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

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

Report of the Secretary-General**

Summary

By paragraph 3 of its resolution 63/169 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, the General Assembly requested the Secretary-General to submit a report to it at its sixty-fifth session on the implementation of the resolution. The present report, covering the period from December 2008 to September 2010, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen independent and autonomous Ombudsman, mediator and other national human rights institutions, and measures taken by Governments in that regard; support provided to those institutions at the international and regional levels; technical assistance provided to and on Ombudsman, mediator and other national human rights institutions, together with other United Nations agencies and programmes; and cooperation between those institutions and regional and international mechanisms to promote and protect human rights. Information regarding the work of Ombudsman, mediator and other national human rights institutions in respect of specific thematic issues is also included.

The report updates the Secretary-General's reports to the General Assembly of 24 August 2009 (A/64/320) and to the Human Rights Council of 15 January 2010 (A/HRC/13/44).

* A/65/150.

** The present document was submitted late because the theme of the report introduced a new area of work for the National Institutions and Regional Mechanisms Section. Further research was therefore needed in order to include the latest information.



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I. Introduction

1. The present report is submitted pursuant to paragraph 3 of General Assembly resolution 63/169 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, in which the Assembly requested the Secretary-General to report to it at its sixty-fifth session on the implementation of the resolution.

2. In resolution 63/169, the General Assembly recalled the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles); considered the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, in strengthening the delivery of public services, as well as in contributing to the effective realization of the rule of law and respect for the principles of justice and equality; and stressed the important role of those institutions in advising Governments with respect to bringing national legislation and national practices in line with their international human right obligations. The Assembly encouraged Member States to consider creating or strengthening independent and autonomous Ombudsman, mediator and other national human rights institutions, and to develop, where appropriate, cooperation mechanisms between them to coordinate their action and strengthen their achievements. It also encouraged Member States to conduct communication campaigns in order to enhance public awareness on the importance of the role of the Ombudsman, mediator and other national human rights institutions; and to give serious consideration to implementing the recommendations and proposals of those institutions, with the aim of addressing claims of the complainants, consistent with the principles of justice, equality and rule of law.

3. Furthermore the General Assembly, in its resolution 64/161, underlined the importance of the autonomy and independence of the Ombudsman institutions, encouraged increased cooperation between national human rights institutions and regional and international associations of Ombudsmen, also encouraged Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms; and further encouraged national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee.

II. Support of the Office of the United Nations High Commissioner for Human Rights for an Ombudsman, mediator and other national human rights institutions

4. The Ombudsman, mediator and other national human rights institutions are important partners of the Office of the United Nations High Commissioner for Human Rights (OHCHR). When independent and autonomous, these institutions have a crucial role to play in the effective implementation of international human rights standards at the national level. OHCHR engagement at the country level is aimed at strengthening the national systems for the promotion and protection of human rights, including through those institutions.

5. OHCHR therefore accords high priority to the establishment and strengthening of the Ombudsman, mediator and other national human rights institutions with due regard to the Paris Principles. The National Institutions and Regional Mechanisms Section, in close cooperation with the geographic sections in the Field Operations and Technical Cooperation Division as well as other relevant OHCHR divisions and field presences, coordinates OHCHR efforts aimed at establishing and strengthening national human rights institutions worldwide. In partnership with other United Nations agencies, funds, programmes and United Nations country teams, the National Institutions and Regional Mechanisms Section supports those institutions, including through technical cooperation and capacity-building projects.

6. To ensure that the Ombudsman, mediator and other national human rights institutions are established in compliance with the Paris Principles and work as credible and effective guarantors of human rights at the country level, OHCHR provides legal and technical assistance to relevant national stakeholders; the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its Subcommittee on Accreditation; and coordinating bodies of regional national human rights institution networks and regional and international associations of Ombudsmen. OHCHR assists the Ombudsman, mediator and other national human rights institutions to actively address core human rights concerns, contribute to the rule of law, fight impunity, contribute to transitional justice mechanisms and establish partnerships with other national stakeholders and civil society. The Office has also supported those institutions to increase their outreach at the international level, including by encouraging their participation in the United Nations human rights system and in regional human rights mechanisms.

7. In 2008, OHCHR introduced a fellowship programme through which staff from the offices of Ombudsman, mediator and other national human rights institutions accredited by ICC with “A status” are selected to work in the National Institutions and Regional Mechanisms Section for a period up to 12 months. So far, 10 fellows from all four regions have participated in this programme, gaining knowledge of and experience with the United Nations human rights system and bringing local national human rights institution experience to the work of OHCHR. During the reporting period, the Office hosted fellows from the National Commission for Human Rights of Togo, the Office of the Human Rights Defender of El Salvador, the Palestinian Independent Commission for Citizens’ Rights, the Office of the Human Rights Defender of Nicaragua, the National Council for Human Rights of Egypt, the Uganda Human Rights Commission, as well as two fellows from the National Human Rights Commission of Nepal. The process for the selection of fellows includes consideration of academic background, relevant job experience and language proficiency. The final decision is taken in consultation with the members of the ICC Bureau. The programme has received much interest from national human rights institutions worldwide.

A. Advisory services provided by OHCHR

8. During the period under review, the Office facilitated awareness-raising activities, reviewed constitutional or legislative frameworks for new institutions, providing tailored advice on their nature, functions, powers and responsibilities.

Comparative analyses, capacity-needs assessments, project formulation and evaluation missions were also undertaken to strengthen existing institutions.

9. OHCHR continued to provide advice and assistance through its country and regional offices, human rights advisers and human rights components of United Nations peace missions, as well as through collaboration with United Nations agencies, funds and programmes, regional and subregional coordinating bodies of national human rights institutions and Ombudsman's associations.

