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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Follow-up and implementation of the Vienna Declaration and Programme of Action

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 resolution 17/9, requesting the Secretary-General to report on the implementation of the resolution. The report, covering the period January 2011 to March 2012, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national institutions for the promotion and protection of human rights (NHRIs), cooperation between NHRIs and the international human rights system and OHCHR support to the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and regional networks of NHRIs. This report should be read in conjunction with the report of the Secretary-General on the activities of the International Coordinating Committee in accrediting NHRIs in compliance with the Paris Principles (A/HRC/20/10).

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

** Late submission.

Specifically, the report highlights the main achievements, challenges and priorities at the national level regarding the establishment and strengthening of NHRIs.¹ It also refers to activities of NHRIs on thematic issues, such as business and human rights, older persons, persons with disabilities and the rights of indigenous peoples.²

¹ Additional information on initiatives and assistance provided to NHRIs can be found in the report of the Secretary-General to the General Assembly (A/66/274).

² Relevant documents are posted on <http://nhri.ohchr.org>.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–2	4
II. The Office of the United Nations High Commissioner for Human Rights and national human rights institutions.....	3–67	4
A. Advisory services provided by OHCHR to NHRIs	6–48	5
B. Support of OHCHR for regional initiatives of NHRIs.....	49–60	9
C. Contribution of OHCHR to international initiatives supporting NHRIs.....	61–67	11
III. Cooperation between United Nations human rights mechanisms and national human rights institutions.....	68–85	12
A. Human Rights Council	68–77	12
B. Treaty bodies	78–82	13
C. Commission on the Status of Women.....	83	14
D. Other meetings	84–85	14
IV. Cooperation and support to national human rights institutions by United Nations agencies and programmes and international and regional organizations	86–90	14
A. United Nations Development Programme	86–88	14
B. United Nations Populations Fund	89	15
C. International Organization of la Francophonie	90	15
V. Recommendations	91–98	15
Annex		
Belgrade principles on the relationship between national human rights institutions and parliaments (Belgrade, 22–23 February 2012)		17

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 17/9 of 16 June 2011 on national institutions for the promotion and protection of human rights, which requests the Secretary-General to report at the twentieth session of the Human Rights Council on the implementation of the resolution. The report outlines progress achieved since the last report of the Secretary-General on this subject, submitted to the Human Rights Council at its sixteenth session in March 2011 (A/HRC/16/76). This report should be read in conjunction with the Secretary-General's report to the General Assembly on national human rights institutions for the promotion and protection of human rights (A/66/274) and with the Secretary-General's report to the Human Rights Council on the activities of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in accrediting national institutions in compliance with the Paris Principles (A/HRC/20/10).

2. By its resolution 17/9, the Human Rights Council recognized the important role of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in assisting the development of independent and effective national institutions for the promotion and protection of human rights (NHRIs) in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It also welcomed the role of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in assessing the conformity of NHRIs with the Paris Principles and in providing assistance in strengthening their capacities. The Human Rights Council recognized the role of independent 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 recommendations resulting from the international human rights mechanisms, as well as in supporting cooperation between their Governments and the United Nations in the promotion and protection of human rights. The Human Rights Council encouraged NHRIs to continue playing an active role in the prevention and protection of human rights as provided for in international human rights instruments and encouraged member States to establish effective, independent and pluralistic NHRIs; or, where they already exist, to enhance their capacities to better promote and protect all human rights.

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

3. NHRIs, in compliance with the Paris Principles, are part and parcel of a strong and effective national human rights system, their role in promoting and monitoring the effective implementation of international human rights standards at the national level is critical, including through the promotion of the rule of law and ensuring accountability.

4. OHCHR continues to accord high priority to the establishment and strengthening of NHRIs in accordance with the Paris Principles. OHCHR also supports the increased engagement and contribution of NHRIs to the United Nations and regional human rights mechanisms. It encourages the sharing of good practices among NHRIs, supports the strengthening of their regional networks and facilitates their cooperation with relevant partners. OHCHR is also engaged in improving United Nations system-wide coordination on NHRIs.

5. Since 2008, OHCHR has hosted a fellowship programme for staff members of "A" status NHRIs. During the reporting period, participants in the programme came from the

institutions of Egypt, India, Mauritania, Mongolia, Peru, Qatar, Uganda and the United Kingdom of Great Britain and Northern Ireland. This programme enables the fellows to gain knowledge of and experience with the United Nations human rights system and familiarize themselves with OHCHR work with NHRIs. It is also beneficial for OHCHR in terms of substantive expertise and consolidation of contacts with NHRIs' staff.

A. Advisory services provided by OHCHR to NHRIs

6. OHCHR activities to establish or strengthen NHRIs at the country, regional and international level, are led by the National Institutions and Regional Mechanisms Section. OHCHR has continued to provide advice and assistance in the establishment and capacity-building of institutions through its field presences and collaboration with other United Nations partners, particularly the United Nations Development Programme (UNDP), and with regional networks of NHRIs. In that context, OHCHR also works closely with intergovernmental organizations, academic institutions and civil society organizations.

