



MEMORANDUM



TO: Mr. Vijay Nambiar
Chef de Cabinet, EOSG

REF: Council/SG
reports/HRC 2011

DE/FROM: Navanethem Pillay
High Commissioner for Human Rights

DATE: 18 January 2011

OBJET:

SUBJECT: Report of the Secretary-General on national institutions for the promotion and protection of human rights (A/HRC/16/76) - For information ✓

1. Please find attached, for your information, the Secretary-General's report on national institutions for the promotion and protection of human rights (A/HRC/16/76).

2. The report covers the period January - December 2010 and contains information on the activities undertaken by OHCHR to provide advice and assistance to NHRIs in 34 countries. OHCHR also provided assistance to activities aimed at the establishment of NHRIs in 18 countries. The report also contains information on partnership initiatives of OHCHR with United Nations agencies and other international and regional organizations in relation to NHRIs, and on cooperation between NHRIs and international human rights mechanisms. The report highlights the main achievements, challenges and priorities at the national level regarding the establishment and strengthening of NHRIs. Activities of NHRIs on thematic issues, such as business and human rights, torture prevention, the rights of migrants and the rights of indigenous peoples are also discussed.

3. The present report is submitted pursuant to Human Rights Council decision 2/102, by which the Council requested the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. OHCHR had previously interpreted Decision 2/102 as extending previous Commission of Human Rights reports and providing for an annual reporting cycle. This interpretation had not received any objections to date, and the Office's interpretation was thus deemed to have received the tacit approval of member States. However, an objection has been placed on the record in 2010, albeit in the context of another report which equally used Decision 2/102 as the basis for its annual reporting. OHCHR has thus further reviewed the said Decision, and concludes that with it, the Human Rights Council sought to fill a technical gap by ensuring that reports which were deemed to be submitted to the 62nd session of the Human Rights Commission would be extended by one year, to be submitted to the subsequent substantive Human Rights Council session. With this transition period over, and the objection now on the record to the previous interpretation of annual reporting cycles, the report now clarifies that if the Human Rights Council wishes to see a continuation of this reporting mandate, a new Human Rights Council Resolution or Decision on the matter should be tabled.

4. The enclosed report does not contain any controversial issues.

11/31/2011



a) Report of the Secretary-General on national institutions for the promotion and protection of human rights(A/HCR/16/76) - for information

b)Report of the Secretary-General on the process currently utilized by the International Coordinating Committee of National Human Rights Institutions to accredit national institutions in compliance with the paris Principles(A/HRC/16/77) - for information

Patricia Tambuza to: SGCentral

20/01/2011 09:25 AM

Kayoko Gotoh, Astrid Melchner, Rekia Soumana, Vladlen Stefanov,

Cc: Shahrzad Tadjbakhsh, Anton Nikiforov, Danielle Daou, Citlalin Castaneda

Please find attached, for your information, 2 reports of the Secretary-General:

a) Report of the Secretary-General on national institutions for the promotion and protection of human rights(A/HCR/16/76 - for information.

b)Report of the Secretary-General on the process currently utilized by the International Coordinating Committee of National Human Rights Institutions to accredit national institutions in compliance with the paris Principles(A/HRC/16/77) - for information.



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Best regards,

Patricia Tambuza

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Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General****National institutions for the promotion and protection of
human rights****Report of the Secretary-General* *****Summary*

The present report is submitted pursuant to Human Rights Council decision 2/102, in which the Council requested the United Nations High Commissioner for Human Rights (OHCHR) to continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies.

The report, which covers the period from January to December 2010, contains information on the activities undertaken by OHCHR to establish and strengthen national human rights institutions (NHRIs), cooperation between NHRIs and international human rights mechanisms, as well as OHCHR's support to the International Coordinating Committee of NHRIs.

Specifically, the report highlights the main achievements, challenges and priorities at the national level regarding the establishment and strengthening of NHRIs.¹ The activities of NHRIs on thematic issues, such as business and human rights, torture prevention, the rights of migrants and persons in mobility and the rights of indigenous peoples are also discussed.²

* Late submission.

** Through this text, all references to Kosovo, whether to the territory, institutions or population shall be understood in the context of the United Nations Security Council Resolution 1244 (1999) and without prejudice to the status of Kosovo.

¹ Additional information on initiatives and assistance provided to Ombudsman, mediator and other NHRIs may be found in the report of the Secretary-General to the General Assembly (A/65/340).

² Relevant documents are posted on www.nhri.net.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council decision 2/102, in which the Council requests the High Commissioner for Human Rights to continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. OHCHR had previously interpreted Decision 2/102 as extending previous Commission of Human Rights reports and providing for an annual reporting cycle. This interpretation had not received any objections to date, and the Office's interpretation was thus deemed to have received the tacit approval of member States. However, an objection has been placed on the record in 2010, albeit in the context of another report which equally used Decision 2/102 as the basis for its annual reporting. OHCHR has thus further reviewed the said Decision, and concludes that with it, the Human Rights Council sought to fill a technical gap by ensuring that reports which were deemed to be submitted to the 62nd session of the Human Rights Commission would be extended by one year, to be submitted to the subsequent substantive Human Rights Council session. With this transition period over, and the objection now on the record to the previous interpretation of annual reporting cycles, if the Human Rights Council wishes to see a continuation of this reporting mandate, a new Human Rights Council Resolution or Decision on the matter should be tabled.

