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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**

**National institutions for the promotion and protection of human rights**

**Report of the Secretary-General\* \*\***

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\* In compliance with General Assembly rules on page limitations, the annexes to the present document are circulated as received, in the language of submission only.

\*\* Late submission.

## **Summary**

The present report, which covers the period from January to December 2008, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in relation to national human rights institutions; measures taken by Governments and institutions in this regard; partnership initiatives with United Nations agencies and other international and regional organizations; and cooperation between national human rights institutions and international human rights mechanisms to promote and protect human rights.

Specifically, the report highlights the main achievements, challenges and priorities for OHCHR at the national level, where efforts span from encouraging preliminary steps in the establishment of national human rights institutions to supporting their ongoing longevity and effectiveness in fulfilling their mandate. It also discusses the role played by OHCHR in facilitating cooperation between those institutions at the regional and international levels and summarizes key activities conducted in this regard, such as the ninth International Conference of National Human Rights Institutions. Information regarding the work of national human rights institutions in respect of specific thematic issues, such as conflict prevention and the prevention of torture, the sixtieth anniversary of the Universal Declaration of Human Rights, the rule of law and the administration of justice, and transitional justice, is also included.

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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 present update outlines progress achieved since the last report of the Secretary-General submitted to the Council (A/HRC/7/69).

## II. OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS AND NATIONAL HUMAN RIGHTS INSTITUTIONS

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) accords priority to the establishment and strengthening of national human rights institutions with due regard for the Principles Relating to the Status of National Institutions (the Paris Principles), adopted by the General Assembly (resolution 48/134, annex). OHCHR is also engaged in improving United Nations system-wide coordination on the work of national human rights institutions, and supports their increased participation in the United Nations human rights system. OHCHR encourages the sharing of good practices among national human rights institutions, supports the strengthening of their regional and international networks and facilitates their access to United Nations country teams and other relevant partners within and outside the United Nations system.

3. The national human rights institutions compliant with the Paris Principles are partners central to national human rights protection systems and are important counterparts for OHCHR. They can play a crucial role in promoting and monitoring the effective implementation of international human rights standards at the national level, a role that is increasingly recognized by the international community.

4. As pointed out by the United Nations Deputy High Commissioner for Human Rights in her opening statement at the ninth International Conference of National Human Rights Institutions on 22 October 2008, OHCHR continued in 2008 to support national human rights institutions to center their work on core protection issues, such as the prevention of torture and degrading treatment, summary executions, arbitrary detention and disappearances, or the protection of human rights defenders. The Deputy High Commissioner also mentioned that they can, and should, play a role in advancing all aspects of the rule of law, including with regard to the judiciary, law enforcement agencies and the correctional system.

5. During the reporting period, OHCHR sought, through a wide range of activities, to heighten its commitment to supporting the building of strong national human rights institutions and to increasing the effectiveness of their regional coordinating bodies.

6. Since 2003, OHCHR has maintained a website on national human rights institutions ([www.nhri.net](http://www.nhri.net)). The site, linked to websites of existing national human rights institutions and to the OHCHR main webpage, includes information on country and thematic issues of interest to

those institutions. In 2008, after four years of a valuable and effective partnership with the Danish Institute for Human Rights, OHCHR signed a grant agreement with the Indian National Human Rights Commission for the management of the above-mentioned website, which will be strengthened with the development of an Intranet version that will be available to members of the International Coordinating Committee through a username and password.

7. In addition, in 2008 the National Institutions Unit of OHCHR introduced a fellowship programme and issued new calls for candidates for 2009. Through the programme, A-status staff members of national human rights institutions are selected to work in the Unit for six months in order to gain knowledge of and experience with the United Nations human rights system. The programme is beneficial for OHCHR, in terms of both substantive expertise and the consolidation of direct contacts with institution staff globally.

#### **A. Advisory services provided by the Office**

8. OHCHR has undertaken to strengthen the role of national human rights institutions at the country, regional and global levels, mainly through its National Institutions Unit, which works in consultation with the geographic and thematic units and field offices of OHCHR. Tailored advice is provided on appropriate constitutional or legislative frameworks regarding the establishment of institutions and on their nature, functions, powers and responsibilities. Comparative analyses, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken to both establish and strengthen the institutions.

9. During the reporting period, advice and support was provided by OHCHR concerning national human rights institutions in Bahrain, Bangladesh, Burundi, Cambodia, Cape Verde, the Central African Republic, Chile, Denmark, Djibouti, Ecuador, Ethiopia, Guinea Bissau, India, Indonesia, Iraq, Kyrgyzstan, Lesotho, Liberia, Lithuania, Malaysia, Mauritania, Mauritius, Mongolia, Nepal, Pakistan, Palau, Panama, Rwanda, Sri Lanka, South Sudan, Tajikistan, Timor-Leste, Togo, Uganda and Uruguay. Advice was frequently provided in collaboration with other United Nations partners, including the United Nations Development Programme (UNDP) and the Department of Peacekeeping Operations, national human rights institutions and their regional networks.

#### **1. The Americas and the Caribbean**

10. In 2008, OHCHR continued to support the project to establish an ombudsman and a human rights institute in Chile. OHCHR has provided legal advice on the draft legislation and constitutional reform, assessing their conformity with the Paris Principles.

11. From 17 to 19 September 2008, UNDP and OHCHR organized a workshop on the establishment of a human rights institution in Uruguay, as a follow-up to a 2005 mission, and following the elaboration of a draft law by a working group sponsored by OHCHR and UNDP. In addition to OHCHR and the United Nations system in Uruguay, representatives of the institutions of Peru and Venezuela (Bolivarian Republic of) participated in the mission, the purpose of which was to highlight the importance of ensuring that the draft law complies with the Paris Principles during the deliberations in the Congress and Senate, and to confirm the support of the United Nations, and OHCHR in particular, for the process.

## **2. Africa**

12. OHCHR supported the visit of a delegation from the National Human Rights Commission of India to the Uganda Human Rights Commission from 11 to 26 February 2008. The former body sent two of its staff members to assist in strengthening the complaints handling mechanism of the latter.

13. In March 2008, OHCHR and the human rights component of the United Nations Mission in Liberia were asked by the Ministry of Justice to comment on proposed amendments to the law establishing a national human rights institution. National consultations were held in July; the law is currently before Parliament.

14. From 13 to 15 October 2008, OHCHR and the United Nations Office on Drugs and Crime participated in a joint workshop organized by UNDP Mauritius to review the current and future mandate of the Mauritius Human Rights Commission. The Commission's role in police oversight and a complaints system was discussed. The workshop also focused on the Paris Principles, recommendations of the ICC Subcommittee on Accreditation of the International Coordinating Committee, and best practices in equal opportunities and discrimination mandates.

15. In November 2008, the OHCHR Regional Office for Southern Africa participated in national consultations with civil society and members of parliament in Lesotho to discuss the law to establish a national human rights commission (the Human Rights Commission Bill 2007) and the relevant constitutional provisions.

16. The OHCHR Regional Office for Eastern Africa continued to support a 5-year internal capacity-building project of the Ethiopia Human Rights Commission, part of which focuses on treaty body monitoring. From 8 to 15 November 2008, members and staff of the Commission travelled to Geneva for an induction training on the treaty body process and met with members of treaty bodies and OHCHR staff.

## **3. Asia and the Pacific**

17. In February 2008, OHCHR provided comments on the draft law establishing a human rights institution in Cambodia in line with the Paris Principles. The comments were made available to OHCHR Cambodia for sharing with national stakeholders.

18. In February and March 2008, in close cooperation with UNDP and the OHCHR Nepal Country Office, OHCHR undertook a project formulation mission to draft a 3-year project to support the National Human Rights Commission of Nepal, in line with two evaluation missions made in 2006 and 2007.

19. OHCHR supported a mission by the Asia-Pacific Forum of National Human Rights Institutions, funded by UNDP Bangladesh, from 5 to 23 May 2008. The objective of the mission was to provide technical assistance and advice to the Government of Bangladesh on the establishment of a human rights institution, under the Bangladesh National Human Rights Ordinance 2007, which was to come into force on 1 September 2008.

