regional training programme on the prevention of conflict and the prevention of torture, NHRIs are requested to select two staff members to participate out of whom at least one must be female. Training activities are planned for Africa, Asia and the Pacific, Europe and Central Asia and Latin and Central America.

### **E. Rights of persons with disabilities**

83. NHRIs have engaged with the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Promotion and Protection of the Rights and Dignity of Persons with Disabilities and its Working Group to prepare a draft text for a convention. The substantial contributions from NHRIs, have been appreciated by Member States. The Unit has actively provided assistance to the ICC representative to the various meetings held in New York, since 2003. The ICC representative of the National Human Rights Commission of India briefed ICC members on progress made in the drafting of the convention at the sixteenth session of ICC in April 2005.

84. In preparation for the expert paper requested by the Commission on Human Rights<sup>11</sup> OHCHR organized an expert group meeting in Geneva, Switzerland, from 24 to 25 November 2005. The focus of the meeting was on possible monitoring mechanisms for the proposed convention on the protection and promotion of the rights and dignity of persons with disabilities. The purpose of the meeting was to consider factors and elements to be taken into account when discussing possible monitoring mechanisms for the new disability convention, with a view to providing advice to the United Nations High Commissioner for Human Rights on this issue.

85. On 2 and 3 December 2005, the Irish Human Rights Commission organized a seminar entitled “Towards effective monitoring of the United Nations treaty on human rights and disability - a global challenge” at the Harvard Law School. OHCHR participated in the seminar and provided comparative analysis of different treaty bodies.

### **F. Indigenous peoples**

86. In August 2005 the Network of NHRIs of the Americas organized an international workshop entitled “Indigenous women and domestic violence: from private silence to public agendas” in Chiapas, Mexico. The objective of the workshop was to design a model to prevent and eradicate domestic violence in indigenous communities in the American continent.

87. Within OHCHR, the Indigenous Fellowship Programme has allowed an in-house exchange of experiences beneficial to all, with the Fellows and staff members having the opportunity to work with the Unit.

### **G. Minorities**

88. A parallel event on Minority Rights and NHRI was organized by the Unit and the OHCHR Indigenous Peoples and Minority Unit in April 2005, including fellows working

with the Unit during the sixteenth session of ICC. A pamphlet regarding NHRI and minorities, prepared at the recommendation of the Working Group on Minorities for inclusion in the *United Nations Guide for Minorities*,<sup>12</sup> is awaiting publication.

## **H. HIV/AIDS**

89. OHCHR, through the Unit and the Research and Right to Development Branch, is finalizing with UNAIDS a handbook on the role of NHRI in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination. It is anticipated that the handbook will be available in 2006. As input into the development of the handbook, a parallel event on HIV/AIDS and NHRI was organized by OHCHR and UNAIDS during the sixteenth session of ICC, in April 2005.

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

90. A 28-month pilot project *Actors for change: strengthening the capacities of NHRI through distance and regional training*, as part of strengthening national human rights protection systems, has been launched by the Unit in cooperation with its project partners, the NGOs Fahamu and the Association for the Prevention of Torture, and the United Nations System Staff College. The project aims to introduce participants to various aspects of conflict and torture prevention work, respectively, and to develop tools for NHRIs to be able to build appropriate capacities.

91. The incentive-based training programmes on the prevention of conflict and the prevention of torture, involve three phases - interactive CD-ROM long-distance learning available in English, French, Spanish and Russian, conventional workshops for reviewing the material covered in the long-distance learning period, and post-workshop mentoring for selected participants to implement what they have learned in the course, and to define national strategies - which have to be completed successfully by all participants. NHRIs are invited to select two staff members to participate in the training programmes as part of their regular work assignments. At least one participant must be female. Training activities are planned for Africa, the Americas, Asia and the Pacific, and Europe and Central Asia.

92. The first pilot training programme on torture prevention for anglophone African NHRI was organized in Kampala from 11 to 13 November 2004 with the cooperation of the Uganda Human Rights Commission. The second training programme on the prevention of torture for NHRIs of the Asian-Pacific Region was launched in October 2005 and selected participants met in November 2005 at a workshop co-hosted by the Indonesia National Commission for Human Rights in Jakarta. A total of 26 participants from 16 NHRIs of the region participated in the workshop during which training visits to four different places of detention were facilitated by the Director-General of Correction Services of the Republic of Indonesia. The third training programme on the prevention of torture for francophone African NHRIs will commence in spring 2006 with the Conseil consultatif des droits de l'homme of Morocco supporting the holding of a conventional workshop as part of the training. The fourth training programme on the prevention of torture for NHRIs of the European and Central Asian Region is planned to start in summer 2006.