2. The present report outlines progress achieved since the last report of the Secretary-General submitted to the Human Rights Council at its 13th session in March 2010 (A/HRC/13/44). This report should be read in conjunction with the Secretary-General's report to the General Assembly on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights (A/65/340) and with the Secretary-General's report to the Human Rights Council on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles (A/HRC/16/77).

II. Office of the United Nations High Commissioner for Human Rights (OHCHR) and national human rights institutions

3. NHRIs in compliance with the Paris Principles are essential pillars of national human rights systems for the promotion and protection of human rights. They can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level. By its resolution A/RES/64/161 and a number of earlier resolutions, the General Assembly recognized the role of NHRIs in working together with governments to ensure full respect for human rights at the national level, including by contributing to follow-up actions, as appropriate, to the recommendations resulting from the international human rights mechanisms. In her opening statement at the 23rd Annual Meeting of the International Coordinating Committee (Geneva, 23-25 March 2010), the High Commissioner highlighted the instrumental role that NHRIs play in monitoring the implementation of international human rights law and standards.

4. OHCHR accords priority to the establishment and strengthening of NHRIs with due regard for the Principles Relating to the Status of National Institutions (the Paris Principles) adopted by the General Assembly in its resolution 48/134. OHCHR supports the increased contribution of NHRIs in the United Nations and regional human rights mechanisms. OHCHR encourages the sharing of good practices among NHRIs, supports the strengthening of their regional networks, and facilitates their cooperation with United Nations country teams and other relevant partners. OHCHR is also engaged in improving United Nations system-wide coordination on NHRIs.

5. Since 2003, OHCHR has maintained the National Human Rights Institutions Forum website (www.nhri.net). The website is linked to the web pages of OHCHR and NHRIs and includes information on the United Nations human rights system, on country and thematic issues and on the activities of the International Coordinating Committee.

6. Since 2008, the OHCHR fellowship programme for NHRIs has hosted staff from A-status institutions from Australia, El Salvador, Egypt, Nepal, Nicaragua, the Occupied Palestinian Territory, Republic of Korea, Togo and Uganda. This programme has enabled the fellows to gain knowledge of and experience within the United Nations. It has also been beneficial for OHCHR, in terms of substantive expertise and the consolidation of contacts with staff from national institutions. OHCHR has issued a new call for candidates for 2011. Up to four staff members from NHRIs will be selected to work in the National Institutions and Regional Mechanisms Section of OHCHR for a period up to 12 months.

A. Advisory services provided by the Office to NHRIs

7. OHCHR activities to strengthen the role of NHRIs at the country, regional and international level are carried out mainly through the National Institutions and Regional Mechanisms Section, which works in consultation with other parts of OHCHR, including field presences. OHCHR has continued to provide advice and assistance in the establishment and strengthening of institutions through its country and regional offices, human rights advisers and human rights components of United Nations peace missions, as well as through collaboration with other United Nations partners, including the United Nations Development Programme (UNDP), and regional coordinating bodies of NHRIs. OHCHR also works closely with intergovernmental organisations, academic institutions and civil society organisations.

8. OHCHR provides legal and technical assistance to NHRIs and other national stakeholders. Advice is provided on constitutional or legislative frameworks regarding the establishment of NHRIs, as well as on their nature, functions, powers and responsibilities. Comparative analysis, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken to establish and strengthen the institutions' compliance with the Paris Principles.

9. During the reporting period, OHCHR provided advice and/or assistance on the strengthening of NHRIs in Bahrain, Benin, Congo, Dakar, Djibouti, Ecuador, Gambia, Ghana, Haiti, Indonesia, Ireland, Jordan, Kenya, Kosovo, Liberia, Malaysia, Mexico, Namibia, Niger, Nigeria, Norway, Panama, Serbia, South Africa, Oman, Qatar, Tanzania, Thailand, Togo, Netherlands, Venezuela, Uganda, Zambia and Zimbabwe. OHCHR also provided assistance to activities aimed at the establishment of NHRIs in Belarus, Botswana, Burundi, Central African Republic, Chile, Comoros, Ethiopia, Italy, Japan, Kuwait, Mali, Monaco, Mozambique, Sierra Leone, Sudan, Swaziland, Somalia and United Arab Emirates.

1. The Americas and the Caribbean

10. During the reporting period, the OHCHR regional offices in for South and Central America, the OHCHR country offices in Bolivia, Colombia, Guatemala and Mexico, the human rights advisers with the UNCTs 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/or strengthening of NHRIs in the Americas and the Caribbean.

11. During 2010, OHCHR held bilateral meetings with Government officials and civil society organizations, such as the Chilean Chapter of Ombudsman (*Capítulo Chileno del Ombudsman*), in order to establish a NHRI in compliance with the Paris Principles in Chile.

