

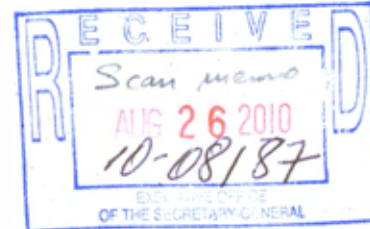


MEMORANDUM

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A/TO: Mr. Vijay Nambiar, Chef de Cabinet
Executive Office of the Secretary-General
United Nations Headquarters, New York

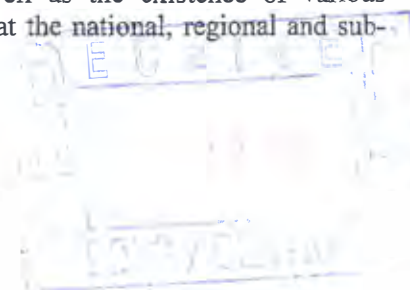
DATE: 25 August 2010

DE/FROM: Kyung-wha Kang
Deputy High Commissioner for Human Rights

REF: RC/ADS

OBJET: SG report to the General Assembly on the role of the ombudsman, mediator and
SUBJECT: other national human rights institutions in the promotion and protection of
human rights - FOR INFORMATION

1. Please find attached the report of the Secretary-General (SG) to the sixty-fifth session of the General Assembly on the role of the Ombudsman, mediator and other national human rights institutions (NHRIs) in the promotion and protection of human rights, as requested by General Assembly resolution 63/169 (paragraph 3).
2. The present report, covering the period from December 2008 to September 2010, contains information on: the activities undertaken by OHCHR to establish and strengthen independent and autonomous Ombudsman, mediator and other NHRIs; measures taken by governments in this regard; support provided to activities undertaken by such institutions at the international and regional levels; technical assistance provided to and on Ombudsman, mediators and NHRIs together with other UN agencies and programs; and cooperation between these institutions and regional and international mechanisms to promote and protect human rights. Information regarding the work of Ombudsman, mediators and other NHRIs in respect to specific thematic issues is also included.
3. This report updates the Secretary-General's report 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).
4. In this report, the Secretary General, inter alia, acknowledges the important role of Ombudsman, mediator and other NHRIs, especially when in compliance with the Paris Principles. It also recognizes the existence of a variety of institutional models which have been developed out of specific national contexts, as well as the existence of various associations of Ombudsman, mediators and other NHRIs at the national, regional and sub-regional levels.



5. This report also contains information on the current decisions taken by the Sub-Committee on Accreditation of the International Coordinating Committee of NHRIs (ICC), regarding the accreditation status of its Ombudsman members, namely, the Ombudsman of Serbia (A status), Moldova (B status), Slovenia (B status), **Ukraine** (A status), Azerbaijan (A status under special review), Honduras (A status under special review) and Bosnia and Herzegovina (A status under re-accreditation).
6. This report does not contain any controversial issue.

Report of the Secretary-General to the General Assembly (65th session) on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights - for information

Patricia Tambuza to: SGCentral

26/08/2010 09:04 AM

CC: Kayoko Gotoh, Astrid Melchner, Maggie Nicholson, Ulrik Halsteen, Shahrzad Tadjbakhsh, Kevin Koh, Agnes Picod, Vladlen Stefanov, Danielle Daou

Please find attached, for your information, the report of the Secretary-General on the role of the ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights to the General Assembly (65th session).



SG Report 65 GA (Final).doc



memo GA 65.pdf



A Status Institutions.pdf

Best regards,

Patricia Tambuza
Executive Office
Office of the High Commissioner for Human Rights



General Assembly

Distr.: General
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Sixty-fifth session

Item 69 b) of the provisional agenda*

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

* A/65/xxx.