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

8. During the reporting period, OHCHR provided advice and/or assistance on the strengthening of NHRIs in Afghanistan, Belize, Burundi, Cameroon, Chad, Chile, Congo, Costa Rica, Croatia, Djibouti, Egypt, El Salvador, Ethiopia, Ghana, Haiti, Ireland, Kazakhstan, Kyrgyzstan, Kenya, Liberia, Macedonia, Malawi, Mongolia, Namibia, Nicaragua, the Occupied Palestinian Territory, Panama, Peru, Republic of Moldova, Rwanda, Sierra Leone, Serbia, Slovakia, Somaliland, Sri Lanka, South Africa, Oman, Qatar, Tajikistan, Tunisia, Uganda, United Republic of Tanzania, Zambia and Zimbabwe.

9. OHCHR also provided assistance to activities aimed at the establishment of NHRIs in Botswana, Central African Republic, Comoros, Democratic Republic of the Congo, Iraq, Kuwait, Libya, Lithuania, Mozambique, Niger, Sao Tome and Principe, Seychelles, Somalia, South Sudan, Swaziland, Turkey, United Arab Emirates and Uruguay.

1. The Americas and the Caribbean

10. During the reporting period, the OHCHR regional offices in South America and Central America, the OHCHR country offices in the Plurinational State of Bolivia, Colombia, Guatemala, Mexico, the human rights advisers to the United Nations country teams in Ecuador, Honduras and Paraguay and the human rights component of the United Nations Stabilization Mission in Haiti continued to provide advice and assistance in the establishment or strengthening of NHRIs in the Americas.

11. During 2011, the OHCHR Regional Office for South America continued to provide support to the efforts aimed at establishing the NHRIs in Chile and Uruguay. In both countries, OHCHR held meetings with parliamentarians, Government officials and representatives of various civil society organizations to present experiences and strategies. As a result, a human rights commission has been established in Uruguay and commissioners are due to be elected by the Parliament in April 2012.

12. The Regional Office for South America organized and participated in joint activities with the NHRI of Peru related to the development of human rights indicators, the rights of indigenous peoples and follow-up to the recommendations of the universal periodic review.

On 29 and 30 November 2011, training on the rights of indigenous peoples at the universal and national level was organized in cooperation with the NHRI.

13. In September 2011, the Regional Office for South America, in partnership with the NHRI of Argentina, conducted training in Argentina on the United Nations mechanisms and international human rights standards regarding the rights of indigenous peoples. Participants included more than 120 Argentinean indigenous leaders, representing 9 provinces and 16 indigenous ethnic groups.

14. In 2011, the Regional Office for Central America organized various workshops to provide technical assistance on non-discrimination and the rights of Afro-descendants, to NHRIs of Belize, Costa Rica, El Salvador, Nicaragua and Panama. OHCHR provided support for the drafting of guiding documents to enhance and strengthen NHRIs' efforts in combating racism and racial discrimination.

15. In 2011, OHCHR, UNDP, the International Organization of la Francophonie and the Office de la Protection du Citoyen et de la Citoyenne in Haiti started the implementation of a three-year joint global strategy for the strengthening of the Office. A consultant was recruited by OHCHR and the International Organization of la Francophonie for one year to strengthen the capacities of the Office and assist it in discharging its mandate.

2. Africa

16. During the reporting period, the 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, 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 South Sudan continued to provide advice and assistance for the establishment and/or strengthening of NHRIs in Africa.

17. The OHCHR Subregional Centre for Human Rights and Democracy in Central Africa assessed the functioning of the NHRI in Cameroon by analysing its methods of work, and trained its members and staff.

18. During the reporting period, OHCHR continued to provide technical and financial support to the Uganda Human Rights Commission on human rights monitoring, reporting and investigation. In July 2011, for the first time, OHCHR and the Commission carried out a joint planning meeting.

19. In collaboration with the United Nations Office in Burundi, OHCHR continued to provide technical assistance to the NHRI in Burundi established in March 2011, by providing training to its members.

20. During 2011, OHCHR continued to work closely with NHRIs in the Southern Africa Region by providing funding for capacity-building projects aimed at countering discrimination.

21. OHCHR held periodic consultations with the South Africa Human Rights Commission in monitoring the implementation of a project that aimed at addressing human rights concerns of non-nationals and in countering xenophobia and discrimination.

22. In 2011, the OHCHR Regional Office for Southern Africa discussed with the Angolan authorities possible steps for the establishment of a NHRI in compliance with the Paris Principles.

23. In 2011, the Regional Office for Southern Africa was involved in the process to establish a NHRI in Comoros, which resulted in the adoption of the Law of the National Commission for Human Rights and Liberties, in November 2011.

24. The OHCHR Regional Office for Southern Africa worked closely with UNDP and the Ministry of Justice of Mozambique in extending technical and advisory services to the Government and civil society for the establishment of a NHRI. OHCHR provided comments on the draft regulation regarding the selection of commissioners.

25. The OHCHR Regional Office for Southern Africa contributed to the induction of newly appointed commissioners and senior managers of the Zambia Human Rights Commission.

26. OHCHR continued to provide support to the Zimbabwe Human Rights Commission to ensure that the enabling legislation, which is expected to be adopted in 2012, is in compliance with the Paris Principles and assist the NHRI to become fully operational.

27. OHCHR recruited a consultant to work with the NHRI of South Sudan with a view to building and strengthening its capacity. OHCHR provided advice on provisions regarding this NHRI in the Constitution of South Sudan. .