12. In the aftermath of the January 2010 earthquake in Haiti, OHCHR, in cooperation with the *Organisation Internationale de la Francophonie* (OIF) and the independent expert on the situation of human rights in Haiti, assisted the Citizen's Ombudsman (*Protectrice du Citoyen*) to strengthen the capacities of this institution. In March, OHCHR supported the participation of the Citizen's Ombudsman at the 23rd annual meeting of the International Coordinating Committee. During the session, a special meeting took place to discuss support to the Citizen's Ombudsman of Haiti. In July, OHCHR and OIF launched a joint-project 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 has worked with the NHRI to develop a capacity-needs assessment and programmatic documents.

13. In June 2010, OHCHR, in cooperation with the Ombudsman (*Defensor del Pueblo*) of Ecuador, organized a training aimed at reinforcing the skills of staff from this institution and civil servants to monitor human rights violations.

14. On 4th November 2010, OHCHR conducted a training for staff of the Ombudsman (*Defensoría del Pueblo*) of Venezuela on the preparation of the stakeholders' report with regard to the review of this country in 2011 by the Working Group on the UPR.

2. Africa

15. During the reporting period, OHCHR regional offices in Central Africa, East Africa, Southern Africa and West Africa; the OHCHR 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, 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/or strengthening of NHRIs in Africa.

16. In the aftermath of the *coup d'état* of 18 February 2010 in Niger, the National Commission for Human Rights and Fundamental Freedoms, a NHRI accredited with A status, was dissolved. On 20 May, the Government established a National Observatory for Human Rights, which acted as a human rights monitoring body during the transitional period. In May 2010, OHCHR provided advice to the Government on the establishment of an NHRI that in compliance with the Paris Principles, based on experiences and best practices of other NHRIs in the region.

17. In February 2010, OHCHR, UNDP and civil society organizations discussed areas of 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 Commissioner. The training was aimed at familiarizing the new Commissioner on core NHRI functions under the Paris Principles and on the role of NHRIs in regional and international human rights mechanisms. From 8 to 12 November 2010, OHCHR facilitated a study tour of the Zimbabwe Human Rights Commissioner to South Africa. It was organized in cooperation with the South African Human Rights Commission (SAHRC), and included meetings with SAHRC's members and SAHRC's key interlocutors in the government, civil society and other national institutions. The study tour was organized under the auspices of an ongoing joint UNDP-OHCHR project to build the capacity of the Zimbabwe Human Rights Commission.

18. In May 2010, OHCHR provided legal advice to the Minister of Justice and Defense of Botswana on the establishment of a NHRI, taking into consideration the mandate of the existing Ombudsman.
19. 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 had not been operational for years. Further to that mission, OHCHR provided legal advice on the enabling law.
20. On 8 June 2010, OHCHR delivered a training session to the National Human Rights Commission of Congo on the accreditation process. The Subcommittee on Accreditation reviewed this NHRI in October 2010 (See A/HRC/16/77) and awarded it with "B" status.
21. On 28 and 29 June 2010, OHCHR participated in a round table organized by the African Network of National Human Rights Institutions aimed at strengthening the National Human Rights Commission of Nigeria.
22. In June 2010, the Parliament of Comoros adopted a law on the establishment of a National Consultative Commission on Human Rights. OHCHR had provided legal advice on the enabling legislation prior to its adoption. The Commission has not yet started its operations.
23. In July 2010, OHCHR provided legal advice on the enabling legislation of a NHRI in Somalia.
24. During 2010, OHCHR and UNDP supported the Government of Mozambique in establishing a NHRI in compliance with the Paris Principles. In August 2010, OHCHR and UNDP organized a consultation in Maputo on the appointment procedures for members of NHRIs. An regulation was developed to guide the process of appointment of members, in line with the Paris Principles and the existing enabling legislation.
25. In November 2010, OHCHR, in collaboration with BINUB, carried out awareness-raising activities on the Paris Principles to parliamentarians in Burundi. On 24 December 2010, the Parliament of Burundi adopted the enabling legislation of the National Human Rights Commission.
26. BINUCA, OHCHR and the Government of the Central African Republic organized a workshop on the draft law for the establishment of a NHRI in compliance with the Paris Principles. This activity took place in Bangui from 15 to 16 December 2010. Members of the Parliament and the Government, regional prefects and members of civil society organizations participated in the workshop.

3. Asia and the Pacific

27. During the reporting period, the OHCHR regional offices for South-east Asia, the Pacific, the Middle East; the United Nations Human Rights Training and Documentation Centre for South-west Asia and the Arab Region as well as the OHCHR country offices in Nepal, the Occupied Palestinian Territory 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, Iraq and Timor-Leste continued to provide advice and assistance for the establishment and/or strengthening of NHRIs in the region.
28. 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 NHRI in compliance with the Paris Principles. Subsequently, OHCHR expressed readiness to assist the Government in this endeavour.

29. During her official visits to Gulf Cooperation Council (GCC) States in April 2010, the High Commissioner for Human Rights in her statement opening the Doha Workshop on the establishment of national human rights institutions in the GCC organized by OHCHR and the NHRI of Qatar, encouraged the Governments of those countries to establish NHRIs in compliance with the Paris Principles. During the review of the United Arab Emirates (December 2008) and Kuwait (May 2010) by the Working Group on the UPR, recommendations were formulated on the establishment of NHRIs in conformity with the Paris Principles.

