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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 decision 2/102, in which the Council requested the United Nations 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.

The report, which covers the period from January to December 2010, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (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 National Institutions for the Promotion and Protection of Human Rights.

Specifically, the report highlights the main achievements, challenges and priorities at the national level regarding the establishment and strengthening of NHRIs. 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.

* Late submission.

** 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.

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I. Introduction

1. 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 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 Office of the United Nations High Commissioner for Human Rights (OHCHR) had initially interpreted decision 2/102 as extending previous reports of the Commission on Human Rights and providing for an annual reporting cycle. Until recently, this interpretation had been deemed to have received the tacit approval of member States. However, an objection was placed on the record in 2010 in the context of another report which also referred to decision 2/102 as the basis for its annual reporting. OHCHR has thus reviewed the said decision, and concluded that the Human Rights Council sought to fill a technical gap by ensuring that reports which were deemed to have been submitted to the sixty-second session of the Human Rights Commission would be extended by one year and transferred to the subsequent substantive session of the Human Rights Council. With this transition period over and an objection now on record with regard to the initial interpretation of annual reporting cycles, if the Human Rights Council wishes such reporting to be continued, 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 thirteenth 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 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 (NHRIs)

3. In compliance with the Paris Principles, NHRIs 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 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, held in Geneva from 23 to 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, country and thematic issues, and the activities of the International Coordinating Committee.

6. Since 2008, the OHCHR fellowship programme for NHRIs has hosted staff from A-status institutions in 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 OHCHR to NHRIs

7. OHCHR activities to strengthen the role of NHRIs at the country, regional and international levels 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 strengthening 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 for 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, OHCHR regional offices in South and Central America, OHCHR country offices in Bolivia, Colombia, Guatemala and Mexico, human rights advisers with United Nations country teams (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 the Ombudsman (*Capítulo Chileno del Ombudsman*), in order to establish a Paris Principles-compliant NHRI 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 human rights situation in Haiti, helped the Ombudsman (*Protectrice du Citoyen*) to build the capacities of this institution. In March, OHCHR supported the participation of the Ombudsman at the 23rd Annual Meeting of the International Coordinating Committee. During the session, a special meeting took place to discuss support to the Ombudsman of Haiti. In July, OHCHR and OIF launched a joint project to help the institution carry out a capacity assessment with a view to promoting a human rights-based approach during the reconstruction phase. A consultant 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 session aimed at reinforcing the skills of Ombudsman staff and civil servants with regard to monitoring human rights violations.

14. On 4 November 2010, OHCHR conducted a training session for staff of the Ombudsman (*Defensoría del Pueblo*) of Venezuela on preparing the stakeholders' report for the review by the Working Group on the UPR in 2011.

2. Africa

15. During the reporting period, OHCHR regional offices in Central Africa, East Africa, Southern Africa and West Africa, OHCHR country offices in Mauritania, Togo and Uganda, human rights advisers with UNCTs in Guinea, Great Lakes region, Kenya, Madagascar, Niger and Rwanda, and the human rights component of the United Nations missions in Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Guinea-Bissau, Liberia, Sierra Leone, Somalia and Sudan continued to provide advice on and assistance with 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, an A-status NHRI, 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 in compliance with the Paris Principles and based on the experience and best practices of other NHRIs in the region.

17. In February 2010, OHCHR, UNDP and civil society organizations discussed areas of technical support for 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 with core NHRI functions under the Paris Principles, and with the role of NHRIs in regional and international human rights mechanisms. From 8 to 12 November 2010, OHCHR facilitated a study tour to South Africa for the Zimbabwe Human Rights Commissioner. The tour was organized in cooperation with the South African Human Rights Commission (SAHRC), and included meetings with members of SAHRC and its key interlocutors in 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 an 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 that country's 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 "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 is not yet operational.

23. In July 2010, OHCHR provided legal advice on the enabling legislation of an NHRI in Somalia.

24. During 2010, OHCHR and UNDP supported the Government of Mozambique in establishing an 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. A 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 the United Nations Integrated Office in Burundi (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. United Nations Peace-building Office in Central African Republic (BINUCA), OHCHR and the Government of the Central African Republic organized a workshop on the draft law for the establishment of an NHRI in compliance with the Paris Principles. This activity took place in Bangui from 15 to 16 December 2010. Members of 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, OHCHR regional offices for South-east Asia, the Pacific, and the Middle East, United Nations Human Rights Training and Documentation Centre for South-west Asia and the Arab Region, as well as OHCHR country offices in Nepal, Occupied Palestinian Territory and Cambodia, human rights advisers with UNCTs 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 an NHRI in compliance with the Paris Principles. Subsequently, OHCHR expressed readiness to assist the Government in this endeavour.