28. OHCHR, in cooperation with UNDP and the Network of African National Human Rights Institutions, supported the NHRIs of Ethiopia, Malawi and Uganda in carrying out their respective capacity needs assessments, leading to amendments to their legal framework to be fully compliant with the Paris Principles.

29. During the reporting period, OHCHR supported the organization of national consultations as part of the process to establish a new NHRI in Niger. OHCHR was involved in the development of the draft legislation to ensure that it is consistent with the Paris Principles. On 29 February 2012, the Government adopted the draft law which is yet to be considered by Parliament.

30. In November 2011, the United Nations Integrated Peace building - Office in the Central African Republic in consultation with OHCHR, organized a meeting with the Government to discuss a draft legislation on the establishment of a NHRI, especially provisions regarding the independence and composition of the NHRI, and adequate funding. Best practices in establishing strong and effective NHRIs were presented.

31. OHCHR continued to support the NHRIs of Mauritania and Liberia by providing technical advice and financial support.

32. OHCHR provided legal advice on drafting legislations on NHRIs in Libya, Lesotho and Tunisia.

3. Asia and the Pacific

33. 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 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 or strengthening of NHRIs.

34. OHCHR, in collaboration with the United Nations Assistance Mission in Afghanistan (UNAMA), continued to collaborate with and provide technical support to the Afghanistan Independent Human Rights Commission by carrying out capacity-building activities for its staff and joint advocacy initiatives and information-sharing on key human rights issues. OHCHR and UNAMA, in collaboration with the European Union Police

Mission in Afghanistan, provided training to the Commission's staff on police accountability and investigations skills. OHCHR and UNAMA also continued to advocate for the Commission to have access to sustainable State funding in order to perform effectively.

35. OHCHR, UNDP and United Nations Integrated Mission in Timor-Leste (UNMIT) continued to provide technical support to the country's NHRI, through a capacity-building project put in place in 2007, which was extended until 2014. In 2011, the human rights component of UNMIT provided support to strengthen the capacity of the NHRI by discussing specific cases of allegation of human rights, by accompanying it during visits of detention premises and providing technical advice on report drafting. UNMIT also carried out training activities for the staff of the NHRI and representatives of civil society organizations on the rights of detainees and prisoners, and on monitoring of detention centres, as well as on human rights standards with regard to forced evictions.

36. At the invitation of the Governments concerned, OHCHR, together with the Asia Pacific Forum of NHRIs (APF) and the Pacific Islands Forum Secretariat, visited Palau, the Solomon Islands and Vanuatu for consultations on the establishment of NHRIs. Subsequently, a report was delivered to the respective Governments outlining an overview of the different types and roles of NHRIs.

37. In July 2011, UNDP, together with OHCHR and APF, organized a workshop in Beirut to support the establishment of the NHRI of Iraq. It brought together members of the Committee of Experts responsible for the shortlisting of candidates to be considered for appointment to the NHRI and provided Committee members with the information and skills necessary to establish a transparent, efficient and accountable selection procedure that meets the Paris Principles.

38. The OHCHR country office in Nepal continued to work closely with the country's NHRI, particularly by advocating for a strong legislative framework for the NHRI, in accordance with the Paris Principles. OHCHR also provided technical support on monitoring and investigating specific cases of allegations of human rights violations.

39. OHCHR, in cooperation with UNDP and APF, supported the Mongolia Human Rights Commission, the Afghanistan Independent Human Rights Commission, the Independent Commission for Human Rights in Palestine and the Human Rights Commission of Sri Lanka in carrying out capacity needs assessments.

40. OHCHR also provided legal advice on draft legislations on NHRIs in Libya, Kuwait, Oman and the United Arab Emirates.

4. Europe and Central Asia

41. 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, Republic of Moldova, the Russian Federation, Serbia, Tajikistan and the former Yugoslav Republic of Macedonia, and the human rights adviser of the United Nations Regional Centre for Preventive Diplomacy for Central Asia in Turkmenistan continued to provide advice and assistance in the establishment and strengthening of NHRIs in Europe and Central Asia.

42. The Regional Office for Central Asia continued supporting the Ombudsman's Institute in Kyrgyzstan through a joint technical assistance project with other United Nations agencies. In October and November 2011, OHCHR organized two training sessions for the staff of the Ombudsman office on monitoring and investigating human rights violations.

43. In 2011, OHCHR organized training for the staff of the Ombudsman Office in Tajikistan on techniques of interviewing human rights victims, with an emphasis on survivors of torture.

44. In 2011, OHCHR advocated for the adoption of a new law on the Ombudsman in Kazakhstan to encourage greater compliance with the Paris Principles. In September 2011, OHCHR supported the participation of the Ombudsman institution in the Sixteenth Annual Meeting and Biennial Conference of the APF. The OHCHR Regional Office for Central Asia, in cooperation with the Organization for Security and Cooperation in Europe Centre in Astana and the Ombudsman institution organized a conference on “National preventive mechanisms: establishment and implementation issues”.

45. OHCHR provided comments on the rules of procedure of the National Assembly of Serbia, focusing on provisions regulating the relationship between the Ombudsman and the Parliament, specifically on the oversight mechanism and the Ombudsman’s reporting function. OHCHR and the United Nations country team continued to work closely with the Serbian National Assembly in order to further strengthen that institution.