30. From 30 October to 3 November 2010, OHCHR organized in Muscat a workshop on the Paris Principles for members of the Oman Human Rights Committee.

31. OHCHR, in cooperation with UNDP and the Asia Pacific Forum of NHRIs (APF) supported the National Centre for Human Rights of Jordan (2-15 October) and the National Human Rights Commission of Thailand (1-12 November) to carry out their respective capacity needs assessments.

4. Europe

32. During the reporting period, the OHCHR Regional Offices in Europe and in Central Asia, the OHCHR office in Kosovo, the human rights advisers in Albania, South Caucasus, 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, continued to provide advice and assistance in the establishment and strengthening of NHRIs in Europe and Central Asia.

33. During 2010, OHCHR provided advice to the Norwegian Government on the efforts aimed at strengthening the capacity of the Norwegian Centre for Human Rights.

34. During her official visit to Italy in March 2010, the UN High Commissioner for Human Rights held conversations with the Government and members of the Parliament regarding the establishment of a Paris Principles-compliant NHRI, a recommendation that came out from the review of Italy by the Working Group on the UPR in February 2010.

35. On 23 April 2010, OHCHR co-organized a consultation meeting on the possible establishment of a NHRI in the Principality of Monaco.

36. Further to a recommendation from the Subcommittee on Accreditation, in July 2010, OHCHR provided comparative examples to the Consultative Commission of Human Rights (*Commission Consultative des Droits de l'Homme*) of Luxembourg on legal provisions to protect the legal liability for actions undertaken in the official capacity of members of NHRIs.

37. 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 actions for implementing the recommendation of the UPR regarding the establishment of a NHRI in line with the Paris Principles.

38. 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 Public Defender of Georgia with the support of the European Union.

39. Upon request from the Government of the Netherlands, in October 2010, OHCHR provided comments to the draft law on establishing a NHRI.

40. Further to the accreditation of the Protector of Citizens of the Republic of Serbia as an "A" status institution, OHCHR held working meetings with staff from the NHRI,

members of the Parliament and UNCT staff in Belgrade from 13 to 15 December 2010. OHCHR and the Ombudsman identified areas of support from OHCHR and the UNCT to the Ombudsman, including assistance in the implementation of the recommendations of the Subcommittee on Accreditation (See A/HRC/16/77).

B. Support of the OHCHR for regional initiatives of NHRIs

1. The Americas and the Caribbean

41. In May 2010, OHCHR submitted to the Americas' Network of NHRIs a concept note that highlighted the advantages of establishing a Permanent Secretariat within the network, as well as the main features and functioning of similar permanent secretariats in other regions.

42. On 30 August 2010, OHCHR organized in Panama a sub-regional training session on the UPR for civil servants and members of the NHRIs of Honduras, Panama, Paraguay and Venezuela.

43. From 13 to 15 September 2010, OHCHR participated in the second meeting of the Network of local and metropolitan ombudsman institutions (*Defensorías locales y metropolitanas*) held in Montevideo. This network consists of sub-national and sub-federal human rights institutions based in capital cities or urban metropolis, including Brasilia, Buenos Aires, Mexico City and Montevideo. The meeting was aimed at promoting joint strategies for the promotion and protection of human rights at the local level.

44. On 14-15 September 2010, OHCHR organized a seminar on the UPR attended by civil servants, civil society organizations and the Ombudsman of Jamaica and Saint Lucia.

45. OHCHR and the United Nations Country Team in Ecuador supported the organization of the 9th Annual Meeting of the Americas' Network of NHRIs in Quito, Ecuador, on 22-23 September 2010. Representatives from 13 NHRIs attended the meeting that included a thematic session on the rights of "persons in mobility". The UNCT delivered a presentation on the interaction of NHRIs with the international mechanisms of promotion and protection of migrants' rights. OHCHR facilitated a roundtable on the main challenges faced by NHRIs from the Americas to comply with the Paris Principles.

2. Africa

46. On 27-28 September 2010, OHCHR supported the organization of a workshop in Dakar, Senegal, on regional human rights mechanisms and NHRIs for NHRIs from North and West Africa.

47. Also in Dakar, on 6-8 July 2010, OHCHR and UNDP organized a sub-regional conference for Western and Central Africa countries on the UPR. It was attended by civil servants, members of civil society organizations and members of the NHRIs of Benin, Burkina Faso, Gabon, Mauritania, Senegal and Sierra Leone.

48. On 30 July 2010 in Pretoria, OHCHR participated in a workshop for East and Southern Africa NHRIs on human rights mechanisms in Africa organized by the Network of African NHRIs and UNDP.