29. During her official visits to the Gulf Cooperation Council (GCC) States in April 2010, the High Commissioner for Human Rights in her opening statement at 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 to 15 October) and the National Human Rights Commission of Thailand (1 to 12 November) in carrying out their respective capacity-needs assessments.

4. Europe

32. During the reporting period, OHCHR Regional Offices in Europe and Central Asia, the OHCHR office in Kosovo, human rights advisers in Albania, South Caucasus, Moldova, the Russian Federation, Serbia, Tajikistan and 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 for 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 High Commissioner for Human Rights held conversations with the Government and members of Parliament regarding the establishment of a Paris Principles-compliant NHRI, a recommendation resulting 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 an 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 on Human Rights (*Commission Consultative des Droits de l'Homme*) of Luxembourg on legal provisions to protect the legal liability for actions undertaken in their official capacity by 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 UNCT possible actions for implementing the recommendation of the UPR regarding the establishment of an 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 Ombudsman of Georgia with the support of the European Union.

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

40. Further to the accreditation of the Ombudsman of the Republic of Serbia as an A-status institution, OHCHR held working meetings with NHRI staff, members of Parliament and UNCT staff in Belgrade from 13 to 15 December 2010. OHCHR and the Ombudsman identified areas in which OHCHR and the UNCT could provide support to the

Ombudsman, including assistance in implementing the recommendations of the Subcommittee on Accreditation (See A/HRC/16/77).

B. OHCHR support for NHRI regional initiatives

1. The Americas and the Caribbean

41. In May 2010, OHCHR submitted to the NHRI Network of the Americas 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 and 15 September 2010, OHCHR organized a seminar on the UPR, which was attended by civil servants, civil society organizations and the Ombudsmen of Jamaica and Saint Lucia.

45. OHCHR and the UNCT in Ecuador supported the organization of the 9th Annual Meeting of the NHRI Network of the Americas in Quito, Ecuador, on 22 and 23 September 2010. Representatives from 13 NHRIs attended the meeting that included a thematic session on the rights of “persons in mobility”. The UNCT gave a presentation on the interaction of NHRIs with the international mechanisms to promote and protect migrants’ rights. OHCHR facilitated a round table on the main challenges faced by NHRIs in the Americas to comply with the Paris Principles.

2. Africa

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

47. Also in Dakar, from 6 to 8 July 2010, OHCHR and UNDP organized a sub-regional conference on the UPR for West and Central African countries. 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. From 27 to 29 September 2010 in Johannesburg, OHCHR organized a training session on the UPR for East and Southern African countries. It was attended by 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. From 18 to 20 October 2010, 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 was aimed at East African NHRIs (Burundi, Kenya, Rwanda, Tanzania and Uganda) and the Secretariat of the Network of African NHRIs.

51. From 22 to 24 November 2010, 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 Parliaments from Liberia, Nigeria, Ghana, Gambia and Kenya, as well as experts from across the region.

52. From 7 to 9 December 2010, OHCHR, in cooperation with the South African Human Rights Commission, organized 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 the practical aspects of establishing a commission, including institutional and financial structures, and collaboration with government, parliament, judiciary, NGOs, regional and United Nations human rights mechanisms.

3. Asia and the Pacific

53. OHCHR participated in the 15th Annual Meeting of the Asia Pacific Forum of NHRIs (APF), 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 a regional consultation in Bangkok 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 how NHRIs could implement the United Nations Declaration on the Rights of Indigenous Peoples.

4. Europe

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

57. In Warsaw, Poland, on 4 October 2010, OHCHR participated in the consultation on NHRIs in the European and Central Asia regions, 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 2010, in Crikvenica, Croatia, OHCHR participated in a regional round table, 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. OHCHR contribution to international initiatives supporting NHRIs

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 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 (SRSG) 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 and support to the NHRI of Haiti; d) the role of NHRIs in protecting 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 SRSG on violence against children held an interactive dialogue with the participants on the engagement of NHRIs with her mandate.