46. Following the visit of Deputy High Commissioner for Human Rights to Ireland, OHCHR sent a technical note in December 2011, to provide advice on the merging of the Irish Human Rights Commission with the Irish Equality Body.

47. In Lithuania, upon request from the Minister of Justice and the Seimas Ombudsman, OHCHR provided comments on the legislation of the Seimas Ombudsman regarding its compliance with the Paris Principles.

48. On 4 and 5 October 2011, a workshop on a “Broad Participatory Approach towards the establishment of a NHRI in Turkey” was organized by OHCHR, the United Nations country team in Turkey and the UNDP Bratislava Centre, to raise awareness among Turkish authorities of the importance of ensuring a broad and open participation during the pre-establishment phase of NHRIs. The development of a draft law, in accordance with the Paris Principles, is being considered in Turkey.

B. Support of OHCHR for regional initiatives of NHRIs

1. The Americas and the Caribbean

49. In November 2011, OHCHR supported the organization of the Tenth Annual meeting of the Americas Network of National Institutions for the Promotion and Protection of Human Rights, in Antigua, Guatemala. In the margins of the annual meeting, a regional workshop on business and human rights was held, in follow-up to the Edinburgh Declaration on Business and Human Rights adopted at the International Conference of National Institutions for the Promotion and Protection of Human Rights in October 2010.

50. In October 2011, in Santa Cruz de la Sierra, Plurinational State of Bolivia, OHCHR and the Inter-Agency Support Group on Indigenous Peoples’ Issues in Latin America organized a regional workshop for NHRIs on the ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries and the United Nations Declaration on the Rights of Indigenous Peoples.

2. Africa

51. From 19 to 21 October 2011, OHCHR supported the South African Human Rights Commission in holding the Biennial Conference of the Network of African National Human Rights Institutions, in Cape Town. The event was attended by more than 100 of representatives of NHRIs from the African continent and focused on ways to engage with State and non-State actors on the promotion and protection of the human rights of older

persons and persons with disabilities. A declaration on the role of NHRIs in addressing the rights of older persons and persons with disabilities was adopted at the end of the Conference.

52. In June 2011, OHCHR organized a subregional capacity-building workshop in Yaoundé which was attended by Government officials, parliamentarians and members of the NHRIs of Burundi, Cameroon, the Central African Republic, Chad, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, and Sao Tome and Principe. The workshop aimed at sensitizing participants to the importance of independent and effective NHRIs, compliant with the Paris Principles. The workshop described the conditions of creation and functioning of existing NHRIs. Experiences on the accreditation process were also shared.

53. On 24–26 January 2012, in Brazzaville, OHCHR organized a subregional capacity-building workshop for members and staff of the NHRIs from Burundi, Cameroon, the Central African Republic, Congo, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, Rwanda and Sao Tome and Principe.

54. In December 2011, the Regional Office for Southern Africa held a regional expert seminar on economic, social and cultural rights, in Maputo. Some 22 participants from Governments, NHRIs, NGOs and academia discussed legal frameworks in the subregion and strategies for advancing economic, social and cultural rights. Case studies from Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe were discussed during the seminar. The participants formulated recommendations for all relevant actors on how to advance the protection and promotion of economic, social and cultural rights in the sub-region.

55. In December 2011, in Cairo, OHCHR participated in a conference on strengthening the capacities of the NHRIs in North Africa in conflict and post-conflict situations. The event was organized by the National Centre for Human Rights of Egypt, in collaboration with the Human Rights Implementation Centre of the University of Bristol and the Network of African National Human Rights Institutions.

56. From 29 September to 1 October 2011, a regional workshop on business and human rights was held in Yaoundé by the OHCHR Regional Office for Central Africa and the Network of African National Human Rights Institutions, in follow-up to the Edinburgh Declaration on Business and Human Rights. A regional action plan was adopted for the implementation of the Edinburgh Declaration.

3. Asia and the Pacific

57. In September 2011, OHCHR participated in the Sixteenth Annual Meeting and Biennial Conference of the Asia Pacific Forum of National Human Rights Institutions in Bangkok, which brought together some 150 representatives from NHRIs, civil society organizations and Governments. They shared good practices of NHRIs' work to monitor implementation of the Declaration on the Right to Development. Participants also examined the situation facing lesbian, gay, bisexual and transgender persons in the Asia-Pacific region, and steps taken by NHRIs to advance their rights. The APF Forum Council also adopted a gender policy to ensure that a focus on the rights of women is integrated across its objectives and programmes.

58. In October 2011, OHCHR participated in the Regional Conference on Business and Human Rights in Seoul, which was co-hosted by APF and the National Human Rights Commission of Korea, in follow up to the Edinburgh Declaration on Business and Human Rights. The Seoul conference addressed emerging regional trends and issues in human rights and business, and the training needs of NHRIs to develop their capacity to engage and advise the corporate sector on human rights issues. Around 180 representatives from

NHRIs, international organizations, business associations, governments and non-governmental organizations attended the meeting.

4. Europe and Central Asia

59. In October 2011, in Dushanbe, OHCHR, together with the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe organized a regional workshop for the NHRIs of Central Asia on the Paris Principles and the prevention of torture.