49. On 27-29 September 2010, OHCHR organized in Johannesburg an Eastern and Southern Africa training session on the UPR for civil servants, UNCT staff and members of the NHRIs of Botswana, Djibouti, Ethiopia, Kenya, Malawi, Namibia, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

50. On 18-20 October, OHCHR participated in a workshop on the **implementation** of standards to prevent torture and other ill-treatment. Organized by the University of Bristol,

the workshop aimed at East African NHRIs (Burundi, Kenya, Rwanda, Tanzania and Uganda) and the Secretariat of the Network of African NHRIs.

51. On 22-24 November, OHCHR organized in Monrovia, Liberia, a sub-regional seminar on the role of parliamentarians and NHRIs in the promotion and protection of human rights. The meeting brought together members of the Parliaments of Liberia, Nigeria, Ghana, Gambia and Kenya, as well as experts from across the region.

52. On 7-9 December 2010, OHCHR organized in cooperation with the South African Human Rights Commission, a seminar on the establishment and strengthening of NHRIs in Southern Africa. Participants included representatives of NHRIs, Governments and civil society organizations from Botswana, Comoros, Mozambique, Namibia, Seychelles, South Africa, Swaziland and Zimbabwe. They shared practical tools and lessons learned on the establishment of NHRIs in compliance with international standards. An interactive dialogue took place on practical aspects of establishing a commission, including institutional and financial structures, and collaboration with government, parliament, judiciary, NGOs, regional and UN human rights mechanisms.

3. Asia and the Pacific

53. OHCHR participated in the Fifteenth Annual Meeting of the Asia-Pacific Forum of NHRIs, held in Bali, Indonesia, from 3 to 5 August 2010. OHCHR, UNDP and the APF discussed ways of strengthening their partnership, including the further implementation of joint-capacity assessments programmes.

54. On 23 and 24 November 2010, OHCHR and UNDP organized in Bangkok a regional consultation on NHRIs and civil society organizations' engagement with the international human rights system.

55. From 29 November to 3 December 2010, OHCHR and the NHRI of New Zealand organized a sub-regional consultation in Auckland on the operationalization by NHRIs of the UN Declaration on the Rights of Indigenous Peoples.

4. Europe

56. The OHCHR Regional Office in Brussels organized a regional briefing in Ljubljana, on 6 and 7 September 2010, on the UPR. NHRIs from the region attended the event.

57. On 4 October in Warsaw, Poland, OHCHR participated in the consultation on NHRIs in the European region and Central Asia organized by the Office for Democratic Institutions and Human Rights (ODHIR) of the Organization for Security and Co-operation in Europe (OSCE).

58. On 20 and 21 October in Crikvenica, Croatia, OHCHR participated in a regional roundtable organized by UNDP and the Association for the Prevention of Torture (APT) on the role of NHRIs in National Preventive Mechanisms under the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment.

C. Contribution of OHCHR for international initiatives supporting NHRIs

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

(a) Twenty-third session

59. In its capacity as Secretariat of the International Coordinating Committee, OHCHR provided support to and facilitated the 23rd annual meeting of the International Coordinating Committee of NHRIs, held in Geneva from 23 to 25 March 2010. The meeting unanimously elected Ms. Rosslyn Noonan, Chairperson of the NHRI of New Zealand, as Chairperson of the International Coordinating Committee for the period 2010-2013.

60. The meeting was attended by representatives of 64 NHRIs and Ombudsman institutions, as well as by **international** associations such as the Francophone Association of National Commissions for the Promotion and Protection of Human Rights (*Association francophone des commissions nationales de promotion et de protection des droits de l'homme*), the International Ombudsman Institute (IOI) and the Association of Mediterranean Ombudsmen. The Independent expert on the situation of Human Rights in Haiti and the Special Representative of the Secretary-General on violence against children also participated in this meeting.

61. At its 23rd session, the International Coordinating Committee considered *inter alia* the following topics: a) follow-up to previous international conferences such as the Durban Review Conference, the Santa Cruz Conference on migration and the Ninth International Conference on NHRIs and the Administration of Justice; b) follow-up to recommendations from international human rights bodies; c) the International Coordinating Committee's Strategic Plan; support to the NHRI of Haiti; d) the role of NHRIs in the protection of women's and children rights; e) human rights education and training; f) OHCHR-UNDP-Asia Pacific Forum capacity-assessment partnership; g) HIV/AIDS and the role of NHRIs. The Special Representative of the Secretary-General on violence against children held an interactive dialogue with the participants on engagement of NHRIs with her mandate.

62. On March 24, at the margins of the 23rd annual meeting of the International Coordinating Committee, OHCHR organized a side event on participation of Ombudsman institutions in the international human rights system. Participants included the ombudsman institutions of Austria, France and Morocco, as well as the NHRI of Ireland.

(b) Bureau meetings

63. OHCHR provided secretarial and technical support to the meetings of the International Coordinating Committee's Bureau held in Geneva (March 22) and in Edinburgh (October 7). The Bureau members discussed strategic priorities, including the International Coordinating Committee's engagement with the Human Rights Council Review, the Human Rights Treaty Bodies System, the Commission on the Status of Women and the Optional Protocol to the Convention on the Rights of the Child.

(c) Subcommittee on Accreditation

64. OHCHR provided secretarial support to the meetings of the Subcommittee on Accreditation held in Geneva in March and October 2010 (see A/HRC/16/77).