10. During the reporting period, OHCHR provided advice and assistance to the Governments and/or Ombudsman, mediator and other national human rights institutions of Azerbaijan, Belarus, Benin, Botswana, Brazil, Chile, Colombia, the Comoros, the Congo, Djibouti, Ecuador, Georgia, Haiti, Indonesia, Ireland, Italy, Japan, Kosovo, Kuwait, Malaysia, Mali, Mexico, Monaco, Mozambique, Nauru, the Niger, Nigeria, Norway, the Occupied Palestinian Territory, Panama, Papua New Guinea, the Republic of Moldova, Serbia, Somalia, South Africa, Tajikistan, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, the United Arab Emirates, Uruguay and Zimbabwe.

1. The Americas and the Caribbean

11. During the reporting period, the OHCHR regional offices in Chile and Panama, the country offices in Bolivia (Plurinational State of), Colombia, Guatemala and Mexico, the human rights advisers in Ecuador, Honduras, Nicaragua and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti (MINUSTAH) continued to provide advice and assistance for the establishment and strengthening of Ombudsman, mediator and other national human rights institutions.

12. In Chile, OHCHR has been accompanying the efforts to establish two national institutions, namely, the National Human Rights Institute and the Ombudsman. It provided advice regarding the adoption of the Law establishing the National Human Rights Institute of Chile, which entered into force on 10 December 2009. Regarding the establishment of a Paris Principles-compliant Ombudsman, OHCHR, through its regional office in Chile, has held bilateral meetings with Government officials and civil society organizations, such as the *Capítulo Chileno del Ombudsman*, which aims at establishing an Ombudsman.

13. OHCHR has been providing support to the National Ombudsman Office of Haiti. In the aftermath of the February 2010 earthquake, the Office, in cooperation with the International Organization of la Francophonie (OIF) and the independent expert appointed by the Secretary-General on the situation of human rights in Haiti, has assisted the institution in strengthening its capacities. In July 2010, a joint OHCHR-OIF project was launched in order to assist the institution to carry out a capacity assessment with a view to promoting a human rights-based approach during the reconstruction phase. A consultant was deployed to work closely with the National Human Rights Institution in developing a capacity-needs assessment and programmatic documents. In March 2010, OHCHR supported the participation of the Chair of the National Ombudsman Office of Haiti at the twenty-third session of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, held in Geneva. During the session, a special meeting took place in order to discuss the role of ICC in assisting the National Ombudsman Office of Haiti.

14. In February 2010, OHCHR, in cooperation with the Office of the Ombudsman of Panama and the United Nations Children's Fund, organized a training session on the universal periodic review for civil society organizations in Panama. During 2010, the OHCHR Regional Office in Panama supported the initiative of the Ombudsman of Panama and the Coordinadora Nacional de Pueblos Indígenas with a view to promoting the ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention No. 169). OHCHR provided technical advice to indigenous organizations and the Ombudsman.

15. In June 2010, OHCHR, in cooperation with the National Human Rights Institution of Ecuador, organized a capacity-building activity for the staff and civil servants of the Institution, aimed at reinforcing their capacity to monitor human rights violations.

16. From 2 to 6 August 2010, OHCHR participated in a meeting on the theme "Global exchange on national human rights commissions: creating a road map for improved legal protection and community empowerment", organized by the Rockefeller Foundation Bellagio Center, the Fordham Law School, the Leitner Center on International Law and Justice and the Human Rights Institute of the Columbia Law School. The meeting aimed at identifying best practices among existing national human rights institutions in a range of countries, with a view to producing a road map to guide the process of establishing a national human rights institution in the United States of America. The meeting took place in Bellagio, Italy.

17. Following the adoption in 2008 of a law establishing a national human rights institution in Uruguay, OHCHR has been assisting the Government in its efforts to set up this institution, including by providing advice on the drafting of the regulations and the criteria to observe the process of appointment of the institution's members.

2. Africa

18. During the reporting period, OHCHR regional offices in Central Africa, East Africa, Southern Africa and West Africa; the country offices in Mauritania, Togo and Uganda; the human rights advisers to the United Nations country teams in Guinea, the Great Lakes region, Kenya, Madagascar, the Niger and Rwanda; and the human rights components of the United Nations missions in Burundi, the Central African Republic, Chad, Côte d'Ivoire, Darfur (the Sudan), the Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and the Sudan continued to provide advice and assistance in the establishment and strengthening of Ombudsman, mediator and other national human rights institutions in Africa.

19. In April 2009, OHCHR and OIF carried out a joint assessment aimed at strengthening the independence and capacities of the National Human Rights Institution of Mali. In 2009, following an OHCHR-organized workshop for parliamentarians on mainstreaming Paris Principles in the legislative process, the Parliament of Mali adopted the National Human Rights Institution Law (19 November 2009), an implementing decree (30 November 2009) and by-laws appointing the Commissioners (12 March 2010).

20. In November 2009, OHCHR organized, through its regional office in East Africa, a capacity-building activity for staff of the National Human Rights Institution of Djibouti on monitoring human rights violations.

21. During her official visit to South Africa in December 2009, the United Nations High Commissioner for Human Rights announced the launch of a project aimed at strengthening the capacity of the South African Human Rights Commission to address human rights concerns related to discrimination and xenophobia. The project's implementation started in July 2010 with financial and technical support from OHCHR.

22. In the aftermath of the coup d'état of 18 February 2010 in the Niger, the National Commission for Human Rights and Fundamental Freedoms, a national human rights institution accredited with A status, was dissolved. On 20 May 2010, the Government established a National Observatory for Human Rights, which has been acting as a human rights monitoring body during the transitional period. In May 2010, OHCHR provided legal advice to the Government of the Niger on comparative experiences from other national human rights institutions.

23. In February 2010, OHCHR, the United Nations Development Programme (UNDP) and civil society organizations discussed possible technical support to the newly established Human Rights Commission of Zimbabwe. In August 2010, OHCHR and UNDP supported a training workshop for the newly appointed Commissioners. The training aims to provide a new Commissioner with substantive elements on core national human rights institution functions under the Paris Principles and on the role of national human rights institutions in the regional and international human rights system.