93. The first training programme on the prevention of conflict for NHRIs of the Asian-Pacific Region started in August 2005. A conventional workshop, co-hosted by the Human Rights Commission of Sri Lanka, was held in September 2005 in Colombo. Twenty-two participants from 13 NHRIs from the Asian-Pacific region participated in the workshop. The second training programme on the prevention of conflict for anglophone African NHRIs started in September 2005. A conventional workshop took place in Abuja in December 2005 with the support of the Nigeria National Human Rights Commission. A total of 23 participants from 11 African NHRIs participated in the workshop to strengthen their skills. The third training programme on the prevention of conflict for francophone African NHRIs is expected to start in spring 2006. The Comité sénégalais des droits de l'homme has agreed to co-host the conventional workshop. The fourth training programme on the prevention of conflict for NHRIs of the Americas is scheduled to start in summer 2006 and the Ombudsman of Guatemala has agreed to provide support for the holding of a conventional workshop in Guatemala. The fifth training programme on the prevention of conflict for NHRIs of the European and Central Asian region is planned for spring 2006.

## **J. Rights of the child**

94. During the sixteenth session of ICC, participants were briefed on the Secretary-General's study on violence against children supported by OHCHR, UNICEF and WHO ([www.violencestudy.org](http://www.violencestudy.org)). In 2003, the Secretary-General appointed the expert to lead the study, which is to assess the situation on violence against children and to provide strategies to combat this phenomenon, including the development of effective protection mechanisms by States. The expert requested inputs from NHRIs to the study as he believes they are very well placed to analyse the issue of violence against children at the country level. OHCHR supported the participation of NHRIs in the regional consultations on the study which took place in Thailand and South Africa in early 2005.

## **V. CONCLUSIONS**

95. Assistance to national human rights institutions (NHRIs) is a key part of the efforts of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to engage countries in efforts to close protection gaps, in recognition of NHRIs as a central part of national protection systems and their role in ensuring that international norms are implemented at the national level. With the support of OHCHR, NHRIs now engage more actively with special procedures of the Commission on Human Rights and United Nations bodies such as the Commission, its Sub-Commission on the Promotion and Protection of Human Rights, working groups as well as the treaty bodies.

96. The National Institutions Unit has responded to the consistently increasing demand from member States and stakeholders for in-depth expertise in providing advice on suitable models for establishing an appropriate constitutional or legislative framework, and on the nature, functions, powers and responsibilities of NHRIs in compliance with the Principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles) (General Assembly resolution 48/134). The National Institutions Unit, which is recognized as a centre of excellence within the United Nations, will continue its outreach to its partners within and outside OHCHR as the increasing number of joint initiatives has demonstrated that this strategy is working.

97. The integration of NHRI-related activities throughout OHCHR has become a reality and the United Nations can now rely to a great extent on NHRIs as implementing partners rather than solely as beneficiaries. The establishment of new institutions, however, requires concerted effort and should not be rushed. In some instances, more national-level consultations should be held at an early stage of development so that the institution established has greater credibility. Particular attention needs to be paid to the inclusion of civil society when establishing such institutions and ensuring transparent appointments processes.

### Notes

<sup>1</sup> E/CN.4/2005/106, annex I.

<sup>2</sup> Commission on Human Rights resolution 2004/75.

<sup>3</sup> Commission on Human Rights resolution 2005/74.

<sup>4</sup> Sub-Commission resolution 2005/31.

<sup>5</sup> Sub-Commission resolution 2005/4.

<sup>6</sup> E/CN.4/2006/100.

<sup>7</sup> Commission decision 2005/113.

<sup>8</sup> E/CN.4/2005/116.

<sup>9</sup> Commission on Human Rights resolution 2004/76.

<sup>10</sup> Commission on Human Rights resolution 2005/109.

<sup>11</sup> Commission on Human Rights resolution 2005/65.

<sup>12</sup> Sub-Commission resolution 2002/16.