(d) 10th International Conference of NHRIs

65. From 8 to 10 October 2010 in Edinburgh, OHCHR, the Scottish Human Rights Commission, the International Coordinating Committee and the Scottish Parliament organized the 10th International Conference of NHRIs on "Business and Human Rights: The Role of NHRIs". More than 250 delegates representing NHRIs, the business sector, civil society organizations, academia and intergovernmental organizations attended this

conference. Keynote speakers included Ms. Navanethem Pillay, UN High Commissioner for Human Rights, Ms. Mary Robinson, former High Commissioner and Mr. John Ruggie, UN Secretary-General's Special Representative on human rights and transnational corporation and other business enterprises (SRSG).

66. The programme of the Conference was structured around the SRSG's 3-pillar framework for addressing human rights in the business sphere, including the State duty to protect against corporate human rights abuses, the corporate responsibility to respect human rights and the principle of access to a remedy for abuses of human rights committed by corporate actors. Four regional thematic working groups were convened on child labour (Africa), human trafficking (Asia Pacific), privatisation and public procurement (Europe) and safe and healthy environment (Americas).

67. Participants adopted the Edinburgh Declaration³, which provides a framework of practical initiatives in promotion, education and research, monitoring, complaints handling, and mediation and conciliation. The Declaration emphasizes the need to work with the SRSG, including by promoting the advancement of his "Protect, Respect, Remedy" framework.

68. The NHRIs agreed to undertake concrete activities, such as the creation of focal points, supporting victims of corporate abuse, empowering human rights defenders, and supporting civil society participation in business and human rights. The Declaration acknowledged the need for NHRIs to work collaboratively with non-governmental organizations.

69. In the margins of the 10th International Conference, the following parallel activities took place: The non-governmental organization Nomogaia organized a side event on "Human Rights Impact Assessments". The Center for Economic and Social Rights, and the NHRIs of Kenya and Scotland organized a side event on "Monitoring State's Obligation to Fulfil Economic, Social and Cultural Rights: Methodologies for National Institutions". The International Coordinating Committee's Working Group on Business and Human Rights organized a side event on "Revising the OECD Guidelines for Multinational Enterprises: What Role for NHRIs?" The European Coalition of Corporate Justice organized a parallel event and exhibition on the theme "Rights for People, Rules for Business."

(e) Forum of Non Governmental Organizations

70. The 10th International Conference was preceded by a Forum of non-governmental organizations that took place on 7 October. It gathered together more than 50 organizations. The Forum was organized by the Scottish Council for Voluntary Organizations, the International Commission of Jurists and the Asian Forum for Human Rights and Development, with the support of OHCHR and the Scottish Human Rights Commission. OHCHR provided financial support to ensure the attendance of participants from 6 non-governmental organizations. The NGO Forum adopted a final statement that summarises its engagement with NHRIs and spells out ways and means of cooperation with NHRIs in the area of business and human rights.

³ [http://www.nhri.net/2010/Edinburgh%20Declaration%20\(English\).pdf](http://www.nhri.net/2010/Edinburgh%20Declaration%20(English).pdf)

III. Cooperation between United Nations human rights mechanisms and national human rights institutions

A. Human Rights Council

71. OHCHR supports NHRIs engagement with the Human Rights Council, in accordance with Commission on Human Rights resolution 2005/74. Human Rights Council resolution 5/1 provides opportunities for institutions and their regional coordinating mechanisms to participate in the Human Rights Council and to engage with its various mechanisms. Institutions accredited with A status by the International Coordinating Committee, the Committee itself, and its regional coordinating bodies speaking on behalf of A-status accredited NHRIs may participate and address the Council on all agenda items. They can also circulate written statements, have documentation issued as United Nations official documents and have separate seating arrangements at the Council sessions. With regard to the UPR, NHRIs' input is included in the stakeholders' report. OHCHR is assisting in the implementation of UPR recommendations concerning the establishment or strengthening of NHRIs, including supporting institutions in applying to the International Coordinating Committee for accreditation.

72. In 2010, an average of 20 NHRIs participated in each of the Human Rights Council sessions. They were active before and during the sessions, presenting statements, submitting written documentation, participating in general debates, organising parallel events and interacting with the Special Rapporteurs.

73. In the margins of the 13th session of the Human Rights Council, OHCHR and the Advisory Council on Human Rights of Morocco organized, on 8 March 2010, a side event on community reparations in the context of transitional justice.

74. In the margins of the 13th session of the Human Rights Council, OHCHR organized, in cooperation with the Human Rights Commission of Mexico City and the NGO International Network of Human Rights, a side event on the promotion and protection of human rights at the local level.

75. The Human Rights Council held the second interactive debate on the rights of persons with disabilities on 5 March 2010. The debate focused on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities. The Chairperson of the International Coordinating Committee delivered a statement on the role of A-status NHRIs to monitor the implementation of the Convention on the Rights of Persons with Disabilities.

1. Human Rights Council Review

76. On 7 October 2010, the Bureau members adopted an International Coordinating Committee's Position Paper on the 2011 Human Rights Council Review with specific proposals aimed at strengthening NHRI participation at the Human Rights Council.