20. OHCHR supported a mission by the Asia-Pacific Forum to Sri Lanka from 10 to 16 September 2008, led by a representative of the Malaysian institution Suhakam, and conducted at the invitation of the Human Rights Commission of Sri Lanka. The purpose of the mission was to hold discussions with the Commission and relevant stakeholders, including the Government, civil society, the United Nations and the international community. Discussions focused on issues of International Coordinating Committee accreditation and possible technical assistance projects for the Commission.
21. On 18 and 19 December 2008, OHCHR and the Asia-Pacific Forum organized national consultations in Pakistan for civil society and parliamentarians, in view of the draft legislation to establish a national human rights institution. The mission was led by a representative of Suhakam and was supported by UNDP Pakistan.
22. In December 2008, OHCHR, in cooperation with UNDP, undertook a capacity-needs assessment mission of Suhakam. The mission was conducted in the framework of the Regional Initiative in Support of Institutional Capacity-Development of National Human Rights Institutions, a project to support the institutional capacity development of national human rights institutions in the Asia-Pacific region, launched by UNDP.
23. In December 2008 and January 2009, UNDP and OHCHR are to undertake an evaluation mission to review a 3-year project established in 2007 by the Provedoria for Human Rights and Justice of Timor-Leste, UNDP and OHCHR to build the institutional capacity of the Provedoria. The mission will review the activities of the project and its coordination; assess its success in assisting the Provedoria to discharge its mandate and achieve its stated objectives in terms of relevance, efficiency, effectiveness, impact and institutional capacity; and identify barriers to the effective operation of the project and provide recommendations. In addition, the Provedoria will receive a 4-month senior consultancy for the enhancement of its investigation and monitoring capacities, to be conducted by the former chairperson of the Kenya National Human Rights Commission.
24. In 2008, in close collaboration with UNDP and the human rights adviser to the United Nations country team in Indonesia, OHCHR worked on the elaboration of a 5-year multi-donor technical assistance project to provide assistance to human rights institutions in Indonesia. The project is expected to be launched in 2009.
25. OHCHR is focusing on activities to develop the capacity of Pacific Island States to build on existing human rights frameworks, with the long-term goal of developing their own models of Paris Principles-compliant human rights mechanisms. In August 2008, OHCHR provided advice to the Government of Palau on a draft law on the establishment and functioning of a human rights ombudsman. In partnership with the Asia-Pacific Forum, OHCHR is organizing a regional workshop on the establishment of Paris Principles human rights mechanisms, to be held in Apia, in the first half of 2009.

#### **4. Europe**

26. In early January 2008, the draft law to establish a national human rights institution in Tajikistan was presented to Parliament. This followed a joint UNDP-OHCHR project to provide assistance in the drafting of the law. The project ran from October to December 2007 and involved the hiring of a consultant to assist the governmental working group to draft the law and the organization of a national round table to publicly discuss the draft law. The consultant's final report, which included an assessment of the compliance of the draft law with the Paris Principles, was submitted in January 2008.

27. OHCHR participated in a workshop on the feasibility of establishing a national human rights institution in Lithuania, held in Lithuania on 17 March 2008, to support the establishment of an institution compliant with the Paris Principles.

28. In May and June 2008, an evaluation of the ombudsman institution of Kyrgyzstan (financed by Action 2, the United Nations Children's Fund (UNICEF) and OHCHR) was conducted to assess its effectiveness and capacity gaps. In July 2008, OHCHR held a workshop with the institution concerning the national preventive mechanism under the Optional Protocol to the Convention against Torture. From 24 to 26 July 2008, a 3-day workshop (financed by OHCHR, UNICEF and Action 2) was held for the institution on strategic planning, priority setting and restructuring according to specialized thematic departments. In September 2008, OHCHR provided a national consultant to the institution for a six-month period, to advise on the restructuring phase. From 10 to 14 November, Action 2 and UNDP organized a 5-day workshop for the institution on complaints procedures. In close cooperation with the institution, the United Nations elaborated a project document for a joint technical assistance programme for the institution for the period 2009-2011.

29. On 10 September 2008, OHCHR participated in a workshop organized in Berlin by the German Institute for Human Rights. The event focused on how the institute could implement article 33 (2) of the Convention on the Rights of Persons with Disabilities, which provides for a monitoring role for national human rights institutions with regard to the Convention.

30. On 31 October 2008, OHCHR participated in a workshop on entrenching international human rights principles, organized by the Scottish Human Rights Commission in the context of the sixtieth anniversary of the Universal Declaration of Human Rights. The event was jointly funded by the School of Law, the University of Strathclyde and the Scottish Human Rights Commission.

31. On 5 November 2008, OHCHR hosted a study visit of five staff members of the Danish Institute for Human Rights, who were briefed on the role, functions and recent activities of the National Institutions Unit in support of human rights institutions worldwide.

#### **5. Arab region**

32. A joint evaluation mission to Mauritania was conducted by OHCHR and the Association francophone des commissions nationales des droits de l'homme from 7 to 10 June 2008, with the aim to assess the needs of the National Human Rights Commission. The mission met with a wide range of stakeholders, generated support for the national human rights institution, and formulated recommendations on strengthening the Commission's capacity.

33. From 22 to 24 July 2008, OHCHR, in close cooperation with the United Nations country team in Bahrain and the Government of Bahrain, held a workshop on the Paris Principles and best practices for the establishment of a national human rights institution, aimed to support the Government to fulfil its commitment made at the first session of the universal periodic review in April 2008 to establish a human rights institution in line with the Paris Principles. Discussions, facilitated by OHCHR and experts from Morocco, Jordan and Northern Ireland, contributed to raising awareness on key requirements of such institutions, as well as on the assistance available from OHCHR.

34. Following the adoption on 17 November 2008 by the Council of Representatives of the Independent High Commission for Human Rights Law in Iraq, OHCHR commenced work on a 3-year technical assistance project to assist the Government of Iraq to establish an effective and well functioning human rights institution. The Human Rights Office of the United Nations Assistance Mission for Iraq will play a role in the expert committee that will select the institution's commissioners. The process is being developed with the Human Rights Office as its secretariat.

## **B. Support of the Office for regional initiatives**

### **1. The Americas and the Caribbean**

35. The Network of the Americas, supported by OHCHR, organized a seminar on the role of national human rights institutions in the implementation of the Convention for Persons with Disabilities in 2007. As a result of the workshop, OHCHR supported the publication of a handbook on national monitoring of the Convention, which was translated from Spanish into English and French and widely distributed in early 2008.

36. From 17 to 20 June 2008, OHCHR organized in Brazil a regional meeting for Latin America and the Caribbean, in preparation for the Durban Review Conference. It was the first of all regional meetings called for under decision PC.1/11, adopted by the Preparatory Committee at its organizational session in August 2007. Representatives of 25 Member States from the region, 114 non-governmental organizations, a number of national human rights institutions and United Nations agencies and programmes attended the meeting.

37. From 27 to 29 August 2008, OHCHR provided regional training to follow up to the recommendations of the human rights treaty bodies. The meeting was held in Panama City and funded by the European Union project "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms". It addressed national human rights institutions, non-governmental organizations and the media. Representatives of the Governments of Argentina, Colombia, El Salvador, Guatemala, Mexico and Panama also participated.

38. The General Assembly of the Network of National Human Rights Institutions for the Americas and the Iberoamerican Federation of Ombudsmen was held in Merida, Yucatan, Mexico on 20 and 21 November 2008. A Representative of the High Commissioner for Human Rights addressed the opening of the meeting and commended the Network's members on their work in promoting and protecting human rights, in the year of the sixtieth anniversary of

the Universal Declaration of Human Rights. The Representative endorsed the International Coordinating Committee accreditation process for institutions, and stressed the importance of their continued engagement with the international human rights system through United Nations treaty bodies and the universal periodic review.

## 2. Africa

39. OHCHR supported the establishment of the Network of African National Human Rights Institutions in 2007, the main purpose of which is to encourage the establishment of human rights institutions in Africa in conformity with the Paris Principles, to strengthen their effectiveness, and to encourage cooperation among them in Africa. The Network includes institutions accredited by the International Coordinating Committee and compliant with the Paris Principles. The Constitution of the Network provides that a permanent secretariat of the Network is established in Nairobi. With the financial support of OHCHR, an executive director was recruited, as was an assistant. In 2008, OHCHR continued to provide financial support for the permanent secretariat. OHCHR also encouraged various partners to contribute both financially and technically to building its capacity.

40. A strengthened network of African national human rights institutions can help to improve the human rights situation on the continent. The network highlighted its commitment to achieving greater coherence and better coordination with various stakeholders involved in the protection of human rights in Africa. In 2008, interaction between the African Commission on Human and Peoples' Rights and human rights institutions in the region developed further. The election of the Chairperson of the network in 2008 as one of the five new members of the African Commission on Human and Peoples' Rights provided an opportunity to develop synergy between African institutions and regional human rights protection mechanisms.