60. OHCHR has been providing technical and financial assistance to the establishment of a Permanent Secretariat for the European Group of NHRIs.

C. Contribution of OHCHR to international initiatives supporting NHRIs

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

(a) Twenty-fourth annual meeting

61. In its capacity as Secretariat of the International Coordinating Committee, OHCHR provided support to and facilitated the twenty-fourth annual general meeting of the International Coordinating Committee of NHRIs, held in Geneva, from 17 to 19 May 2011.

62. The meeting was attended by representatives of 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 Commonwealth Association of NHRIs, intergovernmental organizations, such as the African Union and the Council of Europe, NGOs and academia.

63. At its twenty-fourth meeting, the International Coordinating Committee considered the following topics: (a) NHRIs and human rights education and training; (b) NHRIs' engagement with treaty bodies and in UPR follow-up; (c) NHRIs and the United Nations Declaration on the Rights of Indigenous Peoples; (d) NHRIs and Women's rights; (e) NHRIs support in combating racism and follow up to the Durban process; (f) NHRIs in conflict situations; (g) follow-up to the Edinburgh Declaration on Human Rights and Business.

(b) Twenty-fifth annual meeting

64. OHCHR provided support to and facilitated the twenty-fifth annual general meeting of the International Coordinating Committee, held in Geneva from 20 to 22 March 2012. The International Coordinating Committee considered the following thematic priorities: (a) indigenous peoples' rights; (b) transitional justice; (c) strengthening human rights monitoring at the national level; (d) follow-up to the universal periodic review; (e) environment and the right to development.

(c) Bureau meetings

65. OHCHR provided secretarial and technical support to the meetings of the International Coordinating Committee's Bureau held in Geneva, on 16 May 2011, in Seoul on 11 October 2011 and Geneva on 19 March 2012. The Bureau members discussed strategic priorities, including the International Coordinating Committee's engagement in the Human Rights Council review, the human rights treaty bodies system, the Commission on the Status of Women, the Conference of States Parties to the Convention on the Rights

of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

(d) *Subcommittee on Accreditation*

66. OHCHR provided secretarial support to the meetings of the Subcommittee on Accreditation held in Geneva in May and October 2011³ and March 2012.

2. International expert seminar on the relationship between NHRIs and Parliaments

67. On 22 and 23 February 2012, an international expert seminar on the relationship between NHRIs and Parliaments was held in Belgrade, organized by OHCHR, the International Coordinating Committee of NHRIs, the National Assembly of the Republic of Serbia and the Protector of Citizens of the Republic of Serbia, with the support of the United Nations country team. The seminar brought together representatives of NHRIs, Parliaments and scholars from all over the world to discuss ways to strengthen cooperation between NHRIs and Parliaments. The participants adopted a set of principles aimed at providing guidance on how to develop the cooperation between NHRIs and Parliaments called the Belgrade principles on the relationship between NHRIs and parliaments (see annex).

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

A. Human Rights Council

68. NHRI cooperation with international and regional human rights mechanisms is a key requirement of the Paris Principles. Therefore, OHCHR, in coordination with the International Coordinating Committee and its Geneva representative, continued to support NHRI engagement with the Human Rights Council mechanisms, namely the universal periodic review and special procedures. In June 2011, the General Assembly, by its resolution 65/281, adopted the outcome of the review of the work and functioning of the Human Right Council, which includes provisions regarding the “A” status NHRI participation and interaction with the universal periodic review and special procedures.

69. In 2011, an average of 21 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, organizing parallel events and interacting with special procedures.

70. At the nineteenth session of the Human Rights Council, NHRIs from Georgia, South Africa and Timor-Leste made video statements following the presentation of the reports of the special procedures on enforced disappearances, the right to food, and arbitrary detention. This new practice is expected to be further applied in future sessions of the Council, on a case-by-case basis, upon request from interested NHRIs.

71. On 9 March 2011, in the margins of the sixteenth session of the Human Rights Council, OHCHR and the Advisory Council on Human Rights of Morocco organized, a

³ For further details please see report of the Secretary-General on the activities of the International Coordinating Committee in accrediting national institutions in compliance with the Paris Principles, A/HRC/20/10.

side event on the implementation of the recommendations of the Truth and Reconciliation Commission of Morocco.

1. Universal periodic review

72. In 2011, 49 countries were reviewed under the universal periodic review (tenth–twelfth sessions) out of which 21 have an NHRI accredited by the International Coordinating Committee. Eighteen NHRIs (16 “A” status and 2 “B” status) submitted information for the stakeholders’ report.⁴

73. During the review of Ireland and Tanzania (twelfth session), OHCHR assisted the Human Rights Commission of Ireland and the Commission for Human Rights and Good Governance of the United Republic of Tanzania to organize a side event on the review preparation process and on the role NHRIs can play in that context.

74. OHCHR assisted upon their request, the NHRIs of Nepal, Sierra Leone, Timor-Leste and the United Republic of Tanzania to submit information to the review and to participate in the relevant sessions of the Council.