77. On 25-29 October 2010, the first session of the Working Group on the Human Rights Council Review took place in Geneva. Representatives from the International Coordinating Committee, the APF and individual NHRIs participated in this meeting. In line with the International Coordinating Committee's position paper, the International Coordinating Committee's delegates presented proposals aimed at strengthening the contribution of NHRIs to the Council's work aimed at making the Council more effective in its responses to crisis situations and in addressing rights violations and making the Council more accessible to persons that have suffered rights violations and to persons working to defend them, including NHRIs.

78. Representatives from the International Coordinating Committee attended the Ambassadorial Retreat on the Review of the Human Rights Council, hosted by the Thai Government from 8-10 December in Bangkok, Thailand.

2. Universal Periodic Review

79. In 2010, 48 countries were reviewed under the UPR (7th – 9th sessions). Of these, 19 have an NHRI accredited by the International Coordinating Committee, 12 of which submitted information for the stakeholders' report.⁴ Among them, 10 hold "A" status and 2 "B" status.

80. Individual NHRIs and regional networks continued to submit written and oral statements under Council's agenda item 6 (Universal Periodic Review). During the reporting period, the NHRIs of Azerbaijan (A/HRC/14/NI/1), Great Britain (A/HRC/13/NI/4 and A/HRC/13/NI), Egypt (A/HRC/14/NI/9), and the APF (A/HRC/14/NI/10) submitted written contributions under this agenda item. The NHRIs of Bolivia, El Salvador, Nicaragua and Portugal delivered oral statements under agenda item 6. The written and oral statements addressed the follow-up to the UPR recommendations.

81. During the review of Kenya and Panama by the Working Group of the UPR (8th and 9th sessions respectively), OHCHR assisted the NHRIs of these countries to organize side events on the UPR preparation process and on the role the NHRI can play in this regard.

82. As part of the work of the Working Group of the Human Rights Council Review, the Council's President appointed a facilitator to lead informal consultations on the UPR. A number of States and civil society organizations supported a strengthened role of NHRIs in the UPR. The International Coordinating Committee presented the following proposals related to "A" status NHRIs: 1) NHRIs should be allocated speaking time during the review of their countries at the Working Group on the UPR, following the State's presentation), 2) NHRIs should be able to submit a separate report on their State in future UPR cycles, 3) NHRIs should be able to submit written questions and recommendations on the UPR review of their country, 4) NHRIs should be given the floor immediately after the State during the Council's plenary discussion and adoption of the UPR report, 5) NHRIs should be able to provide regular updates to the Council on the implementation of UPR outcomes, 6) The UPR Trust Fund should be extended to support NHRI attendance of the Working Group of the UPR.

3. Special procedures

83. During the reporting period, a number of NHRIs interacted with special procedures mandate holders and submitted to the Human Rights Council written contributions to complement the reports of special procedures mandate holders on country missions.

84. The Chairperson of the International Coordinating Committee participated in the 17th Annual Meeting of Special Procedures held in Geneva from 28 June to 2 July 2010. In the margins of this meeting, OHCHR and the International Coordinating Committee organized a parallel event on the role of NHRIs in following up on recommendations from special procedures.

85. Special Rapporteurs have increasingly recognised the role that NHRIs can play at the national level in assisting the implementation of the special procedures' mandates. During 2010, the Special Representative of the Secretary-General on violence against

⁴ The NHRIs of Bolivia, Bosnia and Herzegovina, Croatia, Egypt, El Salvador, Kenya, Maldives, Mongolia, Nicaragua, Panama, Slovenia and Spain.

children, the Independent Expert on the human rights situation in Haiti and the SRSO on business and human rights carried out a number of activities aimed at strengthening their cooperation with individual NHRIs and with the International Coordinating Committee.

86. In October 2010, the Special Representative of the Secretary-General on violence against children and the Special Rapporteur on the sale of children, child prostitution and child pornography addressed a questionnaire to NHRIs in connection to the report they are mandated to present to the Human Rights Council on effective and child-sensitive counseling, complaint and reporting mechanisms to which children can safely report incidents of violence, including sexual violence and exploitation.

87. OHCHR regularly provides special procedures mandate holders with information concerning the work of NHRIs in the preparation of their country missions. Increasingly, such mandate holders look to NHRIs for assistance in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged.

88. As part of the Working Group of the Human Rights Council Review, the Council's President appointed a facilitator to lead informal consultations on Special Procedures. The International Coordinating Committee supported the following proposals, *inter alia*: 1) Where a Special procedures mandate-holder addresses a country situation at the Council, either through the presentation of a country-specific report or the address of a country situation in a thematic report, the "A" status NHRI from that State should have the opportunity to speak immediately after the concerned country in order to directly contribute to the interactive dialogue, and 2) "A" status NHRIs should be able to regularly provide the Council with information on their State's implementation of Special Procedures recommendations.

B. Treaty bodies

89. As an ongoing activity, OHCHR has systematically engaged with treaty bodies by providing updated information and expert analysis on NHRIs and their related activities. It also regularly updates a compilation of all treaty body concluding observations and recommendations that mention NHRIs (www.nhri.net), and send the concluding observations to the NHRIs concerned.