Summary

By its resolution 63/169 (paragraph 3) 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 present report, covering the period from December 2008 to September 2010. The report contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen independent and autonomous Ombudsman, mediator and other national human rights institutions (NHRIs), measures taken by Governments in this regard; support provided to these institutions at the international and regional levels; technical assistance provided to and on Ombudsman, mediators and NHRIs, together with other UN agencies and programmes; and cooperation between these institutions and regional and international mechanisms to promote and protect human rights. Information regarding the work of Ombudsman, mediators and other NHRIs 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).

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INTRODUCTION

1. The present report is submitted pursuant to paragraph 3 of General Assembly resolution 63/169 of 18 December 2008 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, requesting the Secretary-General to report to the General Assembly at its sixty-fifth session on the implementation of the resolution.

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

3. Furthermore, the General Assembly underlined the importance of the autonomy and independence of the Ombudsman institutions, encouraged increased cooperation between NHRIs and regional and international associations of Ombudsmen, and 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. The General Assembly encouraged national institutions, including Ombudsman institutions, to seek accreditation status through the International Coordinating Committee.

I. OHCHR'S SUPPORT TO OMBUDSMAN, MEDIATORS AND OTHER NHRIs.

4. The Ombudsman, mediator and other NHRIs 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 these institutions.

5. OHCHR therefore accords high priority to the establishment and strengthening of the Ombudsman, mediator and other NHRIs with due regard to the Paris Principles. The National Institutions and Regional Mechanisms Section (NIRMS), in close cooperation with the geographic sections in the Field Operations and Technical Cooperation Division (FOTCD) as well as other relevant OHCHR divisions and field presences, coordinates OHCHR's efforts aimed at establishing and strengthening NHRIs worldwide. In partnership with other UN

agencies, funds, programmes and UN country teams, NIRMS supports these institutions, including through technical cooperation and capacity-building projects.

6. To ensure that Ombudsman, mediator and other NHRIs are established in compliance with the Paris Principles and work as credible and effective guarantors of human rights at the country level, OHCHR provides them legal and technical assistance to relevant national stakeholders; the International Coordinating Committee of NHRIs (ICC) and its Sub-committee on Accreditation; coordinating bodies of regional NHRI networks and regional and international associations of Ombudman. OHCHR assists the Ombudsman, mediator and other NHRIs 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. OHCHR has also supported these institutions to increase their outreach at the international level, including by encouraging their participation in the UN human rights system and in regional human rights mechanisms.

7. In 2008, OHCHR introduced a fellowship programme through which staff from offices of Ombudsman, mediator and other NHRIs accredited by the ICC with “A status” are selected to work in the NIRMS for a period up to 12 months. So far, 10 fellows from all 4 regions have participated in this programme, gaining knowledge of and experience with the UN human rights system and bringing local NHRI experience to the work of OHCHR. During the reporting period, OHCHR 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 NHRIs 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 UN agencies, funds and programmes, regional and sub-regional coordinating bodies of NHRIs and Ombudsman's associations.

10. During the reporting period, OHCHR provided advice and assistance to the Governments and/or Ombudsman, mediator and other NHRIs of, Azerbaijan, Belarus, Benin, Botswana, Brazil, Comoros, Congo, Colombia, Chile, Djibouti, Ecuador, Georgia, Haiti, Indonesia, Ireland, Kosovo, Kuwait, Japan, Former Yugoslav Republic of Macedonia, Mali, Malaysia, Mexico, Mozambique, Moldova, Monaco, Nauru, Niger, Nigeria, Norway, occupied Palestinian territory, Papua New Guinea, South Africa, Italy, Tajikistan, Timor-Leste, Turkey, Panama, Serbia, Somaliland, 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, Colombia, Guatemala and Mexico, the human rights advisers in Ecuador, Honduras Nicaragua and Paraguay and the human rights component of the United Nations mission in Haiti MINUSTAH continued to provide advice and assistance for the establishment and strengthening of Ombudsman, mediator and other NHRIs.