41. The Network of African National Human Rights Institutions participated in the forty-third and forty-fourth sessions of the African Commission for Human and Peoples' Rights, held respectively in Swaziland from 7 to 22 May 2008, and in Abuja from 10 to 24 November 2008. Participation was in the context of the African Commission's resolution 31 (XXIV) 98, adopted on 31 October 1998 during the twenty-fifth session held in Banjul, in which the Commission decided to grant special observer status to any national institution established in Africa and functioning according to internationally recognized norms and standards.

42. The Arab European Human Rights Dialogue, held in Rabat from 6 to 8 May 2008, was an opportunity for European and Arab human rights institutions to discuss legislative and practical challenges related to migrants' rights. It focused on the role of institutions in promoting and protecting the rights of migrants.

43. From 24 to 26 August 2008, OHCHR organized an intergovernmental regional preparatory meeting for Africa, hosted by the Government of Nigeria at the secretariat of the Economic Committee of West African States in Abuja. Invitation letters were widely distributed throughout the Network. OHCHR supported the participation of staff from the African secretariat and A-status national human rights institutions, from Malawi, the Niger, Rwanda, Senegal, the United Republic of Tanzania, Togo, Uganda and Zambia.

### **3. Asia and the Pacific**

#### **Thirteenth annual meeting of the Asia-Pacific Forum of National Institutions**

44. The thirteenth annual meeting of the Asian-Pacific Forum was held in Kuala Lumpur from 28 to 31 July 2008. The meeting, hosted by the Human Rights Commission of Malaysia and co-sponsored by OHCHR, brought together almost 170 representatives from national human rights institutions, regional Governments, non-governmental organizations and the United Nations to discuss a number of key human rights concerns facing the region, including human rights and corporate social responsibility, the universal periodic review, human rights defenders and the rights of indigenous peoples and ethnic minorities.

45. In its presentation at the meeting, OHCHR mentioned its commitment to establish new national human rights institutions and strengthen existing ones in the region, in cooperation with United Nations and regional and national partners, such as Governments, existing institutions in the region and regional coordinating bodies. It also flagged the improvements made to the accreditation process in April 2008 and the importance for human rights institutions to engage with the international human rights system, in particular to ensure follow-up at the country level. OHCHR expressed its support for a subregional body of national human rights institutions, such as the human rights mechanism of the Association of Southeast Asian Nations.

46. In the concluding statement (see annex I), the Forum reaffirmed the success of its partnership with OHCHR and looked forward to enhancing mutual cooperation and support, including through the holding of a Pacific workshop on national human rights institutions. It also expressed appreciation to the Chairperson of the International Coordinating Committee for her leadership in the review and development of Committee governance.

#### **International conference on the promotion and protection of the rights of migrants in a multicultural society**

47. From 10 to 12 November 2007, the National Human Rights Commission of Korea organized an international conference on the promotion and protection of the rights of migrants in a multicultural society. In a video message, the High Commissioner for Human Rights underscored the crucial role that national human rights institutions can play by contributing to a constructive and coherent worldwide strategy to ensure respect for migrants' rights, curb discrimination and build social cohesion.

### **4. Europe**

#### **European Union Agency for Fundamental Rights**

48. On 16 May 2008, OHCHR attended a meeting in Vienna, organized by the European Union Agency for Fundamental Rights on the added value of cooperation between the Agency and national human rights institutions. A total of 13 institutions from the European Union Member States, as well as the Council of Europe, participated in the event. The meeting recognized and accepted the value and significance of the International Coordinating Committee network, especially its accreditation process, and the need for closer cooperation between the Agency and OHCHR.

## **Council of Europe**

49. On 16 and 17 September 2008, the Council of Europe Commissioner for Human Rights and the Irish Human Rights Commission held the fifth round table of European National Human Rights Institutions and the Commissioner, in Dublin. The theme of the round table was “Domestic protection of human rights: strengthening independent national structures”. OHCHR, the Council of Europe and the European Union Agency for Fundamental Rights committed to discuss greater cooperation in the context of creating or strengthening national human rights institutions in Europe. OHCHR stressed the need for the Council of Europe and the Agency to support the international standards and the accreditation process through the International Coordinating Committee.

## **5. Arab region**

### **Arab-European Dialogue on Migration and Human Rights**

50. From 6 to 8 May 2008, OHCHR participated in the third Arab-European Human Rights Dialogue on Migration and Human Rights, organized by the national human rights institutions of Denmark, Jordan and Morocco, in Rabat. The meeting hosted discussions about challenges and gaps between the human rights standards aiming at protecting the rights of migrants, and focused on implementation gaps and challenges related to regular and irregular migration, labour markets and migrant workers’ rights.

### **Regional seminar on human rights and counter-terrorism**

51. The OHCHR regional seminar on human rights and counter-terrorism, organized in cooperation with UNDP, was held in Amman from 27 to 29 October 2008. The seminar initiated dialogue on human rights obligations and commitments of States in matters related to counter-terrorism among national human rights institutions and key regional partners. Representatives of Governments and institutions from Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Morocco, Mauritania, Oman, Saudi Arabia, the Syrian Arab Republic, the Sudan, Tunisia, Qatar, the United Arab Emirates, Yemen and the Occupied Palestinian Territory participated.

### **Comparative universal periodic review experiences**

52. On 19 and 20 November 2008, OHCHR participated in an international conference on comparative universal periodic review experiences, organized by the Government of Bahrain in cooperation with UNDP. Over 100 delegates from the Arab region, including Iraq, Qatar, the United Arab Emirates, Saudi Arabia and Egypt, representatives of the League of Arab States as well as from countries which had already been reviewed (Tunisia, Morocco, the United Kingdom and Argentina) participated in the conference.

### **Third International Conference of Cairo**

53. OHCHR participated in the third International Conference in Cairo on the theme “The Universal Declaration of Human Rights, 60 years after: between rhetoric and reality”, on 1 and 2 December 2008. The conference was organized by the Egyptian National Council for Human Rights and UNESCO.

## **C. Support of the Office for international initiatives**

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

#### **Twentieth session**

54. As the secretariat of the International Coordinating Committee and its subcommittee on accreditation, OHCHR provided substantive support to and facilitated the holding of the twentieth session of the Committee in Geneva from 14 to 18 April 2008. The meeting focused on issues relating to functions, structure, governance and financing of the Committee, deciding that the Committee would be incorporated under Swiss law. The 16 A-status national human rights institutions that are voting members representing the four regions of the Committee will make up the Committee Bureau. The meeting also agreed that an annual meeting would be held for the organization and discussion of thematic matters. The holding of international conferences would be maintained. An annual membership fee will also be levied.

55. The meeting also focused on substantive issues, such as the engagement of national human rights institutions in the international human rights system, their role in business, poverty reduction and disability, and the sixtieth anniversary of the Universal Declaration of Human Rights and activities of human rights institutions in this context. In addition, the four regional groups presented their activities at the plenary session.

#### **Incorporation**

56. On 30 July 2008, the Committee held a constitutive assembly for the incorporation of the Committee as an association under Swiss law. OHCHR provided input in the drafting of the statute of incorporation and facilitated the incorporation process.

#### **Twenty-first session**

57. As the secretariat of the Committee and its subcommittee on accreditation, OHCHR provided substantive support to and facilitated the holding of the Committee's twenty-first session in Nairobi on 21 November 2008, prior to the ninth International Conference of National Human Rights Institutions.

58. The meeting focused on issues relating to the governance and funding of the Committee and the establishment of thematic working groups. The meeting adopted the revised statute of the Committee (see annex II), with recommendations for further development of the statute, and agreed on an annual subscription fee of 3,200 euros for A-status institutions. The meeting also adopted a number of resolutions on membership and sustainable funding, including that each A-status accredited institution would be a voting member of the incorporated Committee, subject to an annual subscription; and each B-status accredited institution would be accepted as a non-voting member of the incorporated Committee. The next institutional meeting of the Committee will be held the week of 23 March 2009, in Geneva.

59. The meeting agreed on the establishment of thematic working groups within the Committee: a working group on strategic participation of national human rights institutions in

the Durban Review Process, and a working group on human rights and business. The meeting also discussed the participation of institutions in the Commission on the Status of Women and the Committee's engagement in the indigenous rights mechanisms, and agreed to discuss further the issues at the next Committee meeting in March 2009.

60. Many national human rights institutions showed strong interest in and support for their participation in the Durban Review Conference, emphasizing their potential in building credibility for the Conference as well as implementing its outcome at the country level. The working group on the Durban Review Conference is composed of two institutions from each region (Costa Rica, Denmark, Germany, Indonesia, Mexico, the Republic of Korea, Rwanda and South Africa) and led by co-chairs (the Republic of Korea and South Africa). The working group will make a contribution to the outcome paper of the Durban Review Conference.