24. In May 2010, OHCHR gave legal advice to the Minister of Justice of Botswana on the establishment of a national human rights institution. This advice took into consideration the mandate of the existing Ombudsman.

25. From 31 May to 4 June 2010, OHCHR and the French Association for National Human Rights Commissions carried out a joint mission to Benin to assess the capacities of the Human Rights Commission, which has not been operational for years. Further to that mission, OHCHR provided legal advice on the draft law that is currently under consideration.

26. On 8 June 2010, OHCHR delivered a training session to the National Human Rights Commission of the Congo on the ICC accreditation process. The Commission submitted its application to be reviewed at the October 2010 session of the ICC Subcommittee on Accreditation.

27. On 28 and 29 June 2010, OHCHR participated in a round table organized by the African Network of National Human Rights Institutions in order to strengthen the National Human Rights Commission of Nigeria.

28. In June 2010, the Parliament of the Comoros adopted a law on the establishment of a National Consultative Commission on Human Rights. In cooperation with United Nations Development Programme, the OHCHR Regional Office for Southern Africa supported the efforts to establish and strengthen that institution.

29. In July 2010, OHCHR provided legal advice on the legislation establishing a national human rights institution in Somalia.

30. During 2010, OHCHR and UNDP have supported the Government of Mozambique in establishing a national human rights institution in compliance with the Paris Principles, and in August 2010 they organized a consultation in Maputo on the appointment procedures for members of national human rights institutions.

3. Asia and the Pacific

31. During the reporting period, the OHCHR Regional Offices in South-east Asia and the Pacific; the country offices in Nepal and Cambodia; the human rights advisers to the United Nations country teams in Papua New Guinea and Sri Lanka; and the human rights components of United Nations missions in Afghanistan and Timor-Leste continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in Asia and the Pacific.

32. Since September 2009, OHCHR and the Asia-Pacific Forum of National Human Rights Institutions have been providing advice to the authorities in Papua New Guinea in the drafting of the law for the establishment of a national human rights institution.

33. In October 2009, upon the completion of a two-year capacity-building project, the National Human Rights Institution of Timor-Leste, OHCHR and UNDP started to develop a technical assistance project for the period 2010-2014. The project focuses on broadening human rights knowledge, as well as strengthening the investigation, monitoring and education skills of the staff of the national human rights institution.

34. In October 2009, OHCHR, UNDP, the Asia-Pacific Forum and the Human Rights Commission of Malaysia (SUHAKAM) assisted the National Human Rights Institution of Maldives to undertake a self-capacity needs assessment with a view to strengthening its capacities.

35. From 20 to 30 November 2009, OHCHR, the Asia-Pacific Forum and the Australian Human Rights and Equal Opportunity Commission conducted a mission to Nauru with a view to consulting the Government on options regarding the establishment of an national human rights institution in compliance with the Paris Principles.

36. During her official visit to Japan on 13 and 14 May 2010, the United Nations High Commissioner for Human Rights encouraged the Government to consider the establishment of a national human rights institution in line with the Paris Principles.

37. On 1 and 2 December 2009 in Jakarta, OHCHR and the United Nations Population Fund supported the National Human Rights Commission of Indonesia in convening a consultation with other specialized national commissions in the region, along with several national human rights institutions, in order to explore possible collaboration regarding the promotion and protection of women's rights.

4. Europe and Central Asia

38. During the reporting period, the OHCHR Regional Offices in Brussels and Central Asia, the office in Kosovo, the human rights advisers in Albania, South Caucasus, the Republic of Moldova, the Russian Federation, Serbia, Tajikistan and the former Yugoslav Republic of Macedonia, and the human rights adviser of the United Nations Regional Centre for Preventive Diplomacy for Central Asia in

Turkmenistan, have continued to provide advice and assistance in the establishment and strengthening of national human rights institutions in Europe and Central Asia.

39. OHCHR monitored and supported the process of recruiting the Kosovo Ombudsman. Following a transparent process, the Office provided advice to the Ombudsman on redrafting the enabling legislation of the Ombudsman according to the requirements for ICC accreditation.

40. In July 2009, OHCHR provided comments on amendments to the Law of the Ombudsman of the Former Yugoslav Republic of Macedonia in the light of the Paris Principles.

41. From 10 to 14 November 2009, OHCHR and UNDP organized a workshop for the Ombudsman of Kyrgyzstan on complaints procedures. The United Nations and the Ombudsman developed a technical cooperation project (2009-2011) aimed at further strengthening the institution.

42. In 2009, OHCHR supported the newly established Tajik Ombudsman and advised on the development of his office's strategic plan and internal regulations.

43. In November 2009, UNDP and OHCHR briefed the Government of Turkey on the establishment of a national human rights institution in line with the Paris Principles. In February 2010, OHCHR participated in a meeting on the implementation of human rights standards concerning national human rights institutions organized by the European Union in Ankara.

44. In November 2009, the High Commissioner for Human Rights addressed the joint annual Human Rights Conference on Economic, Social and Cultural Rights organized by the Irish Human Rights Commission and the Law Society of Ireland.

45. OHCHR has assisted the strengthening of the Moldovan Centre for Human Rights, by providing legal advice and assisting it in seeking accreditation to ICC. Following its accreditation in November 2009, OHCHR provided advice to the national human rights institution on the ways and means to interact with the international human rights system.

46. In 2009, OHCHR conducted training for staff from the Office of the Ombudsman of Azerbaijan on United Nations-compliant procedures and for staff from the Office of the Public Defender of Georgia on international human rights standards.

47. In 2010, OHCHR assisted the Government of Norway to strengthen the compliance of the national human rights institution with the Paris Principles.