75. According to the General Assembly resolution 65/281, NHRIs in compliance with the Paris Principles will have an active role to play during the second cycle of the universal periodic review. A separate section for contributions by NHRIs accredited with “A” status by the International Coordinating Committee of the State under review will be included in the summary of information provided by the relevant stakeholders. They will be also allowed to intervene immediately after the State concerned during the adoption of the outcome of the review by the Council plenary.

2. Special procedures

76. During the general debates at the Human Rights Council sessions, a number of NHRIs interacted with special procedures and also submitted written contributions regarding reports of special procedure mandate holders.

77. OHCHR regularly provides special procedure mandate holders with information concerning the work of NHRIs in the preparation of their missions. Increasingly, mandate holders are seeking NHRIs’ 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.

B. Treaty bodies

78. OHCHR continued to support the participation of NHRIs in treaty bodies’ sessions. OHCHR regularly updates a compilation of all treaty bodies’ concluding observations and recommendations referring to NHRIs (<http://nhri.ohchr.org>) and sends the concluding observations to the NHRIs concerned.

79. In 2011, OHCHR developed an information note to provide practical information to NHRIs wishing to access the treaty body system, including specific opportunities for NHRI interaction with the treaty bodies and the working methods and rules of procedures of treaty bodies that are relevant to the participation of NHRIs.

⁴ The NHRIs of Austria, Australia, Denmark, Georgia, Greece, Ireland, Namibia, Nepal, Paraguay, Republic of Moldova, Sierra Leone, Thailand, Timor-Leste, Togo, Sierra Leone, Uganda, United Republic of Tanzania, Bolivarian Republic of Venezuela and Zimbabwe.

80. On 11 July 2011, the Chairperson of the International Coordinating Committee of NHRIs and the NHRIs of Denmark, Ethiopia, France and Germany participated in a session organized by the Human Rights Committee on improving cooperation with NHRIs.

81. In June 2011, a regional seminar on follow-up to the concluding observations of the Committee on the Elimination of Racial Discrimination was held in Pretoria, with about 30 participants from Botswana, Namibia, South Africa, Zambia and Zimbabwe (Governmental officials, representatives of NHRIs and NGOs).

82. In November 2011, training for South African Government officials and NHRIs was held in Pretoria on treaty body reporting and implementation of treaty bodies' recommendations. NHRIs and civil society representatives participated in the training, which introduced the treaty body system and, focusing on the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities.

C. Commission on the Status of Women

83. The International Coordinating Committee of NHRIs, with the support of OHCHR, continued its advocacy for "A" status NHRIs participation rights at annual sessions of the Commission, which helped to raise awareness of the role of NHRIs and the practical contributions they could make at the Commission's sessions to better advance the rights of women and girls. At present, NHRIs may only participate at the Commission's sessions if they are invited to attend as part of their Government's delegation. In March 2011, the NHRIs of Australia, Jordan, Korea, New Zealand and the Philippines attended the fifty-fifth session of the Commission in New York.

D. Other meetings

84. At the Fourth Conference of State Parties to the Convention on the Rights of Persons with Disabilities, the International Coordinating Committee delivered a statement on how the role of NHRIs in the work of the Conference can be formalized. A side event was organized in the margins of the Conference to discuss the role of NHRIs as independent mechanisms to promote, protect and monitor the rights of persons with disabilities.

85. In 2011, NHRIs were invited to contribute to panel discussions during the first sessions of the Open-ended Working Group on Ageing and expressed their readiness for a continued participation of NHRIs in the work thereof, based on practices established at the Human Rights Council and during the development of the Convention on the Rights of Persons with Disabilities.

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

A. United Nations Development Programme

86. Engagement with NHRIs is a priority area for OHCHR and UNDP, which have both been increasingly involved in the establishment and strengthening of NHRIs. Currently, UNDP and OHCHR support the establishment and strengthening of 80 NHRIs through joint technical cooperation initiatives, including advocacy for the establishment of NHRIs, capacity needs assessment, enhancing governments' capacity to meet international treaty obligations and preparation for the universal periodic review.

87. The first annual strategic partnership review meeting between UNDP, OHCHR and the International Coordinating Committee took place on 26 August 2011, in New York. The purpose of the meeting was to review progress of the partnership and identify areas for future cooperation to guide support given to NHRIs.

88. In May 2011, a first working session between UNDP, OHCHR and the Network of African National Human Rights Institutions was held in the margins of the twenty-fourth annual meeting of the International Coordinating Committee. As a result, an outline for the development of a comprehensive institutional strategic plan for 2012–2014 of the Network was adopted.

B. United Nations Population Fund

89. In June 2011, the Asia Pacific Forum and the United Nations Population Fund held a regional consultation in Kuala Lumpur on integrating reproductive rights into the work of NHRIs. The consultation brought together representatives of NHRIs to promote collaboration and develop strategies for strengthening the capacity of NHRIs to work on reproductive rights.

C. International Organization of la Francophonie

90. Within the framework of their standing partnership, OHCHR and the International Organization of la Francophonie developed and implemented joint capacity-building and technical cooperation programmes to establish and strengthen NHRIs in French-speaking countries, including Burundi, Côte d'Ivoire and Haiti.