12. In Chile, OHCHR has been accompanying the efforts to establishing two national institutions, namely the National Human Rights Institute and the Ombudsman. OHCHR 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-complaint 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 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, OHCHR, in cooperation with the *Organisation Internationale de la Francophonie* (OIF) and the Independent Expert 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 promote a human rights-based approach during the reconstruction phase. A consultant was deployed to work closely with the NHRI 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 in the 23rd session of the International Coordinating Committee of NHRI held in Geneva. During this meeting, a special session took place in order to discuss the ICC role in assisting the National Ombudsman Office of Haiti.

14. In February 2010, OHCHR, in cooperation with the Office of the Ombudsman of Panama and UNICEF, organized a training session on the Universal Periodic Review for civil society organizations in Panama. During 2010, OHCHR's 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 169). OHCHR provided technical advice to indigenous organizations and the Ombudsman.

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

16. On 2-6 August 2010, OHCHR participated in a meeting on the theme "Global Exchange on National Human Rights Commissions: Creating a Roadmap for Improved Legal protection and Community Empowerment" organized by the Rockefeller Foundation Bellagio Center, the Fordham Law School, 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 NHRIs in a range of countries, with a view to produce a roadmap to guide the process of establishing a NHRI in the United States. The meeting took place in Bellagio, Italy.

17. Following the adoption in 2008 of a law establishing a NHRI 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 on the process of appointment of the institution's members.

2. Africa

18. During the reporting period, OHCHR's 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 UN country teams in Guinea, the Great Lakes region, Kenya, Madagascar, Niger and Rwanda; and the human rights components of the United Nations missions in Burundi, 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 NHRIs in Africa.

19. In April 2009, OHCHR and the OIF carried out a joint assessment aimed at strengthening the independence and capacities of the NHRI 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 NHRI 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 NHRI of Djibouti on monitoring human rights violations.

21. During her official visit to South Africa in December 2009, the UN 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'Etat of 18 February 2010 in Niger, the National Commission for Human Rights and Fundamental Freedoms (NCHRFF), a NHRI accredited with A status, was dissolved. On 20 May 2010, the Government established a National Observatory for Human Rights, which has been acting as human rights monitoring body during the transitional period. In May 2010 OHCHR provided legal advice to the Government of Niger on comparative experiences from other NHRIs.

23. In February 2010, OHCHR, UNDP and civil society organization 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 new Commissioner with substantive elements on core NHRIs functions under the Paris Principles and on the role of NHRIs 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 NHRI. 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 this mission, OHCHR provided legal advice on the draft law that is currently under consideration.

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

27. On 28-29 June 2010, OHCHR participated in a roundtable organized by the African Network of NHRIs 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 UNDP, OHCHR's regional office for Southern Africa supported the efforts to establish and strengthen this institution.

29. In July 2010, OHCHR provided legal advice on the legislation establishing a NHRI in Somaliland.

30. During 2010, OHCHR and UNDP have supported the Government of Mozambique in establishing a NHRI in compliance with the Paris Principles. In August 2010, UNDP and OHCHR organized a consultation in Maputo on the appointment procedures for members of NHRIs.

3. Asia and the Pacific

31. During the reporting period, the OHCHR regional offices in Southeast Asia and the Pacific; the country offices in Nepal and Cambodia, the human rights advisers to the UN 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 NHRIs in the Asia Pacific.

32. Since September 2009, OHCHR and the Asia-Pacific Forum of NHRIs have been providing advice to the authorities in Papua New Guinea in the drafting of the law for the establishment of a NHRI.

33. In October 2009, upon the completion of a 2-year capacity-building project, the NHRI 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 NHRI.

34. In October 2009, OHCHR, UNDP, the Asia-Pacific Forum and the Human Rights Commission of Malaysia (SUHAKAM) assisted the NHRI 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 Commission conducted a mission to Nauru with a view to consulting the Government on options regarding the establishment of an NHRI in compliance with the Paris Principles.