48. During the reporting period, OHCHR worked with the Office of the Ombudsman of Serbia and with non-governmental organizations on the national preventive mechanism against torture. It also provided advice to the Ombudsman to seek accreditation to ICC.

49. In her official visit to Italy in March 2010, the High Commissioner held conversations with the Government and members of the Parliament regarding the establishment of a Paris Principles-compliant national human rights institution.

50. On 23 April 2010, OHCHR co-organized a consultation meeting on the possible establishment of an Ombudsman institution in the Principality of Monaco.

51. Further to a recommendation from the Subcommittee on Accreditation, in July 2010, OHCHR provided comparative examples to the National Human Rights Institution of Luxembourg on legal provisions to protect the legal liability for actions undertaken in the official capacity of members of national human rights institutions.

52. In the context of a country mission from 19 to 22 July 2010, OHCHR staff discussed with the Government of Belarus and the United Nations country team possible paths for implementing the recommendation of the universal periodic review regarding the establishment of a national human rights institution in line with the Paris Principles.

53. In September 2010, OHCHR participated in a conference in Tbilisi on the role and impact of the Ombudsman in enhancing protection of human rights. The conference was held under the auspices of the Ombudsman of Georgia with the financial support of the European Union.

5. Middle East and North Africa

54. During the reporting period, the OHCHR Middle East Regional Offices, the United Nations Human Rights Training and Documentation Centre for South-west Asia and the Arab Region, the OHCHR office in the Occupied Palestinian Territory and the human rights components of the United Nations Assistance Mission for Iraq (UNAMI) continued to provide advice and assistance on the establishment and strengthening of national human rights institutions in the Middle East and North Africa region.

55. From 8 to 11 August 2009, OHCHR participated in a mission organized and led by the Asia-Pacific Forum, to explore further assistance to the National Human Rights Institution in the Occupied Palestinian Territory.

56. During her official visits to Kuwait and the United Arab Emirates in April 2010, the United Nations High Commissioner for Human Rights encouraged the Governments of those countries to establish national human rights institutions in compliance with the Paris Principles.

B. OHCHR support for regional initiatives of Ombudsman, mediator and other national human rights institutions

1. The Americas and the Caribbean

57. From 23 to 26 February 2009 in Colombia, the OHCHR Regional Office in Panama organized, in cooperation with the Ibero-American Federation of the Ombudsman, a seminar on economic, social and cultural rights.

58. On 29 August 2009, the OHCHR Regional Office in Panama delivered training on the Optional Protocol to the Convention against Torture for staff of the national human rights institutions of Belize, Costa Rica, Guatemala, Honduras, Nicaragua and Panama. This activity was organized in cooperation with the Association for the Prevention of Torture.

59. OHCHR provided technical and financial support to the Eighth General Assembly of the Network of National Institutions for the Promotion and Protection of Human Rights of the Americas that took place in Madrid on 29 October 2009.

60. On 23 and 24 November 2009, the OHCHR Regional Office in Panama co-organized with nine United Nations regional offices a workshop on monitoring and promoting the rights of indigenous peoples for the national human rights institutions of Bolivia (Plurinational State of), Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Panama, Peru and Venezuela (Bolivarian Republic of). A network of focal points on indigenous issues was established.

61. In December 2009 and March 2010, OHCHR assisted in the organization of two regional seminars on the universal periodic review for Governments, national human rights institutions and United Nations country teams. Those seminars took place in Panama.

62. From 13 to 15 September 2010, OHCHR participated in the second meeting of the Network of Defensorías locales y metropolitanas held in Montevideo. The Network aims at promoting joint strategies for the defence of human rights in the cities. It is composed of defensorías that operate in a capital city or urban metropolis, including, among others, those of Brasilia, Buenos Aires, Mexico City and Montevideo.

2. Africa

63. With OHCHR assistance, the statute of the Subregional Network of National Human Rights Institutions in West Africa was adopted in October 2009 and its governing bodies were designated.

64. In September 2009, OHCHR participated in a training organized by the Raoul Wallenberg Institute in Nairobi for new human rights commissioners in East Africa, focused on the core functions and mandate of a Paris Principle-compliant national human rights institution and the international human rights system.

65. The Seventh Conference of African National Human Rights Institutions on Peace and Justice: the Role of National Human Rights Institutions, was held in Rabat from 3 to 5 November 2009. The Conference was organized by OHCHR, the Advisory Council on Human Rights of Morocco, the Network of African National Human Rights Institutions and OIF. The Conference adopted the Rabat Declaration, in which participants recognized the role of national human rights institutions in facilitating justice and peace. National human rights institutions also received training on investigation techniques, facilitated by OHCHR and the Ombudsman of Ontario.

66. The meetings of the General Assembly and the Steering Committee of the Network of African National Human Rights Institutions were held at the Conference in Rabat. The National Human Rights Institution of Morocco was elected as the new Chair for the Network and the South African National Human Rights Institution as the Vice-Chair. OHCHR will continue to provide technical and financial support to the secretariat of the Network.

67. From 9 to 12 November 2009, OHCHR organized a conference in Bamako on the preparation of reports to the treaty bodies and the role of national human rights institutions regarding migration in West Africa. A total of 50 representatives from Governments, national human rights institutions and non-governmental organizations attended the conference. It focused on following up on the

commitments of the Santa Cruz Declaration,¹ and on adopting a road map to promote and protect the rights of migrants.

68. The National Human Rights Institution of Morocco organized a meeting on strengthening the relationship between national human rights institutions and the human rights treaty bodies system. The meeting took place on 9 and 10 June 2010 in Marrakech and gathered together representatives from all the regional networks of national human rights institutions, OHCHR and the Chair of the International Criminal Court. Treaty body experts participated as observers.

69. In June 2010, OHCHR supported the organization of a workshop on Regional Human Rights Mechanisms and National Human Rights Institutions in Dakar.