V. Recommendations

91. **As part of a strong national protection system, NHRIs compliant with the Paris Principles have an important role to address the core human rights concerns at the national level and to ensure that international human rights norms and standards are respected.**

92. **States are encouraged to ensure that NHRIs are provided with a broad mandate to protect and promote all human rights, including economic, social and cultural rights, and strengthen their independence to enable them to fulfil effectively their mandate.**

93. **The engagement of NHRIs in protecting and promoting the rights of women, older persons and persons with disabilities is welcomed. NHRIs are encouraged to continue interacting and advocating for independent participation in all relevant United Nations mechanisms, including the Commission on the Status of Women, the Conference of States Parties to Convention on the Rights of Persons with Disabilities and the Open-ended Working Group on Ageing.**

94. **Article 33 of the Convention on the Rights of Persons with Disabilities calls upon States to establish national monitoring mechanisms to implement the Convention. Criteria and best practices of NHRI involvement in this function should be explored and developed. NHRIs are encouraged to continue monitoring the implementation of the Convention at the national level.**

95. **Parliaments should play a critical role in securing the independence and functioning of NHRIs. The Paris Principles require effective cooperation between NHRIs and parliaments and, in this regard, the adoption of the Belgrade principles on**

the relationship between national human rights institutions and parliament is welcomed. States are encouraged to use the Belgrade Principles as guidelines to strengthen cooperation between NHRIs and parliaments for the promotion and protection of human rights at the national level.

96. The Paris Principles highlight the need for NHRIs to develop strong cooperation with civil society organizations. There is a need for open, participatory and pluralistic processes while establishing or strengthening NHRIs in compliance with the Paris Principles, as well as during the selection and appointment of members of NHRIs.

97. NHRIs are encouraged to continue engaging with all United Nations human rights mechanisms, in particular, the human rights treaty bodies, special procedures and the universal periodic review. NHRIs are encouraged to actively engage in the treaty body strengthening process with a view to strengthen the protection and promotion of human rights at the national level. NHRIs are also encouraged to actively follow up to the implementation of recommendations of treaty bodies, special procedures and the universal periodic review at the national level, and to promote the participation of NHRIs in the States parties' reporting process.

98. The implementation of OHCHR-UNDP NHRI capacity-assessment project to review the effectiveness and efficiency of NHRIs in discharging their mandate is welcomed and should be continued.

Annex

Belgrade principles on the relationship between national human rights institutions and parliaments (Belgrade, 22–23 February 2012)

The 2012 International Seminar on the Relationship between National Human Rights Institutions and Parliaments,^a organized by the Office of the United Nations High Commissioner for Human Rights, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, the National Assembly and the Protector of Citizens of the Republic of Serbia, with the support of the United Nations country team in Serbia,

In accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the General Assembly resolutions 63/169 and 65/207 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, 63/172 and 64/161 on national institutions for the promotion and protection of human rights and the Human Rights Council resolution 17/9 on national institutions for the promotion and protection of human rights.

Recognizing that the principles relating to the status of national institutions for the protection and promotion of human rights (Paris Principles) state that NHRIs shall establish “effective cooperation” with parliaments,

Noting that NHRIs and parliaments have much to gain from each other in performing their responsibilities for the promotion and protection of human rights,

And recalling the need to identify areas for strengthened interaction between NHRIs and parliaments bearing in mind that the different institutional models of NHRIs should be respected,

Adopts the following principles aimed at providing guidance on how the interaction and cooperation between NHRIs and Parliament should be developed:

I. Parliament’s role in establishing a national institution for the promotion and protection of human rights and securing its functioning, independence and accountability

A. Founding law

1. Parliaments, when deliberating the draft legislation for the establishment of a national human rights institution, should consult widely with relevant stakeholders.
2. Parliaments should develop a legal framework for the national institution for the promotion and protection of human rights (NHRI) which secures its independence and its direct accountability to parliament, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and taking into account the general observations of the International Coordinating

^a The Conference was attended by experts from NHRIs, parliaments and universities from Ecuador, Ghana, India, Jordan, Kenya, Mexico, New Zealand, Portugal, Serbia and the United Kingdom of Great Britain and Northern Ireland.

Committee of National Institutions for the Promotion and Protection of Human Rights and best practices.

3. Parliaments should have the exclusive competence to legislate for the establishment of a NHRI and for any amendments to the founding law.

4. Parliaments, during the consideration and adoption of possible amendments to the founding law of a NHRI, should scrutinize such proposed amendments with a view to ensuring the independence and effective functioning of such institution, and carry out consultation with the members of NHRIs and with other stakeholders such as civil society organizations.

5. Parliaments should keep the implementation of the founding law under review.

B. Financial independence

6. Parliaments should ensure the financial independence of NHRIs by including in the founding law the relevant provisions.

7. NHRIs should submit to parliaments a strategic plan and/or an annual programme of activities. Parliaments should take into account the strategic plan and/or annual programme of activities submitted by the NHRI when discussing budget proposals to ensure financial independence of the institution.

8. Parliaments should invite the members of NHRIs to debate the strategic plan and/or its annual programme of activities in relation to the annual budget.

9. Parliaments should ensure that NHRIs have sufficient resources to perform the functions assigned to them by the founding law.

C. Appointment and dismissal process

10. Parliaments should clearly lay down in the founding law a transparent selection and appointment process, as well as for the dismissal of the members of NHRIs in case of such an eventuality, involving civil society where appropriate.