61. The working group on human rights and business will be composed of institution representatives from all regions with expertise on the theme. The working group's mandate will be to support institutions in strategic planning, capacity-building, pooling of resources and agenda-setting. A suggestion was made to the Committee Chairperson that human rights and business should be the theme of the tenth International Conference in 2010.

62. The Chairpersons of the four regional networks reported on their activities within the framework of the "UDHR 60" campaign, in which the High Commissioner for Human Rights invited national human rights institutions to take the lead. They expressed their gratitude to OHCHR for the financial and technical support provided in the context of the sixtieth anniversary of the Universal Declaration.

### **Ninth International Conference of National Human Rights Institutions**

63. The ninth International Conference for National Human Rights Institutions was held in Nairobi from 21 to 24 October 2008. The Conference was hosted, organized and supported by OHCHR, the Kenya National Commission on Human Rights and the International Coordinating Committee. The event also benefited from the support of the Organisation internationale de la Francophonie, the Swedish International Development Cooperation Agency and UNDP. Participants included over 120 representatives of national human rights institutions from all over the world, as well as regional coordinating bodies, non-governmental organizations, and international human rights experts. Several events were also organized in parallel to the Conference (see paragraphs 81-85 below).

64. The theme of the Conference was "National human rights institutions and the administration of justice". Participants discussed good practices of institutions' work in strengthening the rule of law. Discussions developed around the following issues in different panels: (a) the relationship between institutions and the judiciary and the role that they play in the administration of justice; (b) institutions' support for critical components of national human rights protection systems; (c) institutions and the fight against impunity; (d) institutions and the right to restitution, compensation and rehabilitation for victims of gross human rights violations and fundamental freedoms in post-conflict situations; (e) institutions and capacity-building with regard to the administration of justice, in particular through reform of the judiciary, the security sector and the penal system, juvenile justice reform, or the fight against corruption.

65. The Conference unanimously adopted the Nairobi Declaration (see annex III), which provides institutions with guidelines in performing their role in the administration of justice. The Declaration stipulates, inter alia, that institutions will strive to undertake initiatives towards the strengthening of the administration of justice within their mandate, and encourage cooperation in this area at the regional and international level, including through OHCHR and the wider United Nations system; engage in strategic partnerships with civil society organizations to implement their activities in the administration of justice; and develop and implement a strategy to strengthen the administration of justice. The Declaration also requests that OHCHR prepare a report, which would include best practices presented during the Conference.

## **2. Subcommittee on Accreditation**

66. OHCHR provided secretarial support to the meetings of the Subcommittee on Accreditation, held in April and November 2008 (for a list of national human rights institutions with accreditation status as at December 2008, see A/HRC/10/55, annex I). A report of the Secretary-General (A/HRC/10/55) provides more information on the accreditation process and recent improvements.

### **III. COOPERATION BETWEEN UNITED NATIONS HUMAN RIGHTS MECHANISMS AND NATIONAL HUMAN RIGHTS INSTITUTIONS**

#### **A. Human Rights Council**

67. OHCHR has been supporting an enhanced role for national human rights institutions with regard to the Human Rights Council, in line with Commission on Human Rights resolution 2005/74 and past practice of the Commission. Council resolution 5/1 opens many opportunities for institutions and their regional coordinating mechanisms to participate in Council sessions and to engage with its various mechanisms. Institutions accredited by the International Coordinating Committee for compliance with the Paris Principles, the Committee itself and regional coordinating bodies of institutions may participate and address the Council in an independent capacity and on all agenda items. They may also submit written statements, issue documentation (with a United Nations document symbol) and have separate seating arrangements.

68. With regard to Council mechanisms, institutions have been given a clear and significant role by resolution 5/1, for example with regard to the universal periodic review, where one of the three types of documents for review will consist of information provided by stakeholders, including national human rights institutions. Institutions may play a crucial role in all phases of the universal periodic review, from the submission of documentation to attendance of the review and follow-up to recommendations. They can also play an important role in the Advisory Committee as well as, more specifically, the complaint procedure.

69. A workshop for national human rights institutions and non-governmental organizations on the universal periodic review was held on 19 and 20 November, in Nairobi, to share good practices on reporting, participating in the review and follow-up under the review. The meeting was organized by Rights and Democracy, OHCHR, the Francophonie and the Commonwealth Secretariat. Various human rights institutions that had participated in the review process shared their experience.

## **B. Treaty bodies**

70. As an ongoing activity, OHCHR has systematically engaged with treaty body members by providing expert analyses concerning national human rights institutions and their related activities. In 2008, several institutions made statements and provided reports to treaty bodies in relation to the consideration of reports submitted by their respective countries.

71. OHCHR prepares and regularly updates a compilation of all treaty body concluding observations and recommendations that relate to national human rights institutions ([www.nhri.net](http://www.nhri.net)) and systematically sends concluding observations to the institutions of the countries concerned, following their adoption. OHCHR also encourages institutions to participate in treaty body sessions and the strengthening procedures for their interaction, including by providing information on the list of issues, contributing to the sessions and in the follow-up to concluding observations.

72. In February 2008, OHCHR organized the East African subregional workshop on reporting practices to United Nations treaty bodies. National human rights institutions as well as government representatives from Burundi, Ethiopia, Eritrea, Djibouti, Kenya, Somalia, the Sudan, Rwanda, the United Republic of Tanzania and Uganda participated. One session focused on the role of the said institutions in treaty body reporting.

73. On 19 May 2008, OHCHR, in collaboration with the Iberoamerican Federation of Ombudsmen and the University of Alcalá, held a workshop on the role of national human rights institutions in the protection of economic, social and cultural rights during the session of the Committee on Economic, Social and Cultural Rights. Their role in the promotion of the justiciability of economic, social and cultural rights was discussed in this context, with institutions from Spanish-speaking countries participating.

74. A meeting of chairpersons of human rights treaty bodies was held from 23 to 25 June 2008. The National Institutions Unit gave a written update of the developments regarding interaction between national human rights institutions and treaty bodies and shared a table of good practices in this area.

75. Since 2003, OHCHR has been involved in the European Union-funded project entitled “Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms”, which aims at improving the implementation of conclusions and recommendations of human rights treaty bodies at the national level by the strengthening of the capacity of national human rights institutions, non-governmental organizations and the media. Activities are designed to enhance their participation in the reporting process and to encourage the use of international human rights instruments and treaty body recommendations in their respective areas of work to further the promotion and protection of human rights. A regional workshop was held in Panama from 27 to 29 August 2008 with participants from Argentina, Columbia, Guatemala, El Salvador, Mexico and Panama. National workshops were held in Morocco and Indonesia in December 2008.

### **C. Special procedures**

76. Human rights institutions can be instrumental in the work of special procedures mandate-holders, specifically with regard to country visits (preparation, meetings during the visit, follow-up to recommendations); early warning; participation in and organization of thematic studies, conferences and seminars; and interaction in international forums, such as the Human Rights Council or the annual meeting of special procedures mandate-holders. Increasingly, mandate-holders look to the institutions for assistance in ensuring that their recommendations are followed up at the national level.

77. On 26 June 2008, an interactive dialogue was held among special procedures mandate-holders, national human rights institutions and non-governmental organizations. The representative of the International Coordinating Committee presented a statement on enhanced cooperation between the institutions and mandate-holders and follow-up to recommendations, as well as a paper on interaction between institutions and mandate-holders.

78. On 25 and 26 October 2008, OHCHR, in collaboration with the Representative of the Secretary-General on the human rights of internally displaced persons and the Brookings-Bern Project on Internal Displacement, organized a seminar in Nairobi on the role of African national institutions in protecting the human rights of internally displaced persons. The workshop provided an overview of the legal and normative framework for protecting internally displaced persons; shared guidelines on developing national laws and policies on internally displaced persons; and discussed specific strategies for national institutions to protect and assist internally displaced persons.

### **IV. COOPERATION AMONG THE OFFICE OF THE HIGH COMMISSIONER, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS ON NATIONAL HUMAN RIGHTS INSTITUTIONS**

79. In 2008, OHCHR continued to strengthen its cooperation with United Nations country teams worldwide. OHCHR is cooperating with UNDP and the human rights institutions of Denmark, South Africa and Uganda to develop a country team toolkit for UNDP staff, which is due to be launched jointly by OHCHR and UNDP by June 2009.