36. During her official visit to Japan on 13-14 May 2010, the UN High Commissioner for Human Rights encouraged the Government to consider the establishment of a NHRI in line with the Paris Principles.

37. On 1-2 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 NHRIs, in order to explore possible collaboration regarding the promotion and protection of women's rights.

4. Europe

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, Moldova, Tajikistan, the Russian Federation, Serbia 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 NHRIs in Europe and Central Asia.

39. OHCHR monitored and supported the process of recruiting the Kosovo Ombudsman. Following a transparent process. OHCHR provided advice to the Ombudsman on redrafting its enabling legislation according to the requirements for the 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 light of the Paris Principles.

41. From 10-14 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 NHRI in line with the Paris Principles. In February 2010, OHCHR participated in a meeting on the implementation of human rights standards concerning NHRIs organized by the European Union in Ankara.

44. In November 2009, the High Commissioner addressed the Irish Human Rights Commission's and Law Society of Ireland's Joint Annual Human Rights Conference on Economic, Social and Cultural Rights.

45. OHCHR has assisted the strengthening of the Moldovan Centre for Human Rights, by providing legal advice and assisting it in seeking accreditation to the ICC. Following its accreditation in November 2009, OHCHR provided advice to the NHRI 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 UN 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 NHRI 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 before the 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-complaint NHRI.

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 Sub-Committee on Accreditation, in July 2010, OHCHR provided comparative examples to the NHRI of Luxembourg on legal provisions to protect the legal liability for actions undertaken in the official capacity of members of NHRIs.

52. In the context of a country mission on 19-22 July 2010, OHCHR staff discussed with the Government of Belarus and the UNCT possible paths for implementing the UPR recommendation regarding the establishment of a NHRI 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, OHCHR's Middle East regional offices, the UN Human Rights Training and Documentation Centre for Southwest Asia and the Arab Region, OHCHR's office in the occupied Palestinian Territory and the human rights components of the UN mission in Iraq (UNAMI) continued to provide advice and assistance on the establishment and strengthening of NHRIs in the Middle East and North Africa region.

55. On 8-11 August 2009, OHCHR participated in a mission organised and led by the Asia Pacific Forum, to explore further assistance to the NHRI in the occupied Palestinian territory.

56. During her official visits to Kuwait and the United Arab Emirates in April 2010, the UN High Commissioner for Human Rights encourages the Governments of these countries to establish NHRIs in compliance with the Paris Principles.

B. OHCHR support to regional initiatives of the Ombudsman, mediator and other NHRIs

1. The Americas and the Caribbean.

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

58. On 29 August 2009, OHCHR's regional office in Panama delivered training on the Optional Protocol to the Convention against Torture for staff of the NHRIs of Belize, Honduras, Guatemala, Panama, Costa Rica and Nicaragua. This activity was organized in cooperation with the Association for the Prevention of Torture (APT).

59. OHCHR provided technical and financial support to the 8th 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 23-24 November 2009, OHCHR's regional office in Panama co-organized with nine UN regional offices a workshop on monitoring and promoting the rights of indigenous peoples for the NHRIs of Bolivia, Peru, Ecuador, Colombia, Venezuela, Panama, Costa Rica , Nicaragua, El Salvador, Guatemala and Mexico. 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, NHRIs and UNCTs. These seminars took place in Panama.

62. On 13-15 September 2010, OHCHR participated in the 2nd Meeting of the Network of *Defensorías locales y metropolitanas* held in Montevideo, Uruguay. The network aims at promoting joint strategies for the defence of human rights in the cities. It is composed by *defensorías* that operates in capital cities or urban metropolis, including –among others- those of Brasilia, Buenos Aires, Mexico City and Montevideo.

2. Africa

63. With OHCHR's assistance, the Statute of the Sub-regional Network of NHRIs 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 NHRI and the international human rights system.