62. On 24 March 2010, OHCHR organized in the margins of the 23rd Annual Meeting of the International Coordinating Committee 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 Bureau of the International Coordinating Committee, held in Geneva (22 March 2010) and in Edinburgh (7 October 2010). 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, OHCHR, the Scottish Human Rights Commission, the International Coordinating Committee, and the Scottish Parliament organized in Edinburgh 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 the conference. Keynote speakers included Navanethem Pillay, High Commissioner for Human Rights, Mary Robinson, former High Commissioner, and John Ruggie, the Secretary-General's Special Representative on human rights and transnational corporation and other business enterprises.

66. The programme of the Conference was structured around the SRSG's three-pillar framework for addressing human rights in the business sphere, including the State's duty to protect against corporate human rights abuses, corporate responsibility to respect human rights, and the principle of access to 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 Declaration¹, which provides a framework of practical initiatives in promotion, education and research, monitoring, complaints handling, 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. The following parallel activities took place in the margins of the 10th International Conference: side event on "Human Rights Impact Assessments", organized by the NGO Nomogaia; side event on "Monitoring States' Obligation to Fulfil Economic, Social and Cultural Rights: Methodologies for National Institutions", organized by the Center for Economic and Social Rights and the NHRIs of Kenya and Scotland; side event on "Revising the OECD Guidelines for Multinational Enterprises: What Role for NHRIs?", organized by the International Coordinating Committee's Working Group on Business and Human Rights; parallel event and exhibition on the theme "Rights for People, Rules for Business", organized by the European Coalition of Corporate Justice.

(e) *Non-governmental Organizations Forum*

70. The 10th International Conference was preceded by a Non-governmental Organizations Forum, held on 7 October 2010. 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, the Forum brought together more than 50 organizations. OHCHR provided financial support to ensure the attendance of participants from six NGOs. 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.

¹ [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 NHRIs

A. Human Rights Council

71. OHCHR supports NHRIs' engagement with the Human Rights Council, in accordance with resolution 2005/74 of the Human Rights Commission. 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, together with 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 Council sessions. With regard to the UPR, input from NHRIs is included in the stakeholders' report. OHCHR assists 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, organizing parallel events, and interacting with the Special Rapporteurs.

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

74. Also in the margins of the 13th session of the Human Rights Council, OHCHR, in cooperation with the Human Rights Commission of Mexico City and the NGO, International Network of Human Rights, organized 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 (CRPD). The Chairperson of the International Coordinating Committee delivered a statement on the role of A-status NHRIs in monitoring the implementation of the Convention.

1. Human Rights Council Review

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

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

78. From 8 to 10 December 2010, representatives from the International Coordinating Committee attended the Ambassadorial Retreat on the review of the Human Rights Council, hosted by the Thai Government in Bangkok, Thailand.

2. Universal Periodic Review

79. In 2010, 48 countries were reviewed during the 7th to 9th sessions of the Universal Periodic Review (UPR). Of those countries, 19 have an NHRI accredited by the International Coordinating Committee. 12 of those NHRIs submitted information for the stakeholders' report,² including 10 holding "A" status, and two with "B" status.

80. Individual NHRIs and regional networks continued to submit written and oral statements under Council 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), Egypt (A/HRC/14/NI/9), and Asia Pacific Forum (A/HRC/14/NI/10) submitted written contributions under this agenda item, while the NHRIs of Bolivia, El Salvador, Nicaragua and Portugal delivered oral statements. The statements followed up the UPR recommendations.

81. During the review of Kenya and Panama by the Working Group of the UPR at its 8th and 9th sessions respectively, OHCHR provided assistance to the NHRIs of these countries to organize side events on the UPR preparation process and the role that the NHRI could play in this regard.

82. The President of the Council appointed a facilitator to lead informal consultations on the UPR as part of the work of the Working Group on the Human Rights Council Review. 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 concerning A-status NHRIs: 1) NHRIs should be allocated speaking time during the review of their countries by the Working Group on the UPR, following the respective 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 relating to the UPR review of their country; 4) during Council's plenary discussion and adoption of the UPR report, NHRIs should be given the floor immediately after their corresponding State; 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 on the UPR.

3. Special procedures

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

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. OHCHR and the International Coordinating Committee organized a parallel event in the margins of the meeting on the role of NHRIs in following up special procedures' recommendations.