90. The NHRI of Morocco organized a meeting on strengthening the relationship between NHRIs and the human rights treaty bodies system, on 9-10 June 2010 in Marrakech. This event gathered representatives from all the regional networks of NHRIs, OHCHR and the Chair of the International Coordinating Committee. Treaty body experts participated as observers. Participant adopted the Marrakech Statement which includes recommendations to enhance the treaty body system and to ensure broader access to treaty bodies and follow-up by NHRIs to treaty body recommendations.

91. On the occasion of the 100th session of the Human Rights Committee (Geneva, 11-29 October 2010), the NHRI of Morocco delivered a statement on behalf of the International Coordinating Committee, on NHRIs' role in the implementation of the Human Rights Committee's recommendations at the national level. The statement highlighted the significant role that NHRIs play at the national level in monitoring, protection and promotion of human rights.

C. Commission on the Status of Women (CSW)

92. The Chairperson of the International Coordinating Committee and 11 NHRIs from the four regional networks attended the 54th session of the CSW (New York, 1-12 March 2010). They held meetings and delivered oral statements in order to advocate for an independent participation of A-status NHRIs in the work of the CSW.

IV. Cooperation and support to national human rights institutions among OHCHR, United Nations agencies and programmes, and international and regional organizations.

A. United Nations Development Programme

93. During the reporting period, OHCHR continued to strengthen its strategic partnership with UNDP.

94. On 10 December 2010, the UN High Commissioner for Human Rights and the UNDP Administrator launched the UNDP-OHCHR Toolkit for Collaboration with NHRIs. The Toolkit was developed over a 2-year consultative process to support UNCT staff in their work with NHRIs, and to help NHRIs better understand the UN and identify mutual areas of interest. On the same day, a joint UNDP-OHCHR letter was sent to all UN Resident Coordinators with the electronic version of the Toolkit.⁵

B. Association for the Prevention of Torture (APT) and the APF

95. On 8 October 2010, during the 10th International Conference of NHRIs, the UN High Commissioner for Human Rights launched a publication entitled “Preventing Torture, an Operational Guide for NHRIs”. This Guide is the outcome of cooperation between OHCHR, the APT and the APF. It builds on the experience accumulated during previous joint training projects such as the APT-OHCHR Actors for Change and the APT-APF training programmes for NHRIs in the Asia Pacific region.⁶

C. Association of the Mediterranean Ombudsman

96. OHCHR participated in the fourth meeting of the Association of the Mediterranean Ombudsman 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 NHRIs handling complaints from migrants.

⁵ The toolkit is available on: <http://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf>

⁶ This Publication is available on: <http://www.ohchr.org/Documents/Publications/PreventingTorture.pdf>

V. Conclusions and recommendations

97. NHRIs compliant with the Paris Principles are key elements of a strong and effective national human rights system of promotion and protection of human rights. The development of appropriate mechanisms of cooperation between NHRIs and other national institutions with a role in the promotion and protection of human rights, including the Ombudsman institutions, should be encouraged.

98. NHRIs are well placed to support Governments to ensure the implementation of international human rights norms and standards. An increased number of independent NHRIs are carrying out an implementation role in connection to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishment and the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Governments and NHRIs are encouraged to work together to ensure the implementation of international human rights law and standards at the national level.

99. A constructive relationship between independent NHRIs and Parliaments can make an invaluable contribution to the promotion and protection of human rights at the national level, particularly in ensuring the compliance of national laws and practices with international human rights norms. Initiatives undertaken in order to promote a closer cooperation between Parliaments and NHRIs should be promoted.

100. The Paris Principles require an effective cooperation between NHRIs and representatives from civil society organizations. There is a need for open, participatory and pluralistic processes while establishing or strengthening NHRIs in compliance with the Paris Principles.

101. The active involvement of NHRIs, through the International Coordinating Committee, in the ongoing Human Rights Council's review is welcomed. Likewise, the engagement of Paris Principles complaint NHRIs in the UPR mechanism, both in its preparation and its follow-up is increasingly important.

102. The adoption of the Marrakech Statement on strengthening the relationship between NHRIs and the Human Rights Treaty Bodies System is welcomed. NHRIs are encouraged to continue engaging in the process of reflection on how to streamline and strengthen the treaty body system.

103. The adoption of the Edinburgh Declaration on business and human rights and the role of NHRIs is welcomed. The Declaration confirmed the expanding role of NHRIs in addressing corporate-related human rights violations. NHRIs and civil society organizations are encouraged to work together towards the implementation of the commitments made in Edinburgh.

104. UN country teams are encouraged to make an active use of the UNDP-OHCHR Toolkit on Collaboration with NHRIs in their daily work, including in developing UN-coordinated approaches towards NHRIs.

105. The important work of the regional networks of NHRIs is acknowledged and greater cooperation between the regional networks and the International Coordinating Committee is encouraged.

106. It is important that adequate financial resources be allocated to NHRIs and there is a need for them to enjoy financial independence and autonomy for their effective performance.