80. In March 2008, a HURITALK e-discussion was held on the theme “The role of United Nations agencies and country teams in supporting national human rights institutions”. Contributions were received from United Nations agencies, civil society organizations and experts from all regions, emphasizing the role that credible and independent human rights institutions can play as national partners to promote the rule of law, good governance and human rights or to contribute to other priority areas, such as poverty reduction. The e-discussion<sup>1</sup> focused on (a) the role of human rights institutions in promoting human rights and development objectives; (b) ensuring their credibility and independence, maintaining relationships with civil

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<sup>1</sup> Summary available at [www.nhri.net](http://www.nhri.net).

society, and the specific role of United Nations agencies therein; and (c) strategies for helping human rights institutions to carry out their functions effectively and the specific role of United Nations agencies.

## **V. COOPERATION WITH NON-GOVERNMENTAL ORGANIZATIONS AND ACADEMIC INSTITUTIONS**

### **Universal periodic review workshops**

81. In April, July and October 2008, Rights and Democracy, OHCHR, the Francophonie and the Commonwealth Secretariat organized universal periodic review workshops in Geneva, Kuala Lumpur and Nairobi. Various national human rights institutions that participated in the review process shared their experience.

### **Non-governmental organization forum (Nairobi)**

82. As part of the ninth International Conference of National Human Rights Institutions, a forum was held with over 100 participants from international, regional and national organizations. The main theme was improving access to justice for vulnerable groups through partnerships between non-governmental organizations and national human rights institutions. OHCHR briefed participants on current activities to strengthen the capacity of institutions to fulfil their core mandate, including through a more rigorous accreditation process. A plan of action for cooperation between institutions and non-governmental organizations was developed by some 50 organizations at the Forum. Some, including Amnesty International and the International Commission of Jurors, expressed their interest in helping OHCHR to enhance the protection potential of institutions at the national level to make them the first “port of call” for victims of human rights violations and vulnerable groups.

### **Equitas**

83. During the above-mentioned conference, Equitas launched a new handbook on economic, social and cultural rights for women, developed in partnership with UNDP for human rights institutions.

### **Harvard University Law School human rights programme**

84. At the above-mentioned conference, the Director of the human rights programme of Harvard University Law School gave an overview of the programme and described the range of opportunities available to institutions, including fellowships, internship and dedicated support from a large number of Harvard Law school students. He also referred to a planned publication on institutions and the administration of justice by Harvard University and OHCHR.

### **Association for the Prevention of Torture**

85. In 2008, OHCHR, in cooperation with the Association for the Prevention of Torture and the Asia-Pacific Forum for National Human Rights Institutions developed a publication entitled “Prevention of torture: an operational guide for national human rights institutions”, which builds

on the experience of the Actors for Change Project, conducted with OHCHR and the non-governmental organization Fahamu, and funded by the European Union. The guide is a practical tool for human rights institutions actively involved in torture prevention, stressing the importance of engaging in a global strategy. The Association presented the draft guide at the above-mentioned conference.

## **VI. ROUND TABLES ON THEMATIC ISSUES**

### **A. Conflict prevention and prevention of torture**

86. The project “Actors for change: strengthening the capacity of national human rights institutions through distance and regional training” commenced in 2005 with the aim of strengthening the capacity of human rights institutions to prevent torture and engage in the prevention of conflict, including early warning. The project ended in 2007 and was reviewed in 2008. Funded by the European Union, it was implemented by OHCHR in partnership with the United Nations System Staff College, the Association for the Prevention of Torture and Fahamu.

87. After evaluation, it was concluded that the project had exceeded its targets and been an unqualified success. A key component of the project, the Actors for Change distance-learning programme, was overwhelmingly considered a success by participants. The materials were deemed relevant, useful, challenging and clear; links with human rights practitioners were established at an early stage, encouraging the development of professional connections; the workshops provided practical and real learning experience; and some very positive stories were reported of dissemination of learning among civil society, the prison service, police and even the military. In addition, there was strong support from both the executive direction and participants for further training using this approach on different themes and for similar courses for other colleagues in institutions.

### **B. Sixtieth anniversary of the Universal Declaration of Human Rights**

88. The Secretary-General launched a year-long campaign to commemorate the sixtieth anniversary of the Universal Declaration of Human Rights, focused on “dignity and justice for all of us”. Within the campaign, OHCHR is paying special attention to the rights of people deprived of their liberty in prisons and other places of detention. OHCHR specifically designated 6 to 12 October 2008 as the Dignity and Justice for Detainees Week, and invited human rights institutions and other partners to conduct focused activities in, and/or related to, places of detention during that week and throughout 2008. OHCHR plans to compile an official report on activities of institutions carried out during the year, with case studies and personal stories, which will serve as a guide for further efforts to protect the dignity of and justice for persons deprived of their liberty.

89. Several institutions have received OHCHR funding (totalling \$143,000) in connection with planned activities, which were linked to the High Commissioner’s initiative on detention. Requests for funding were accepted from institutions in Ecuador, Ethiopia, India, Indonesia, Mongolia, Panama, Rwanda, Sri Lanka, Togo and Uganda.

### **C. Transitional justice**

90. Following an international round table of national human rights institutions on transitional justice, hosted by OHCHR and the South African Human Rights Commission, in Cape Town, South Africa, from 22 to 25 November 2007, OHCHR elaborated a guidance note on institutions and transitional justice. The note is intended to assist institutions in their engagement with transitional justice to improve their institutional role of promoting and protecting human rights during the period of democratic transition.

### **VII. CONCLUSIONS**

91. National human rights institutions compliant with the Paris Principles are key elements of a strong, effective national human rights protection system. In particular, they can support Governments in ensuring that international human rights norms are applied at the national level, including by facilitating follow-up actions to the recommendations resulting from the international human rights system. The Secretary-General encourages closer cooperation between non-governmental organizations and these institutions, especially in connection with core protection issues, including the protection of human rights defenders. They have also shown to be important partners in the international human rights system, especially through the Human Rights Council, the human rights treaty bodies and special procedures.

92. The Secretary-General welcomes the recent unanimous adoption by the General Assembly of its resolution 63/172 on national institutions for the promotion and protection of human rights, in which the Assembly, *inter alia*, reaffirms the importance of the development of effective, independent and pluralistic institutions in line with the Paris Principles; recognizes the role of independent institutions working with Governments to ensure respect for human rights at the national level, including in the follow-up to recommendations from international human rights mechanisms; encourages Member States to establish or strengthen institutions, and welcomes the growing number of States doing so; recognizes the role played by human rights institutions in the Human Rights Council, including the universal periodic review and special procedures, as well as in treaty bodies, in accordance with Council resolutions 5/1 and 5/2 and Commission on Human Rights resolution 2005/74; acknowledges the role of institutions in the strengthening of the rule of law; commends the high priority given by OHCHR to work on institutions and encourages the High Commissioner to ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend these activities and invites Governments to contribute additional voluntary funds to that end; and encourages institutions to seek accreditation status through the International Coordinating Committee and notes with satisfaction the strengthening of the accreditation procedure and the continued assistance of OHCHR in this regard, as well as the assistance of OHCHR to Committee conferences.

93. The Secretary-General also appreciates the adoption of the Nairobi Declaration at the ninth International Conference of National Human Rights Institutions. The text, agreed unanimously by over 150 representatives of 51 fully compliant institutions worldwide, is testimony of their growing role in the administration of justice and the rule of law. They are encouraged to give due attention to the practical recommendations of the Conference with respect to action and cooperation with the judiciary, the police and prison administration and to follow-up on them at the national level.

94. The Secretary-General encourages closer cooperation of national human rights institutions with the United Nations system and encourages them to become its partners, especially in efforts to establish or strengthen the rule of law. The Secretary-General also welcomes the incorporation under Swiss law of the International Coordinating Committee and recent developments concerning the accreditation procedure of the Subcommittee on Accreditation. Upholding the Paris Principles through a more rigorous and transparent system of accreditation, with the support of OHCHR, ultimately strengthens the national human rights protection system and thus the promotion and protection of human rights.