65. The Seventh Conference of African National Human Rights Institutions on Peace and Justice: the Role of NHRIs, was held in Rabat from 3 to 5 November 2009. This Conference was organized by OHCHR, the Advisory Council on Human Rights of Morocco, the Network of African National Human Rights Institutions and the OIF. The Conference adopted the Rabat Declaration, in which participants recognized the role of NHRIs in facilitating justice and peace (see annex I). NHRIs 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 Moroccan NHRI was elected as the new Chairperson for the Network and the South African NHRI as the Vice-Chairperson. 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, Mali, on the preparation of reports to the treaty bodies and the role of NHRIs regarding migration in West Africa. A total of 50 representatives from Governments, NHRIs and NGOs 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 NHRI of Morocco organized a meeting on strengthening the relationship between NHRIs and the human rights treaty bodies system. The meeting took place on 9-10 June 2010 in Marrakech and gathered together representatives from all the regional networks of NHRIs, OHCHR and the ICC Chairperson. Treaty body experts participated as observers.

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

70. OHCHR participated in the workshop for East and Southern Africa NHRIs on the Continental Human Rights Mechanisms in Africa on 30 July 2010 in Pretoria, South Africa.

71. During the reporting period, OHCHR continued to support the Secretariat of the African Network of NHRIs.

3. Asia and the Pacific.

72. OHCHR participated in the 15th Annual Meeting of the APF held in Bali, Indonesia from 3 to 5 August 2010. The partnership between OHCHR, UNDP and APF was discussed, including the joint capacity assessments programmes implemented in the first half of 2010 in Malaysia and Maldives.

4. Europe

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, 24–26 October 2006.

73. On 24-26 November 2009, OHCHR and the UNDP Bratislava Regional Centre organized a workshop in Geneva on the role of NHRIs and their cooperation with the UN human rights machinery. This event was aimed at strengthening the capacity of Ombudsman and other NHRIs from the Commonwealth of Independent States and Croatia.

74. OHCHR regional office in Brussels organized a regional briefing in Ljubljana, Slovenia on 6-7 September 2010 on the universal periodic review. Institutions of the Ombudsman, mediator and other NHRIs attended this event.

5. Middle East and North Africa

75. OHCHR supported the NHRIs of Morocco and Jordan in effectively delivering their mandates as regional chairs of the NHRI coordinating groups of Africa and Asia, respectively.

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

C. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)

1.1. The ICC Sub-Committee on Accreditation

77. OHCHR provided secretarial support to the meetings of ICC's Subcommittee on Accreditation in March 2009, November 2009 and March 2010. As of June 2010, 91 institutions were accredited by the ICC, more than 35 out of which are Ombudsman institutions, inter alia, in Timor-Leste, Ghana, Namibia, Tanzania, Argentina, Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua,

Panama, Paraguay, Peru, Venezuela, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Poland, Portugal, Russia, Serbia, Spain, Ukraine, Austria, Moldova, Slovenia, Antigua and Barbuda, Barbados and Puerto Rico.

78. As of June 2010 67 NHRIs (among which 30 are Ombudsman institutions) were accredited with A status by the ICC.

79. During the reporting period, 3 Ombudsman institutions were granted accreditation status by the 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 Sub-committee on Accreditation based these decisions on the concerns raised by the Committee Against Torture regarding the independence of the NHRI of Azerbaijan in its concluding observations CAT/C/AZE/CO/3, and in the concerns regarding the role of the Ombudsman of Honduras, raised in the Report of the 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 Sub-Committee's intention to downgraded 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 NHRI. 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.

1.2. Twenty-third session

82. In its capacity as Secretariat of the ICC, OHCHR provided support and facilitated the 23rd session of the ICC (ICC23) held in Geneva, Switzerland from 22 to 25 March 2010. During this meeting, Ms. Rosslyn Noonan, the Chairperson of the NHRI of New Zealand, was elected as the ICC Chair for 2010-2013.