**Annex**

**INTERNATIONAL ROUND TABLE ON NATIONAL HUMAN RIGHTS  
INSTITUTIONS IMPLEMENTING ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS**

**NEW DELHI, INDIA**

**29 November to 1 December 2005**

**THE NEW DELHI CONCLUDING STATEMENT**

A three-day International Round Table on National Institutions Implementing Economic, Social and Cultural Rights was held at New Delhi, India from 29 November to 1 December 2005. The Round Table was a collaborative venture of the National Human Rights Commission of India and the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Round Table was attended by representatives of 24 national human rights institutions from Afghanistan, Albania, Argentina, Burkina Faso, Costa Rica, the Democratic Republic of the Congo, Fiji, Ghana, India, Ireland, Jordan, Kenya, Kyrgyzstan, Mexico, Mongolia, Morocco, Nepal, New Zealand, the Republic of Korea, Senegal, South Africa, Sri Lanka, Thailand and Uganda.

The principal objective of the Round Table was to discuss and strengthen the role and capacity of national institutions in protecting and promoting economic, social and cultural rights (ESCR). Its specific objectives were to:

- (a) Familiarize national institutions with ESCR, including the key international and regional mechanisms available for their protection and promotion;
- (b) Explore the “new dimension” of ESCR in the changing political, economic and social scenario;
- (c) Provide a forum for national institutions to meet and exchange best practices on ESCR including the best ways to implement them.

Keeping the objectives in view, the deliberations of the Round Table were inclusive, informal and participatory in nature. 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) (General Assembly resolution 48/134), and called on States to respect these principles and ensure that national human rights institutions are established in accordance with them. They also called on their national institutions to be adequately resourced to enable them to deal with ESCR.

Participants used as points of reference the International Covenant on Economic, Social and Cultural Rights and the general comments of the Committee on Economic, Social and Cultural Rights, the Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights and the Maastricht Guidelines on Violations of Economic,

Social and Cultural Rights. It was reaffirmed that all human rights being universal, indivisible and interdependent, national institutions should adopt a comprehensive approach to the promotion and protection of human rights, which includes ESCR.

It was reiterated that national institutions must adopt a rights-based approach to ESCR. Due emphasis was placed on particular challenges faced by national institutions including ensuring respect for ESCR in relation to rationalizing resources among various institutions and addressing ESCR in situations of conflict and in relation to globalization. It was highlighted that neglect of ESCR can lead to conflicts resulting in violations of human rights, thus posing a threat to peace and security. The view was expressed that despite the development of a universal human rights framework there remain inequities and injustices requiring more proactive strategies to realize the enjoyment of ESCR.

During the three-day deliberations delegates were able to exchange best practices and enhance their understanding of ESCR. The Round Table deliberated in the following substantive sessions:

- (a) Key international instruments on ESCR and the Optional Protocol to the Covenant on Economic, Social and Cultural Rights;
- (b) General principles of ESCR - State obligations to promote, protect and fulfil;
- (c) Justiciability of ESCR and legal protection;
- (d) Implementing ESCR - modes and modalities: advocacy and other means;
- (e) General principles of ESCR - roles and responsibilities of national institutions;
- (f) New challenges and dimensions to ESCR;
- (g) A review of the Limburg Principles and the Maastricht Guidelines;
- (h) A plan of action for national institutions regarding ESCR.

The participants at each session noted the importance for national institutions, under the following points, to:

#### **I. KEY INTERNATIONAL INSTRUMENTS ON ESCR AND THE OPTIONAL PROTOCOL TO THE COVENANT**

- (a) Monitor and promote State compliance with the International Covenant on Economic, Social and Cultural Rights and where the State is not a party to the Covenant call for its ratification;
- (b) Engage with the working group in drafting an optional protocol to the Covenant and encourage States to adopt it;
- (c) Ensure independent access to the international treaty body system;



(d) Assist in ensuring that domestic legislation that may impact on the enjoyment of ESCR is in compliance with international human rights norms and provides for sufficient protection of ESCR;

(e) Use the existing tools and interpretations, including those developed by the United Nations, the Committee on Economic, Social and Cultural Rights and its general comments, as well as the Limburg Principles and the Maastricht Guidelines;

(f) Ensure that the Millennium Development Goals process is consistent with State obligations under international human rights instruments and that their implementation is undertaken from a rights-based perspective;

## **II. GENERAL PRINCIPLES OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS - STATE OBLIGATIONS TO PROMOTE, PROTECT AND FULFIL**

(a) Ensure a rights-based approach to ESC issues;

(b) Encourage States to establish, where appropriate, governmental institutions to guide planning for, and implementation of, ESCR;

(c) Ensure that government officials, including those in economic and planning ministries, the judiciary, parliamentarians and other partners know their international obligations in relation to ESCR;

(d) Ensure, where national plans of action are developed, that ESCR are taken into full consideration;

(e) Find ways to enforce ESCR - including through departments of social welfare, the courts and civil society - to ensure better awareness of the justiciability and enforceability of ESCR;