70. OHCHR participated in the workshop for East and Southern Africa national human rights institutions on the Continental Human Rights Mechanisms in Africa on 30 July 2010 in Pretoria.

71. During the reporting period, OHCHR continued to support the secretariat of the Network of African National Human Rights Institutions.

3. Asia and the Pacific

72. OHCHR participated in the Fifteenth Annual Meeting of the Asia-Pacific Forum, held in Bali, Indonesia, from 3 to 5 August 2010. The partnership between OHCHR, UNDP and the Forum was discussed, including the joint-capacity assessments programmes implemented in the first half of 2010 in Malaysia and Maldives.

4. Europe

73. From 24 to 26 November 2009, OHCHR and the UNDP Bratislava Regional Centre organized a workshop in Geneva on the role of national human rights institutions and their cooperation with the United Nations human rights machinery. That event was aimed at strengthening the capacity of Ombudsman and other national human rights institutions from the Commonwealth of Independent States and Croatia.

74. The OHCHR Regional Office in Brussels organized a regional briefing in Ljubljana, on 6 and 7 September 2010, on the universal periodic review. Ombudsman, mediator and other national human rights institutions attended the event.

5. Middle East and North Africa

75. OHCHR supported the national human rights institutions of Morocco and Jordan in effectively delivering their mandates as regional Chairs of the national human rights institution coordinating groups of Africa and Asia, respectively.

76. In April 2010, the High Commissioner delivered an opening statement during the Gulf Forum for National Human Rights Institutions hosted in Qatar by the Gulf Cooperation Council.

¹ Adopted during the Eighth International Conference of National Human Rights Institutions for the Promotion and Protection of Human Rights of the Americas, held in Santa Cruz, Plurinational State of Bolivia, from 24 to 26 October 2006.

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

1. The ICC Subcommittee on Accreditation

77. OHCHR provided secretarial support to the meetings of the ICC Subcommittee on Accreditation in March 2009, November 2009 and March 2010. As of June 2010, 91 institutions were accredited by ICC, more than 35 of which are Ombudsman institutions, inter alia, in the following regions: Africa (Ghana, Namibia and the United Republic of Tanzania); the Americas (Antigua and Barbuda), Argentina, Barbados, Bolivia (Plurinational State of), Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico and Venezuela (Bolivarian Republic of); Europe and Central Asia (Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Poland, Portugal, the Republic of Moldova, the Russian Federation, Serbia, Slovenia, Spain and Ukraine); and Asia and the Pacific (Timor-Leste).

78. As of June 2010, 67 national human rights institutions (30 of which are Ombudsman institutions) were accredited with A status by ICC.

79. During the reporting period, three Ombudsman institutions were granted accreditation status by ICC: the Protector of Citizens of the Republic of Serbia (A status), the Human Rights Centre of Moldova (B status) and the Human Rights Ombudsman of the Republic of Slovenia (B status). The Ukrainian Parliament Commissioner for Human Rights was upgraded from B to A status in March 2009.

80. During the reporting period, the Ombudsmen of Azerbaijan and Honduras (both A status institutions) were placed under special review for October 2010. The Subcommittee on Accreditation based those decisions on the concerns raised by the Committee against Torture regarding the independence of the National Human Rights Institution of Azerbaijan in its concluding observations (CAT/C/AZE/CO/3), and on the concerns regarding the role of the Ombudsman of Honduras, raised in the report of OHCHR to the Human Rights Council (A/HRC/13/66) on the violations of human rights in Honduras since the coup d'état on 28 June 2009.

81. In November 2009, the Ombudsman of Bosnia and Herzegovina (an A status institution) was informed of the Subcommittee's intention to downgrade it to B status, given, inter alia, the lack of involvement of civil society and other groups in the appointment process of members of the National Human Rights Institution. The institution was given the opportunity to provide, in writing, within one year, the documentary evidence deemed necessary to establish its continued conformity with the Paris Principles.

2. Twenty-third session of the International Coordinating Committee

82. In its capacity as secretariat of ICC, OHCHR provided support and facilitated the twenty-third session of ICC, held in Geneva from 22 to 25 March 2010. During the session, Ms. Rosslyn Noonan, the Chairperson of the National Human Rights Institution of New Zealand, was elected as the Chair of ICC for 2010-2013.

83. The twenty-third session of ICC was attended by representatives from over 64 national human rights institutions from around the world, including Ombudsman, mediator and other national human rights institutions. Regional networks of national human rights institutions, international associations such as the l'Association

francophone des commissions nationales de promotion et de protection des droits de l'homme, members of the International Ombudsman Institute (IOI) and the Association of Mediterranean Ombudsmen also participated. The meeting was also attended by the independent expert on the situation of human rights in Haiti and the Special Representative of the Secretary-General on violence against children.

84. At its twenty-third session, ICC considered follow-up to previous international conferences such as the Durban Review Conference, the Santa Cruz Conference on migration and the Ninth ICC International Conference on National Human Rights Institutions and the Administration of Justice; follow-up to recommendations from international human rights bodies; the ICC Strategic Plan; the role of national human rights institutions in Haiti; the role of national human rights institutions in the protection of women's and children rights; human rights education and training; OHCHR-UNDP-Asia-Pacific Forum capacity-assessment partnership; HIV/AIDS and the role of national human rights institutions. A segment took place on the engagement of national human rights institutions with the mandate of the Special Representative of the Secretary-General on violence against children.

85. During the twenty-third session of ICC, a parallel event took place on the participation of Ombudsman institutions in the international human rights system, with a particular focus on the institutions that are not accredited to ICC.

86. On the margins of the twenty-third session of ICC, two meetings of international associations took place: the meeting of the Commonwealth Forum of National Human Rights Institutions and the meeting of the Association francophone des commissions nationales de promotion et de protection des droits de l'homme.