## **Annex I**

### **CONCLUDING STATEMENT OF THE THIRTEENTH ANNUAL MEETING OF THE ASIA-PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**28 to 31 July 2008, Kuala Lumpur, Malaysia**

#### **Introduction**

1. The Asia-Pacific Forum of National Human Rights Institutions (the APF), consisting of the national human rights institutions (NHRIs) of Malaysia, Afghanistan, Australia, India, Indonesia, Jordan, the Maldives, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Republic of Korea, Sri Lanka, Thailand and Timor-Leste, held this Thirteenth Annual Meeting in Kuala Lumpur, Malaysia from 28<sup>th</sup> to 31<sup>st</sup> July 2008.
2. Dato Seri Azalina binti Othman Said, Minister of Tourism read the keynote speech of Datuk Seri Najib Razak, Rt. Hon Deputy Prime Minister of Malaysia who was unable to attend. Tan Sri Abu Talib Othman, Chairperson of the Human Rights Commission of Malaysia delivered a speech at the opening ceremony. The speakers stressed the important role of NHRIs and the APF in the promotion and protection of human rights throughout the Asia-Pacific region and, in particular, in the development of a regional human rights mechanism for the Association of South East Asian Nations (ASEAN) region.
3. The Forum Councillors expressed their gratitude to the Human Rights Commission of Malaysia for hosting the meeting, to the United Nations Office of the High Commissioner for Human Rights (OHCHR) for its co-sponsorship and to all the APF's donors for their financial support. The Forum Councillors expressed their appreciation for the efforts of the Chairperson, Commissioners and staff of the Human Rights Commission of Malaysia and the APF secretariat for their work in the organization of the meeting.
4. The Forum Councillors welcomed the participation and statements by the representative of the OHCHR, Mr Gianni Magazzeni, and the Chairperson of the International Coordinating Committee of National Institutions (ICC), Ms Jennifer Lynch QC.
5. The Forum Councillors encouraged and welcomed the participation and statements of approximately sixty international, regional and national non-governmental organizations (NGOs) and the representatives of the parliaments and/or governments of Australia, Bahrain, Brunei, Malaysia, Maldives, New Zealand, Pakistan, Papua New Guinea, Philippines, Qatar, Republic of Korea, Samoa, and Thailand and the intergovernmental organizations of the Commonwealth and the Pacific Islands Forum.

## Conclusions

*The Forum, during its open plenary sessions:*

6. Expressed appreciation to the OHCHR for its support in connection with NHRIs and their protection mandates; for the establishment and strengthening of NHRIs; and to the ICC and its accreditation process. The APF reaffirmed the success of their partnership with the OHCHR and looked forward to enhancing their mutual cooperation and support including through the holding of a Pacific workshop on NHRIs.
7. Expressed appreciation to the Chairperson of the ICC for her leadership in the review and development of the governance of the ICC. Forum Councillors therefore welcomed the holding of the first constituent assembly of the ICC during the APF annual meeting and the steps taken to incorporate the organization. They offered their continued support to ensure that the ICC and regional coordinating committees are influential entities in the international human rights system.
8. Informed the conference of the outcomes of the meeting of Forum Councillors held on 29<sup>th</sup> July 2008. The following decisions were highlighted:
  - The unanimous election of the Human Rights Commission of Malaysia (as the current host institution of the annual meeting) to the position of Chairperson of the APF, the Jordanian National Centre for Human Rights (as the host institution for the next annual meeting) and the Australian Human Rights and Equal Opportunity Commission (as the immediate past Chairperson of the APF) to the two positions of Deputy Chairpersons.
  - The offer to provide associate membership of the APF to the Iranian Islamic Human Rights Commission. The Commission subsequently advised that it did not want to accept associate membership.
  - The decision to defer the review of the associate membership of the Qatar National Human Rights Committee. In doing so Forum Councillors congratulated the institution on the steps taken to comply with the Paris Principles. Forum Councillors requested that the secretariat organise a study visit to seek additional information on their domestic legal system and to review this information at the next annual meeting.
  - The decision to accept with appreciation the offer of the Jordanian National Centre for Human Rights to host the Fourteenth Annual Meeting in 2009.
9. Welcomed the convening of the SEO meeting and encouraged them to strengthen their network.

10. Welcomed the reports of APF members on their operations over the preceding year. Also welcomed the reports of the Hong Kong Equal Opportunities Commission and the Iranian Islamic Human Rights Commission.
11. Noted the reports about regional cooperation activities between APF members. In particular they discussed and welcomed the progress of the NHRIs of Malaysia, Indonesia, Philippines and Thailand to promote the establishment of an ASEAN regional human rights mechanism. They further noted the call for regional standard setting on the human rights of migrants in an irregular situations and migrant domestic workers.
12. Welcomed the reports of the governments of Australia, New Zealand, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Samoa and the inter-governmental Pacific Islands Forum on the activities undertaken to protect and promote human rights including support for NHRIs. In particular they welcomed the commitments made by the governments of Pakistan, Papua New Guinea and Samoa to establish NHRIs and offered these governments the support of the APF.
13. Welcomed the reports of NGOs. Forum Councillors expressed their appreciation for the constructive and coordinated contribution of NGOs, thanked NGOs for their submissions, collective participation and advocacy at the meeting and stressed their commitment to constructive dialogue and practical cooperation. Forum Councillors agreed to further consider:
  - Integrating the issue of human rights defenders into reference topics made to the Advisory Council of Jurists
  - Seeking a dialogue with the United Nations Special Rapporteur on Human Rights Defenders about how NHRIs can effectively engage with her mandate
  - Including the situation of human rights defenders in the annual activity report taking into account the United Nations Declaration on Human Rights Defenders
  - Strengthening follow up mechanisms to recommendations made by the APF, the Advisory Council of Jurists and international mechanisms including the Human Rights Council, the Universal Periodic Review (UPR), treaty bodies and Special Procedures
  - Strategies to strengthen the role of NHRIs in affording immediate protection against human rights violations at the national level
  - Encouraging the development of human rights impact assessment tools in relation to policies adversely effecting economic, social and cultural rights
14. With regard to the current human rights situation in the Islamic Republic of Iran and the difficulties faced by human rights defenders, requested that the Iranian Islamic Human Rights Commission make efforts to protect human rights defenders and promote the registration of such organizations in accordance with the Iranian Constitution and national law. APF members offered to support the Commission in these efforts.

15. Discussed the UPR mechanism and stressed their commitment to actively participate in the process in cooperation with both Government and civil society. Forum Councillors expressed their appreciation to Rights and Democracy for facilitating dialogue on this issue and to the OHCHR and Commonwealth secretariat for their offers to provide practical support. Forum Councillors requested that the APF cooperate in these efforts to ensure APF members can engage effectively in the UPR mechanism. In doing so they noted the experiences of the NHRIs from India, Indonesia, the Philippines and the Republic of Korea who have already participated in the first and second sessions of the UPR mechanism and agreed to develop documentation highlighting 'best practices' for dissemination to all APF member institutions. Forum Councillors also welcomed the proposal of the Human Rights Commission of the Republic of Korea to develop guidelines for the monitoring of the implementation of UPR recommendations.
16. Noted with concern the continuing human rights violations in Myanmar.
17. Considered the issue of human rights and corporate accountability, including the interim report of the Advisory Council of Jurists. The APF warmly thanked the jurists for their expertise and the comprehensive scope of their report. APF member institutions would carefully consider their recommendations and report on their implementation to the next meeting of the APF. Forum Councillors also agreed to forward the recommendations of the Jurists to the ICC for their consideration and possible inclusion in future activities.
18. Issues relating to the rights of Indigenous Peoples and ethnic minorities were raised throughout the conference. The APF agreed to incorporate work on the rights of Indigenous Peoples and ethnic minorities in its programme for 2008-2009.
19. Considered the issue of the meaning and effect of Article 29(2) of the Universal Declaration of Human Rights and stressed that any permissible limitations on fundamental rights and freedoms should be carefully scrutinised in accordance with the accepted international norms.
20. Recorded their sincere appreciation to Mr John von Doussa QC, President of the Australian Human Rights and Equal Opportunity Commission, for his excellent Chairmanship of the APF and his untiring support for the work of the APF, ICC and the promotion and protection of human rights domestically, regionally and internationally.