11. Parliaments should ensure the openness and transparency of the appointment process.

12. Parliaments should secure the independence of a NHRI by incorporating in the founding law a provision on immunity for actions taken in an official capacity.

13. Parliaments should clearly lay down in the founding law that, where there is a vacancy in the composition of the membership of a NHRI, the vacancy must be filled within a reasonable time. After expiration of the tenure of office of a member of a NHRI, such member should continue in office until the successor takes office.

D. Reporting

14. NHRIs should report directly to parliament.

15. NHRIs should submit to parliament an annual report on activities, along with a summary of its accounts, and report on the human rights situation in the country and on any other issue that is related to human rights.

16. Parliaments should receive, review and respond to NHRI reports and ensure that they debate the priorities of the NHRI and should seek opportunities to debate the most significant reports of the NHRI promptly.

17. Parliaments should develop a principled framework for debating the activities of NHRIs consistent with respect for their independence.

18. Parliaments should hold open discussions on the recommendations issued by NHRIs.

19. Parliaments should seek information from the relevant public authorities on the extent to which the relevant public authorities have considered and responded to NHRIs recommendations.

II. Forms of cooperation between parliaments and NHRIs

20. NHRIs and parliaments should agree the basis for cooperation, including by establishing a formal framework to discuss human rights issues of common interest.

21. Parliaments should identify or establish an appropriate parliamentary committee that will be the NHRI's main point of contact within parliament.

22. NHRIs should develop a strong working relationship with the relevant specialized parliamentary committee including, if appropriate, through a memorandum of understanding. NHRIs and parliamentary committees should also develop formalized relationships where relevant to their work.

23. Members of the relevant specialized parliamentary committee and NHRI should meet regularly and maintain a constant dialogue, in order to strengthen the interchange of information and identify areas of possible collaboration in the protection and promotion of human rights.

24. Parliaments should ensure participation of NHRIs and seek their expert advice in relation to human rights during meetings and proceedings of various parliamentary committees.

25. NHRIs should advise and/or make recommendations to parliaments on issues related to human rights, including the State's international human rights obligations.

26. NHRIs may provide information and advice to parliaments to assist in the exercise of their oversight and scrutiny functions.

III. Cooperation between parliaments and NHRIs in relation to legislation

27. NHRIs should be consulted by Parliaments on the content and applicability of a proposed new law with respect to ensuring human rights norms and principles are reflected therein.

28. Parliaments should involve NHRIs in the legislative processes, including by inviting them to give evidence and advice about the human rights compatibility of proposed laws and policies.

29. NHRIs should make proposals of amendments to legislation where necessary, in order to harmonize domestic legislation with both national and international human rights standards.

30. NHRIs should work with parliaments to promote human rights by legislating to implement human rights obligations, recommendations of treaty bodies and human rights judgments of courts.

31. NHRIs should work with parliaments to develop effective human rights impact assessment processes of proposed laws and policies.

IV. Cooperation between NHRIs and parliaments in relation to international human rights mechanisms

32. Parliaments should seek to be involved in the process of ratification of international human rights treaties and should consult NHRIs in this process of ratification, and in monitoring the State's compliance with all of its international human rights obligations.

33. NHRIs should give opinions to parliaments on proposed reservations or interpretative declarations, on the adequacy of the State's implementation of human rights obligations and on its compliance with those obligations.

34. Parliaments and NHRIs should cooperate to ensure that the international treaty bodies are provided with all relevant information about the State's compliance with those obligations and to follow up recommendations of the treaty bodies.

35. NHRIs should regularly inform parliaments about the various recommendations made to the State by regional and international human rights mechanisms, including the universal periodic review, the treaty bodies and the special procedure mandate holders.

36. Parliaments and NHRIs should jointly develop a strategy to follow up systematically the recommendations made by regional and international human rights mechanisms.

V. Cooperation between NHRIs and parliaments in the education, training and awareness-raising of human rights^b

37. NHRIs and parliaments should work together to encourage the development of a culture of respect for human rights.

38. NHRIs and parliaments should work together to encourage education and training about human rights being sufficiently incorporated in schools, universities and other relevant contexts, including vocational, professional and judicial training in accordance with relevant international standards.

39. NHRIs and parliaments should work together to improve their mutual capacity on human rights and parliamentary processes.

40. NHRIs, parliaments and all parliamentarians should seek to work together in public awareness, education campaigns and encourage mutual participation in conferences, events and activities organized for the promotion of human rights.

VI. Monitoring the Executive's response to court and other judicial and administrative bodies' judgements concerning human rights

41. Parliaments and NHRIs as appropriate should cooperate in monitoring the Executive's response to judgements of courts (national and, where appropriate, regional and international) and other administrative tribunals or bodies regarding issues related to human rights.

42. NHRIs should monitor judgements against the State concerning human rights, by domestic, regional or international courts and, where necessary, make recommendations to parliament about the appropriate changes to law or policy.

^b In relation to the United Nations Declaration on Human Rights Education and Training.

43. Parliaments should give proper consideration to NHRIs recommendations about the response to human rights judgements.

44. Parliaments and NHRIs as appropriate should encourage the Executive to respond to human rights judgements expeditiously and effectively, so as to achieve full compliance with human rights standards.