Bureau meetings

87. OHCHR provided support to the meetings of the ICC Bureau held in Rabat in November 2009 and in Geneva in March 2010, where the ICC Strategic Plan was discussed.

III. Cooperation between OHCHR, United Nations agencies and programmes and international and regional organizations on national human rights institutions, Ombudsmen and mediators

A. United Nations Development Programme

88. During the reporting period, OHCHR continued to strengthen its strategic partnership with UNDP. On the margins of the twenty-third session of ICC, in March 2010, the High Commissioner for Human Rights and the Administrator of UNDP held bilateral conversations with a view to enhancing OHCHR-UNDP partnership in the context of action at the country level to support the establishment and strengthening of national human rights institutions, in close cooperation with ICC.

B. International Ombudsman Institute

89. OHCHR participated in the Ninth World Conference of the International Ombudsman Institute, held in Stockholm from 9 to 12 June 2009, and encouraged increased cooperation among regional and international associations of Ombudsmen and national human rights institutions in the context of the Paris Principles, as well as between those institutions and the United Nations system.

90. On 11 June 2010, the High Commissioner met with the Secretary-General of IOI in order to discuss possible cooperation between OHCHR, ICC and IOI, including by setting up a formal dialogue structure. IOI represents 140 national, regional and local Ombudsman institutions from 75 different countries. Among its members there are national human rights institutions accredited with A status by ICC, including, inter alia, the Ombudsmen of Albania, Argentina, Armenia, Croatia, Guatemala, Mexico, Namibia, Peru, Poland, Portugal, Spain and the United Republic of Tanzania.

C. Ibero-American Federation of the Ombudsman

91. OHCHR attended the Fourteenth Annual Congress of the Ibero-American Federation of the Ombudsman, held in Madrid in October 2009. The Federation is composed of public defenders, procuradores, provedores, raonadores (razonador), commissioners and presidents of human rights commissions at the national and local levels from the Ibero-American countries. OHCHR provided financial support to Ombudsman and other national human rights institutions of Latin America to ensure participation of their representatives in the meeting.

D. Association of Mediterranean Ombudsmen

92. OHCHR participated in the second meeting of the Association of Mediterranean Ombudsmen (Marseille, France, 18 and 19 December 2008) entitled “Mediterranean Mediators: challenges of a common area”, organized by the Mediator of the French Republic in collaboration with the Wali Al Madhalim of Morocco and the Spanish People’s Defender. Twenty-eight institutions attended the meeting, as well as representatives of international and regional organizations. The headquarters of the Association of Mediterranean Ombudsmen in Tangier, Morocco, were inaugurated on 4 November 2009.

93. OHCHR participated in the third meeting of the Association of Mediterranean Ombudsmen organized by the Greek Ombudsman in Athens on 14 and 15 December 2009. The meeting was entitled “Transparency in public services: the Ombudsman’s role”. Twenty-eight institutions participated in the meeting. A resolution was adopted whereby the Association of Mediterranean Ombudsmen decided to develop its cooperation with the United Nations and invited non-ICC Ombudsman, mediators and other national human rights institutions to join the ICC network.

94. OHCHR participated in the fourth meeting of the Association of Mediterranean Ombudsmen in Madrid on 14 and 15 June 2010 on the theme “Immigration and human rights: a challenge for Ombudsman institutions?” The meeting, hosted by the Ombudsman of Spain, adopted a resolution highlighting the Association’s engagement in promoting cooperation between the Ombudsman,

mediator and other national human rights institutions handling complaints from migrants.

E. Commonwealth Forum of National Human Rights Institutions

95. OHCHR participated in the meeting of the Commonwealth Forum of National Human Rights Institutions held in Port of Spain on 23 and 24 November 2009. The theme of the meeting was climate change and human rights, with the objective of feeding into the Commonwealth Heads of Government Meeting. A working group on climate change and human rights was set up in order to share actions.

IV. Support provided by OHCHR to national human rights institutions on thematic issues

96. During the twelfth session of the Human Rights Council, OHCHR organized in cooperation with the Ombudsman of Morocco and the Ombudsman of Sweden a side event on the role of the Ombudsman, mediator and other national human rights institutions in the United Nations human rights system.

97. At the margins of the thirteenth session of the Human Rights Council, OHCHR and the Advisory Council on Human Rights of Morocco organized a side event on community reparations in contexts of transitional justice (8 March 2010).

V. Conclusions

98. **Ombudsman, mediator and other national human rights institutions, when in compliance with the Paris Principles, are key elements of a strong national system of promotion and protection of human rights. They can support governments to ensure effective implementation of the State's obligations under international human rights law, including by providing advice with respect to bringing national legislation and national practices and policy in line with international human rights norms and principles.**

99. **The Secretary-General welcomes the adoption of resolution 64/161 by the General Assembly, in which it encouraged Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms.**

100. **The Secretary-General acknowledges the existence of a variety of institutional models which have been developed out of specific national contexts and encourages Ombudsman, mediator and other national human rights institutions, including those working at the national, regional or subregional levels, to work collaboratively in the promotion and protection of human rights.**

101. **The Secretary-General acknowledges the existence of various associations of the Ombudsman, mediator and other national human rights institutions at the national, regional subregional and international levels. In this regard, he encourages Ombudsman, mediator and other national human rights**

institutions to cooperate with a view to strengthening their capacities to promote and protect human rights.

102. The Secretary-General commends the existence of regional and international associations aimed at pursuing the observance of the Paris Principles among their members.

103. The Secretary-General underlines the ICC experience and jurisprudence acquired through the accreditation process undertaken by its Subcommittee on Accreditation. By recalling General Assembly resolution 64/161, the Secretary-General encourages national institutions, including Ombudsmen, to seek ICC accreditation status.

104. The Secretary-General encourages the ICC to further enhance its cooperation with associations of Ombudsman, mediator and other national human rights institutions in order to promote the ICC accreditation process among the members of such associations.