**Annex II**

**STATUTE OF THE INTERNATIONAL COORDINATING COMMITTEE OF  
NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION  
OF HUMAN RIGHTS**

<p><b>Art. 1.1</b></p>	<p><b>SECTION 1: DEFINITIONS AND INTERPRETATION</b></p> <p><b>In this Statute</b></p> <p><b>Former Rules of Procedure</b> means the Rules of Procedure of “The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights” adopted on 15 April 2000 and as amended on 13 April 2002, and on 14 April 2008 which are now merged into this Statute;</p> <p><b>ICC</b> means the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights existing under the former Rules of Procedure, referred to in the United Nations Commission on Human Rights resolution 2005/74 and the United Nations Human Rights Council resolution 5/1, which is now given independent corporate personality by this Statute;</p> <p><b>ICC Bureau</b> means the committee of management established under Article 43 of this Statute;</p> <p><b>Days:</b> In this statute, a reference to days means calendar days, not working days;</p> <p><b>NHRI</b> means a National Human Rights Institution;</p> <p><b>NIU</b> means the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights;</p> <p><b>OHCHR</b> means the Office of the United Nations High Commissioner for Human Rights;</p> <p><b>Paris Principles</b> means the Principles Relating to the Status of National Institutions, adopted by the United Nations Commission on Human Rights in resolution 1992/54 of 3 March 1992 and endorsed by the United Nations General Assembly in resolution 48/134 of 20 December 1993;</p> <p><b>Rules of Procedure</b> of the ICC Sub-Committee on Accreditation mean the Rules of Procedure for the ICC Sub-Committee on Accreditation adopted by the members of the International Coordinating Committee constituted under the former Rules of Procedure at its 15th session, held on 14 September 2004 at Seoul, Republic of Korea, as amended at the 20th session, held on 14 April 2008 at Geneva, Switzerland, and continued in existence under the transitional provisions of this Statute;</p> <p><b>Regional Coordinating Committee</b> means the body established by NHRIs in each of the regional groupings referred to in Section 7 of this Statute to act as their coordinating secretariats, namely:</p> <ul style="list-style-type: none"><li>• Asia-Pacific Forum of National Human Rights Institutions</li><li>• European Coordinating Committee of National Human Rights Institutions</li></ul>
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	<ul style="list-style-type: none"> <li>• Network of African National Human Rights Institutions; and</li> <li>• Network of National Human Rights Institutions of the Americas</li> </ul> <p><b>Secretary</b> means the individual elected as Secretary under Article 34 who acts as the Deputy to the Chairperson to carry out the role and functions of the Chairperson in her or his absence, including the functions referred to in Article 49;</p> <p><b>Sub-Committee on Accreditation</b> means the sub-committee established under the former Rules of Procedure empowered to exercise the mandate given to it under and in accordance with the Rules of Procedure for the ICC Sub-Committee on Accreditation to review and analyse accreditation applications;</p> <p><b>Voting member</b> means a NHRI which is a member of the ICC and is accredited with an “A” status; and non-voting member means a NHRI which is a member of the ICC and is accredited with a “B” status;</p> <p><b>Writing or Written</b> includes any hand-written, typed or printed communication, including telex, cable, electronic mail and facsimile transmissions.</p>
<b>Art. 1.2</b>	References to the “ICC” in the Rules of Procedure for the ICC Sub-Committee on Accreditation shall be read as references to the ICC Bureau established under this Statute, and references to the “ICC Rules of Procedure” shall be read as references to the former Rules of Procedure, and to the corresponding rules in this Statute.
<b>Art. 2</b>	<p><b>SECTION 2: NAME, LOGO AND REGISTERED OFFICE</b></p> <p>A non-profit association is hereby created by the National Human Rights Institutions (NHRIs) subscribing to this present Statute, according to Articles 60 and following of the Swiss Civil Code as an international association possessing legal personality independent of its members. The name of the association is the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in this Statute referred to as the ICC. The duration of the ICC is unlimited.</p> <p>The ICC created by this Statute gives independent corporate personality to the loose arrangement of NHRIs hitherto existing under the former Rules of Procedure.</p>
<b>Art. 3</b>	<p>The official logo of the ICC, in each of the working languages, is the following image:</p> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <p>INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)</p> </div> <div style="display: flex; align-items: center;">  <p>COMITÉ INTERNATIONAL DE COORDINATION DES INSTITUTIONS NATIONALES POUR LA PROMOTION ET LA PROTECTION DES DROITS DE L’HOMME (CIC)</p> </div>

	 <p>COMITÉ INTERNACIONAL DE COORDINACIÓN DE LAS INSTITUCIONES NACIONALES PARA LA PROMOCIÓN Y LA PROTECCIÓN DE LOS DERECHOS HUMANOS (CIC)</p>
<b>Art. 4</b>	The registered office of the ICC is 42 avenue Krieg, 1208 Geneva, Switzerland.
<b>Art. 5</b>	<p><b>SECTION 3: PURPOSE</b></p> <p><b>Objects</b></p> <p>The ICC is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights.</p>
<b>Art. 6</b>	General Meetings of the ICC, meetings of the ICC Bureau and of the Sub-Committee on Accreditation, as well as International Conferences of the ICC shall be held under the auspices of, and in cooperation with, OHCHR.
<b>Art. 7</b>	<p><b>Functions</b></p> <p>The functions of the ICC are:</p> <ol style="list-style-type: none"> <li>1. To coordinate at an international level the activities of NHRIs established in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> <li>• Interaction and cooperation with the United Nations, including the OHCHR, the Human Rights Council, its mechanisms, United Nations human rights treaty bodies, as well as with other international organisations</li> <li>• Collaboration and coordination amongst NHRIs and the regional groups and Regional Coordinating Committees</li> <li>• Communication amongst members, and with stakeholders including, where appropriate, the general public</li> <li>• Development of knowledge</li> <li>• Management of knowledge</li> <li>• Development of guidelines, policies, statements</li> <li>• Implementation of initiatives</li> <li>• Organisation of conferences</li> </ul> </li> <li>2. To promote the establishment and strengthening of NHRIs in conformity with the Paris Principles, including such activities as: <ul style="list-style-type: none"> <li>• Accreditation of new members</li> <li>• Periodic renewal of accreditation</li> <li>• Special review of accreditation</li> </ul> </li> </ol>

	<ul style="list-style-type: none"> <li>• Assistance of NHRIs under threat</li> <li>• Encouraging the provision of technical assistance</li> <li>• Fostering and promoting education and training opportunities to develop and reinforce the capacities of NHRIs</li> </ul> <p>3. To undertake such other functions as are referred to it by its voting members.</p> <p><b>Principles:</b></p> <p>In fulfilling these functions, the ICC will work in ways that emphasize the following principles:</p> <ul style="list-style-type: none"> <li>• Fair, transparent, and credible accreditation processes</li> <li>• Timely information and guidance to NHRIs on engagement with the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies</li> <li>• The dissemination of information and directives concerning the Human Rights Council, its mechanisms, and United Nations human rights treaty bodies to NHRIs</li> <li>• Mandated representation of NHRIs</li> <li>• Strong relationships with the OHCHR and the Regional Coordinating Committees that reflect the complementarity of roles</li> <li>• Flexibility, transparency and active participation in all processes</li> <li>• Inclusive decision-making processes based on consensus to the greatest extent possible</li> <li>• The maintenance of its independence and financial autonomy</li> </ul>
<p><b>Art. 8</b></p>	<p><b>International Conference</b></p> <p>The ICC shall hold a biennial International Conference in accordance with the Rules of Procedure of International Conferences of National Institutions for the Promotion and Protection of Human Rights adopted by NHRIs at their ICC meeting held in Geneva, Switzerland on 17 April 2002.</p>
<p><b>Art. 9</b></p>	<p><b>SECTION 4: LIAISON WITH OTHER HUMAN RIGHTS INSTITUTIONS AND NGOs</b></p> <p>The ICC may liaise with other human rights institutions including the International Ombudsman Institute and non-governmental organizations. The ICC may decide to grant such organizations observer status at any meetings or workshops of the ICC.</p>

	<p><b>SECTION 5: PARIS PRINCIPLES ACCREDITATION</b></p> <p>[Note: Pursuant to Human Rights Council resolution 5/1, VII Rules of Procedure, rule 7 (b), participation of NHRIs in the work of the Human Rights Council is based on arrangements and practices agreed upon by the Human Rights Commission including resolution 2005/74 of 20 April 2005. Resolution 2005/74, paragraph 11 (a), permitted NHRIs that are accredited by the Sub-Committee on Accreditation to exercise participation rights in the Human Rights Commission and subsidiary bodies of the Commission.]</p>
<b>Art. 10</b>	<p><b>Application for accreditation process</b></p> <p>Any NHRI seeking accreditation under the Paris Principles shall apply to the Chairperson of the ICC. Through the ICC Secretariat, that NHRI shall supply the following in support of its application:</p> <ul style="list-style-type: none"> <li>• A copy of the legislation or other instrument by which it is established and empowered in its official or published format</li> <li>• An outline of its organizational structure including staff complement and annual budget</li> <li>• A copy of its most recent annual report or equivalent document in its official or published format</li> <li>• A detailed statement showing how it complies with the Paris Principles as well as any respects in which it does not so comply and any proposals to ensure compliance. The ICC Bureau may determine the form in which this statement is to be provided</li> </ul> <p>The application shall be decided pursuant to Article 11 of this Statute.</p>
<b>Art. 11.1</b>	<p>All questions of accreditation, including whether a NHRI complies with the Paris Principles, shall be decided under the auspices of, and in cooperation with, OHCHR by the ICC Bureau after considering a report from the Sub-Committee on Accreditation on the basis of written evidence submitted.</p>
<b>Art. 11.2</b>	<p>In coming to a decision, the ICC Bureau or the Sub-Committee may adopt processes that facilitate dialogue and exchange of information between it and the applicant NHRI as deemed necessary to come to a fair and just decision.</p>
<b>Art. 12</b>	<p>Where the Sub-Committee on Accreditation comes to an accreditation decision, that decision shall be considered an accreditation status recommendation, with the final decision being taken by the ICC Bureau after the following process has occurred:</p> <ul style="list-style-type: none"> <li>• The recommendation of the Sub-Committee shall first be forwarded to the applicant</li> <li>• An applicant can challenge a recommendation by submitting a written challenge to the ICC Chairperson, through the ICC Secretariat, within twenty eight (28) days of receipt</li> </ul>