(f) Work with bodies, within their prescribed mandates, to combat corruption, which has a direct impact on the enjoyment of ESCR;

(g) Coordinate with their Governments in programme planning, including budgetary allocations to ensure respect for ESCR so that everybody lives with dignity;

(h) Assist their States to prioritise the implementation of ESCR to ensure their progressive realization within a given time frame;

(i) Work within their States with representatives of international financial institutions to help the State to ensure that their policies and practices do not impact negatively on the enjoyment of ESCR;

(j) Help inform about, and where they do not exist to help in developing, minimum standards to ensure implementation of ESCR;

(k) Ensure that essential services which lead to the enjoyment of ESCR are provided at a minimum and affordable level. Where these are privatized, the State remains obligated to ensure that the provision of such services does not contravene international ESCR;

### **III. JUSTICIABILITY OF ESCR AND LEGAL PROTECTION**

(a) Use, where possible, quasi-judicial powers in implementing ESCR including, for example, the presentation of amicus briefs to the judiciary, thereby assisting it in developing appropriate jurisprudence harmonizing civil and political rights with economic, social and cultural rights;

(b) Ensure that national institutions have adequate powers and competency to undertake investigations;

(c) Use the complaints-handling functions of a national institution to provide effective redress for those who have suffered violations of ESCR and engage with other partners where the national institutions may not be mandated to address specific ESCR;

(d) Seek by means of innovation and interpretation ways to ensure legal protection of rights even where they may not be explicitly provided for in their national constitutions or legislation;

### **IV. IMPLEMENTING ESCR - MODES AND MODALITIES: ADVOCACY AND OTHER MEANS**

(a) Provide a voice for those whose ESCR have been violated to ensure the effective provision of remedies;

(b) Raise awareness about the international human rights standards of ESCR;

(c) Encourage and actively support advocacy, education and training on ESCR by a variety of means for rights-holders and public authorities, including the judiciary, and civil society;

(d) Be aware of, and advise on, legal instruments and human rights norms to prevent violations of ESCR, including regional mechanisms, and the need for effective policy development and implementation;

(e) Ensure public education concerning ESCR;

(f) Develop public information campaigns and engage the media, and devise effective media strategies, to raise awareness of ESCR and violations thereof;

(g) Use the range of reporting strategies and mechanisms, including annual, parliamentary and extraordinary reports;

## **V. GENERAL PRINCIPLES OF ESCR - ROLES AND RESPONSIBILITIES OF NATIONAL INSTITUTIONS**

- (a) Develop a strong research capacity to be able to deal with ESCR effectively;
- (b) Monitor activities and develop minimum standards to ensure the implementation of ESCR for use by government agencies;
- (c) Ensure, while supporting a richness of cultural practices, that such practices do not contravene international human rights law;

## **VI. NEW CHALLENGES AND DIMENSIONS TO ESCR**

- (a) Pay attention to areas which impact on the enjoyment of ESCR, including trade, the environment, corruption and the activities of non-State actors;
- (b) Pay particular attention to ESCR in situations of conflict and recognize that a lack of respect for ESCR is a root cause of conflict;
- (c) Assess the positive and negative consequences of globalization, including migration, and its impact on the enjoyment of ESCR;

## **VII. INTRODUCTION TO THE LIMBURG PRINCIPLES AND THE MAASTRICHT GUIDELINES**

Follow the Limburg Principles and the Maastricht Guidelines for the promotion and protection of ESCR;

## **VIII. A PLAN OF ACTION FOR NATIONAL INSTITUTIONS REGARDING ESCR**

In addition to striving to implement the various action points within this Concluding Statement, national institutions particularly commit themselves within their different mandates and circumstances under which they operate to:

- (a) Strengthen their capacity institutionally to be more effective in promoting and protecting ESCR;
- (b) Establish ESCR units or focal points and develop substantive policy capacity so as to engage effectively on ESCR issues;
- (c) Develop new and innovative strategies, including through community dialogue, on ways of gathering information beyond traditional forms of complaints-handling processes;
- (d) Develop particular strategies to address ESCR of vulnerable groups and women and children;

(e) Assess the enforceability, including through judicial procedures, of ESCR in their States and report on this at the next international conference of national human rights institutions;

(f) Encourage the development of national plans of action which implement ESCR;

(g) Request that this Concluding Statement be submitted to the next session of the United Nations Commission on Human Rights.

### **Expression of appreciation**

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

**Adopted at New Delhi, India, 1 December 2005.**

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