105. The Secretary-General strongly encourages any association of Ombudsman, mediator and other national human rights institutions to actively foster a broad understanding and observance of the Paris Principles among their members.

106. The Secretary-General urges Member States to provide adequate funding for the effective functioning of Ombudsman, mediator and other national human rights institutions, as well as ensure public awareness on the importance of the role of those institutions.

107. The Secretary-General urges Member States to ensure the implementation of the recommendations emanating from Ombudsman, mediator and other national human rights institutions.

108. The Secretary-General encourages Ombudsman, mediator and other national human rights institutions to interact with the international and regional human rights mechanisms, including the universal periodic review.

Annex

Chart of the status of national institutions accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights

Accreditation status as of June 2010

In accordance with the Paris Principles and the Statute of the International Coordinating Committee, the following classifications for accreditation are used by ICC:

- A Compliance with the Paris Principles.
- B Not fully in compliance with the Paris Principles.
- C Non-compliance with the Paris Principles.

A Status institutions*

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Asia and the Pacific		
Afghanistan: Independent Human Rights Commission	A	October 2007 Placed under review Nov 2008 — A
Australia: Australian Human Rights and Equal Opportunity Commission	A	1999 Oct 2006
India: National Human Rights Commission of India	A	1999 Oct 2006
Indonesia: National Human Rights Commission of Indonesia	A	2000 March 2007
Jordan: National Centre for Human Rights	A	April 2006 March 2007 Oct 2007 Will be reviewed in October 2010
Malaysia: Human Rights Commission of Malaysia (SUHAKAM)	A (see SCA report Nov 2009)	2002 April 2008 Will be reviewed in second half of 2009 To be reviewed by the Subcommittee on Accreditation at its second session of 2010
Mongolia: National Human Rights Commission of Mongolia	A	2002 — A(R)** 2003 Nov 2008

* Unless specified, previous years in the third column refer to the same status as the most recent one.

** A(R) signifies adopted with a reservation.

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Nepal: National Human Rights Commission of Nepal	A	2001 — A(R) 2002 — A Special review started in April 2006; Under review in March 2007 Oct 2007 Nov 2008 — A (to be reviewed in second half of 2009) In 2009 deferred to first session of 2010 March 2010: recommended to be accredited with B
New Zealand: New Zealand Human Rights Commission	A	1999 Oct 2006
Palestine: Palestinian Independent Commission for Citizen's Rights	A	2005 — A(R) March 2009 — A
Qatar: National Committee for Human Rights	A	Oct 2006 (B) Nov 2008: deferral to March 2009 March 2009 — A Will be reviewed in 2010 (first session) March 2010: deferral to October 2010
Philippines: Philippines Commission on Human Rights	A	1999 March 2007 Oct 2007
Timor-Leste: Provedoria for Human Rights and Justice	A	April 2008
Republic of Korea: National Human Rights Commission of the Republic of Korea	A	2004 Nov 2008
Thailand: National Human Rights Commission	A	2004 Nov 2008
Africa		
Cameroon: National Commission on Human Rights and Freedoms	A	1999 — A Oct 2006 — B March 2010 — A
Egypt: National Council for Human Rights	A	April 2006 — B Oct 2006
Ghana: Commission on Human Rights and Administrative Justice	A	2001 Nov 2008
Kenya: Kenya National Commission on Human Rights	A	2005 Nov 2008

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Malawi: Malawi Human Rights Commission	A	2000 March 2007
Mauritius: Commission nationale des droits de l'homme	A	2002 April 2008
Morocco: Conseil consultatif des droits de l'homme du Maroc	A	1999 — A(R) 2001 October 2007 Will be reviewed in October 2010
Namibia: Office of the Ombudsman	A	2003 (A (R)) April 2006
Rwanda: National Commission for Human Rights	A	2001 Oct 2007
Senegal: Comité sénégalais des droits de l'homme	A	2000 Oct 2007 Will be reviewed in Oct 2010
South Africa: South African Human Rights Commission	A	1999 — A(R) 2000 Oct 2007
Togo: National Commission for Human Rights	A	1999 — A(R) 2000 Oct 2007
Uganda: Uganda Human Rights Commission	A	2000 — A(R) 2001 April 2008
United Republic of Tanzania: National Human Rights Commission	A	2003 — A(R) 2005 — A (R) Oct 2006
Zambia: Zambian Human Rights Commission	A	2003 A(R) Oct 2006
The Americas		
Argentina: Defensoría del Pueblo de la Nación Argentina	A	1999 Oct 2006
Bolivia: Defensor del Pueblo	A	1999 — B 2000 March 2007
Canada: Canadian Human Rights Commission	A	1999 Oct 2006
Colombia: Defensoría del Pueblo	A	2001 Oct 2007

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Costa Rica: Defensoría de los Habitantes	A	1999 Oct 2006
Ecuador: Defensor del Pueblo	A	1999 — A(R) 2002 April 2008 2009
El Salvador: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Guatemala: Procuraduría de los Derechos Humanos de Guatemala	A	1999 — B 2000 — A(R) 2002 April 2008
Honduras: Comisionado Nacional de los Derechos Humanos de Honduras	A	2000 Oct 2007 A status placed under special review for October 2010
Mexico: Comisión Nacional de los Derechos Humanos	A	1999 Oct 2006
Nicaragua: Procuraduría para la Defensa de los Derechos Humanos	A	April 2006
Panama: Defensoría del Pueblo de la República de Panamá	A	1999 Oct 2006
Paraguay: Defensoría del Pueblo de la República del Paraguay	A	2003 Nov 2008
Peru: Defensoría del Pueblo	A	1999 March 2007
Venezuela (Bolivarian Republic of): Defensoría del Pueblo	A	2002 April 2008
Europe		
Albania: Republic of Albania People's Advocate	A	2003 — A(R) 2004 Nov 2008
Armenia: Human Rights Defender of Armenia	A	April 2006 — A(R) Oct 2006
Azerbaijan: Human Rights Commissioner (Ombudsman)	A	Oct 2006 A status placed under special review for October 2010