85. Special Rapporteurs have increasingly recognised the role that NHRIs can play at the national level to assist in the implementation of the special procedures mandates.

² The NHRIs of Bolivia, Bosnia and Herzegovina, Croatia, Egypt, El Salvador, Kenya, Maldives, Mongolia, Nicaragua, Panama, Slovenia and Spain.

During 2010, the SRSG on violence against children, the Independent Expert on the human rights situation in Haiti, and the SRSG on business and human rights carried out a number of activities aimed at strengthening their cooperation with individual NHRIs and the International Coordinating Committee.

86. In October 2010, the SRSG on violence against children and the Special Rapporteur on the sale of children, child prostitution and child pornography addressed a questionnaire to NHRIs regarding the report that they have been mandated to present to the Human Rights Council on effective and child-sensitive counseling, complaint and reporting mechanisms by 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. The mandate holders increasingly 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. The President of the Council appointed a facilitator to lead informal consultations on Special Procedures as part of the Working Group on the Human Rights Council Review. The International Coordinating Committee supported the following proposals, *inter alia*: 1) where a special procedures mandate holder addresses a country situation to the Council, either through presentation of a country-specific report or addressing the situation in a thematic report, the A-status NHRI from that State should have the opportunity to take the floor immediately after intervention by the State concerned so as to directly contribute to interactive dialogue; and 2) A-status NHRIs should be able to regularly provide the Council with information on the implementation of special procedures recommendations in their State.

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 concluding observations and recommendations, issued by the treaty bodies, that mention NHRIs (www.nhri.net), and forwards 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 and 10 June 2010 in Marrakech. The meeting gathered representatives from all the regional networks of NHRIs, the OHCHR and the Chairperson of the International Coordinating Committee. Treaty-body experts participated as observers. Participants adopted the Marrakech Statement which includes recommendations to enhance the treaty-body system, ensure broader access to treaty bodies, as well as on NHRI follow-up to treaty-body recommendations.

91. On the occasion of the 100th session of the Human Rights Committee, held in Geneva from 11 to 29 October 2010, the NHRI of Morocco delivered a statement on behalf of the International Coordinating Committee on the role of NHRIs 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, protecting and promoting 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, held in New York from 1 to 12 March 2010. They participated in meetings and delivered oral statements advocating for the independent participation of A-status NHRIs in the work of the CSW.

IV. Cooperation among OHCHR, United Nations agencies and programmes, and international and regional organizations to support NHRIs

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 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 United Nations and identify mutual areas of interest. A joint UNDP-OHCHR letter was sent to all United Nations Resident Coordinators together with the electronic version of the Toolkit.³

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

95. On 8 October 2010, during the 10th International Conference of NHRIs, the High Commissioner for Human Rights launched the publication, "Preventing Torture: An Operational Guide for NHRIs".⁴ This guide is the outcome of cooperation between OHCHR, the APT and the APF. It builds on the experience acquired 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.

C. Association of Mediterranean Ombudsmen

96. OHCHR participated in the 4th meeting of the Association of Mediterranean Ombudsmen, held 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 Ombudsmen, mediators and other NHRIs handling complaints from migrants.

³ The toolkit is available at <http://www.ohchr.org/Documents/Countries/NHRI/1950-UNDP-UHCHR-Toolkit-LR.pdf>.

⁴ This publication is available at <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 aimed at the 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 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 increasing number of independent NHRIs are carrying out an implementing role in relation 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 with a view to promoting closer cooperation between Parliaments and NHRIs should be promoted.

100. The Paris Principles require effective cooperation between NHRIs and representatives from civil society organizations. There is a need for open, participatory and pluralistic processes when 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 welcome. Likewise, the engagement of NHRIs compliant with the Paris Principles in the UPR mechanism is increasingly important both in its preparation and its follow-up.

102. The adoption of the Marrakech Statement on strengthening the relationship between NHRIs and the Human Rights Treaty Bodies System is welcome. 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 welcome. 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. United Nations country teams are encouraged to actively use the UNDP-OHCHR Toolkit for Collaboration with NHRIs in their daily work, including in developing United Nations-coordinated approaches towards NHRIs.

105. The important work of the regional networks of NHRIs has been 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 need for them to enjoy financial independence and autonomy for their effective performance.