83. The ICC23 meeting was attended by representatives from over 64 NHRIs from around the world including Ombudsman, mediator and other NHRIs. Regional networks of NHRIs, international associations such as *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 to the Secretary-General on Violence against Children.

84. The ICC23 considered follow-up to previous international conferences such as the Durban Review Conference, the Santa Cruz Conference on migration and the 9th ICC International Conference on NHRIs and the Administration of Justice; follow-up to recommendations from international human rights bodies; the ICC Strategic Plan; the role of NHRIs in Haiti; the role of NHRIs in the protection of women's and children rights; human rights education and training; OHCHR-UNDP-APF capacity assessment partnership; HIV/AIDS and the role of

NHRIs. A segment took place on NHRIs' engagement with the mandate of the Special Representative to the Secretary-General on Violence against Children.

85. On the margins of ICC23, 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 the ICC

86. On the margins of the ICC23, two meetings of international associations took place: the meeting of the Commonwealth Forum of NHRIs and the meeting of the *Association Francophone des Commissions Nationales de Promotion et de Protection des Droits e l'Homme*.

b) Bureau Meetings

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

II. COOPERATION BETWEEN OHCHR, UN AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS ON NHRIs, OMBUDSMAN INSTITUTIONS AND MEDIATORS

A. United Nations Development Programme (UNDP)

88. During the reporting period, OHCHR continued to strengthen its strategic partnership with UNDP. On the margins of the ICC23, in March 2010, the High Commissioner and the UNDP Administrator 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 NHRIs, in close cooperation with the ICC.

B. International Ombudsman Institute (IOI)

89. OHCHR participated in the 9th IOI World Conference held in Stockholm, Sweden on 9-12 June 2009, and encouraged increased cooperation amongst regional and international associations of ombudsmen and NHRIs in the context of the Paris Principles, as well as between these institutions and the UN system.

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

C. Ibero-American Federation of the Ombudsman (FIO)

91. OHCHR attended the XIV Annual Congress of the Ibero-American Federation of the Ombudsman held in Madrid in October 2009. This Federation is composed of public defenders, *procuradores*, *proveedores*, *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 NHRIs of Latin America to ensure participation of their representatives in this meeting.

D. Association of the Mediterranean Ombudsman (AOM)

92. OHCHR participated in the second meeting of the AOM (Marseille, France, 18-19 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 AOM headquarters in Tangier, Morocco, were inaugurated on 4 November 2009.

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

94. OHCHR participated in the fourth meeting of the AOM in Madrid on 14-15 June 2010 on the theme “Immigration and Human Rights: a Challenge for Ombudsman institutions?” The meeting, hosted by the Spanish Ombudsman, adopted a resolution highlighting the AOM engagement in promoting cooperation between the Ombudsman, mediator and other NHRIs 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 Porto Spain, Trinidad and Tobago on 23-24 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.

III. SUPPORT PROVIDED BY OHCHR TO NHRIs ON THEMATIC ISSUES

96. During the 12th 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 NHRIs in the UN human rights system.

97. At the margins of the 13th 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).

IV. CONCLUSIONS

98. Ombudsman, mediators 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 an effective implementation of the State's obligations under the 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 which encourages Ombudsman 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, mediators and other NHRIs, including those working at the national, regional or sub-regional levels to work collaboratively in the promotion and protection of human rights.

101. The Secretary-General acknowledges the existence of various associations of Ombudsman, mediators and other NHRIs at the national, regional sub-regional and international levels. In this regard, He encourages Ombudsman, mediators and other

national human rights institutions to cooperate with a view to strengthen 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 Sub-Committee 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, mediators and other NHRIs in order to promote the ICC accreditation process among the members of such associations.

105. The Secretary-General strongly encourages any association of Ombudsman, mediators and other national human rights institutions to actively foster a broader 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 these institutions.

107. The Secretary-General urges Member States to ensure the implementation of the recommendations emanating from Ombudsman, mediators and other NHRIs.

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.