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Bosnia and Herzegovina: Human Rights Ombudsman of Bosnia and Herzegovina	A (see SCA report Nov 2009)	2001 — A(R) 2002 — A(R) 2003 — A(R) 2004 Nov 2008: deferral of review to Oct/Nov 2009 Placed under review — Nov 2009
Croatia: Ombudsman of the Republic of Croatia	A	April 2008
Denmark: Danish Institute for Human Rights	A	1999 — B 2001 Oct 2007
France: Commission nationale consultative des droits de l'homme	A	1999 Oct 2006 review deferred to Oct 2007 Oct 2007
Georgia: Public Defender's Office	A	Oct 2007
Germany: Deutsches Institut für Menschenrechte	A	2001 — A(R) 2002 — A(R) 2003 Nov 2008
Greece: National Commission for Human Rights	A	2000 — A(R) 2001 Oct 2007 Reviewed Nov 2009 A status maintained — Nov 09
Ireland: Irish Human Rights Commission	A	2002 — A(R) 2003 — A(R) 2004 Nov 2008
Luxembourg: Commission consultative des droits de l'homme du Grand-Duché de Luxembourg	A (see SCA report March 2009)	2001 — A(R) 2002 Reviewed in Nov 09 To be reviewed in Oct/Nov 2010
Norway: Center for Human Rights	A	2003 A(R) 2004 A(R) 2005 A(R) April 2006
Northern Ireland (UK): Northern Ireland Human Rights Commission	A	2001 — B April 2006 — B Oct 2006

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Poland: Commissioner for Civil Rights Protection	A	1999 Oct 2007
Portugal: Provedor de Justiça	A	1999 Oct 2007
Russian Federation: Commissioner for Human Rights in the Russian Federation	A	2000 — B 2001 — B Nov 2008
Scotland: Scottish Human Rights Commission	A	Nov 2009: deferral to March 2010 March 2010
Serbia: Protector of Citizens of the Republic of Serbia	A	March 2010
Spain: El Defensor del Pueblo	A	2000 October 2007
Ukraine: Ukrainian Parliament Commissioner for Human Rights	A	2008 — B March 2009 — A
United Kingdom of Great Britain and Northern Ireland: Equality and Human Rights Commission	A	Nov 2008 A status placed under special review for October 2010

B Status institutions*

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Asia and the Pacific		
Maldives: Human Rights Commission	B	April 2008 March 2010
Sri Lanka: Human Rights Commission of Sri Lanka	B	2000 A status placed under review March 2007 October 2007 Reviewed in March 2009
Africa		
Algeria: Commission nationale des droits de l'homme	B	2000 — A(R) 2002 — A(R) 2003 — A Placed under review April 2008 2009 — B March 2010: deferral to October 2010

* Unless specified, previous years in the third column refer to the same status as the most recent one.

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Burkina Faso: Commission nationale des droits de l'homme	B	2002 — A(R) 2003 — A(R) 2005 — (B) April 2006, March 2007
Chad: Commission nationale des droits de l'homme	B	2000 — A(R) 2001 — A(R) 2003 — A(R) Nov 2009 — (B)
Mauritania: Commission nationale des droits de l'homme	B	Nov 2009
Nigeria: National Human Rights Commission of Nigeria	B	1999 — A(R) 2000 — A October 2006 (special review) Placed under review March 2007 October 2007
Tunisia: Comité supérieur des droits de l'homme et des libertés fondamentales	B	2009
Europe		
Austria: The Austrian Ombudsman Board	B	2000
Belgium: The Centre for Equal Opportunities and Opposition to Racism	B	1999 March 2010
Netherlands: Equal Treatment Commission of the Netherlands	B	1999 — B 2004 March 2010
Republic of Moldova: Human Rights Centre	B	Nov 2009
Slovakia: National Centre for Human Rights	B	2002 — C Oct 2007
Slovenia: Human Rights Ombudsman of the Republic of Slovenia	B	2000 March 2010

C Status institutions*

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Africa		
Benin: Commission béninoise des droits de l'homme	C	2002
Madagascar: Commission nationale des droits de l'homme de Madagascar	C	2000 — A(R) 2002 — A(R) 2003 — A(R) April 2006 — status withdrawn Oct 2006
Americas		
Antigua and Barbuda: Office of the Ombudsman	C	2001
Barbados: Office of the Ombudsman	C	2001
Puerto Rico: Oficina del Procurador del Ciudadano del Estado Libre Asociado de Puerto Rico	C	March 2007
Asia and the Pacific		
Hong Kong: Hong Kong Equal Opportunities Commission	C	2000
Iran (Islamic Republic of): Commission Islamique des droits de l'homme	C	2000
Europe		
Romania: Romanian Institute for Human Rights	C	March 2007
Switzerland: Commission fédérale pour les questions féminines	C	March 2009
Switzerland: Federal Commission against Racism	C	1998 — B March 2010

* Unless specified, previous years in the third column refer to the same status as the most recent one.

Suspended institutions

<i>National Institution</i>	<i>Status</i>	<i>Year reviewed</i>
Africa		
Niger: Commission nationale des droits de l'homme et des libertés fondamentales (CNDHLF)	Removed <i>Note:</i> CNDHLF was dissolved in February 2010	March 2010: CNDHLF was removed as per its dissolution in February 2010
Asia and the Pacific		
Fiji: Human Rights Commission of Fiji	Suspended <i>Note:</i> Fiji resigned from ICC on 2 April 2007	2000 Accreditation suspended in March 2007 for review in October 2007 The Commission resigned from ICC on 2 April 2007