	<ul style="list-style-type: none"> <li>• Thereafter the recommendation will be forwarded to the members of the ICC Bureau for decision. If a challenge has been received from the applicant, the challenge together with all relevant material received in connection with both the application and the challenge will also be forwarded to the members of the ICC Bureau</li> <li>• Any member of the ICC Bureau who disagrees with the recommendation shall, within twenty (20) days of its receipt, notify the Chair of the Sub-Committee and the ICC Secretariat. The ICC Secretariat will promptly notify all ICC Bureau members of the objection raised and will provide all necessary information to clarify that objection. If within twenty (20) days of receipt of this information a majority of members of the ICC Bureau notify the ICC Secretariat that they hold a similar objection, the recommendation shall be referred to the next ICC Bureau meeting for decision</li> <li>• If a majority of members do not raise objection to the recommendation within twenty (20) days of its receipt, the recommendation shall be deemed to be approved by the ICC Bureau</li> </ul> <p>The decision of the ICC Bureau on accreditation is final.</p>
<b>Art. 13</b>	Should the ICC Bureau decide to decline an application for accreditation of any NHRI by reason of its failure to comply with the Paris Principles, the ICC Bureau or its delegate may consult further with that institution concerning measures to address its compliance issues.
<b>Art. 14</b>	Any NHRI whose application for accreditation has been declined may reapply for accreditation, according to the guidelines under Article 10, at any time. Such an application may be considered at the next meeting of the Sub Committee on Accreditation.
<b>Art. 15</b>	<p><b>Periodic re-accreditation</b></p> <p>All NHRIs that hold an “A” status are subject to re-accreditation on a cyclical basis. The ICC Bureau may determine the periodicity of re-accreditation, but this cannot be longer than five (5) years. Article 10 applies to NHRIs undergoing re-accreditation. In particular reference to an application for accreditation means both the initial application and the application for re-accreditation.</p>
<b>Art. 16.1</b>	<p><b>Review of accreditation process</b></p> <p>Where the circumstances of any NHRI change in any way which may affect its compliance with the Paris Principles, that NHRI shall notify the Chairperson of those changes and the Chairperson shall place the matter before the Sub-Committee on Accreditation for review of that NHRI’s accreditation status.</p>

<b>Art. 16.2</b>	Where, in the opinion of the Chairperson of the ICC or of any member of the Sub-Committee on Accreditation, it appears that the circumstances of any NHRI that has been accredited with an “A” status under the former Rules of Procedure may have changed in a way which affects its compliance with the Paris Principles, the Chairperson or the Sub-Committee may initiate a review of that NHRI’s accreditation status.
<b>Art. 16.3</b>	Any review of the accreditation classification of a NHRI must be finalized within eighteen (18) months.
<b>Art. 17</b>	On any review the Chairperson or Sub-Committee on Accreditation shall have all the powers and responsibilities as in an application under Article 10.
<b>Art. 18</b>	<p><b>Alteration of accreditation classification</b></p> <p>Any decision that would serve to remove accredited “A” status from an applicant (hereafter referred to as an “adverse decision”) can only be taken after the applicant is informed of this intention and is given the opportunity to provide in writing, within one (1) year of receipt of such notice, the written evidence deemed necessary to establish its continued conformity to the Paris Principles.</p>
<b>Art. 19</b>	An accreditation classification held by a NHRI may be suspended if the NHRI fails to submit its application for re-accreditation or fails to do so within the prescribed time without justification. A NHRI whose accreditation is suspended under this Article remains suspended until the body determining accreditation comes to a decision as to its compliance with the Paris Principles or its accreditation lapses.
<b>Art. 20</b>	An accreditation classification may lapse if a NHRI fails to submit an application for re-accreditation within one (1) year of being suspended for failure to reapply, or if a NHRI under review under Article 21 of this Statute fails to provide sufficient documentation, within eighteen (18) months of being placed under review, to satisfy the body determining membership under this Statute that it remains in conformity with the Paris Principles.
<b>Art. 21</b>	NHRIs whose accreditation has been suspended remain suspended until the body determining their compliance with the Paris Principles under this Statute comes to a determination of their accreditation status or until their accreditation lapses.
<b>Art. 22</b>	NHRIs whose accreditation status has lapsed or been revoked may regain accreditation only by re-applying for accreditation as provided for in Article 10 of this Statute.
<b>Art. 23</b>	In the event that accreditation lapses or is revoked or suspended, all rights and privileges conferred on that NHRI through accreditation are immediately suspended. In the event that a NHRI is under review, it shall retain the accreditation status it has been granted until such time as the body determining membership comes to a decision as to its compliance with the Paris Principles or its membership lapses.

<b>Art. 24.1</b>	<p><b>SECTION 6: MEMBERS</b></p> <p><b>Eligibility</b></p> <p>Only NHRIs which comply fully with the Paris Principles, being those which have been accredited with an “A” status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to be voting members of the ICC.</p>
<b>Art. 24.2</b>	<p>NHRIs that are only partially compliant with the Paris Principles, being those which have been accredited with a “B” status in accordance with the former Rules of Procedure or pursuant to the procedure established under this Statute shall be eligible to become a non-voting member with observer status.</p>
<b>Art. 25</b>	<p>Any eligible NHRI wishing to become a member of the ICC (voting or non-voting respectively) shall apply in writing to the Chairperson of the ICC, giving particulars of the date on which it was accredited with an “A” or “B” status, and agreeing to be bound by this Statute as amended from time to time (including as to the payment of the applicable annual membership subscription). The application shall be considered and decided by the ICC Bureau.</p>
<b>Art. 26</b>	<p>A NHRI shall cease to be a member of the ICC upon written notice by that NHRI of resignation given to the Chairperson of the ICC, but without prejudice to the obligation of the NHRI to discharge outstanding fiscal obligations due to the ICC at the date of resignation.</p>
<b>Art. 27</b>	<p>Membership may be revoked by resolution of the ICC Bureau if the body determining accreditation status under this Statute determines that a member no longer meets the membership eligibility requirements in Article 24.</p>
<b>Art. 28</b>	<p>Membership may be cancelled by resolution of the ICC Bureau if that member has failed for six (6) months or more to pay an annual subscription that is due and owing.</p>
<b>Art. 29.1</b>	<p>A NHRI whose membership has been revoked, or cancelled for non-payment of an annual subscription, may regain membership by reapplying for membership under Article 25 of this Statute.</p>
<b>Art. 29.2</b>	<p>Where membership has been cancelled for non-payment of a subscription, re-admission to membership shall be subject to payment of the outstanding subscription or so much thereof as the ICC Bureau shall determine.</p>
<b>Art. 30</b>	<p><b>Independence of members</b></p> <p>Notwithstanding anything in this Statute, the independence, authority and national status of each member and their powers, duties and functions under their own legislative mandates shall in no way be affected by the creation of the ICC or its functioning.</p>

<b>Art. 31.1</b>	<p><b>SECTION 7: REGIONAL GROUPING OF MEMBERS</b></p> <p>For the purpose of ensuring a fair balance of regional representation on the ICC the following regional groups are established:</p> <ul style="list-style-type: none"> <li>• Africa</li> <li>• The Americas</li> <li>• Asia-Pacific</li> <li>• Europe</li> </ul>
<b>Art. 31.2</b>	The members within any regional group may establish such sub-regional groupings as they wish.
<b>Art. 31.3</b>	The members of regional groups may establish their own procedures concerning meetings and activities.
<b>Art. 31.4</b>	Each regional group is to nominate four (4) members accredited with an “A” status which shall each have a representative on the ICC Bureau.
<b>Art. 32</b>	<p><b>SECTION 8: GENERAL MEETINGS OF MEMBERS</b></p> <p>The General Meeting is composed by the ICC members and constitutes the supreme power of the association.</p>
<b>Art. 33</b>	The duties of the General Meeting include control of the activities of the ICC, review and control of the activities of the ICC Bureau, ratification of the program of ICC activities, the amendment of this Statute, consideration of funding issues and the fixing of annual membership subscriptions to be paid by members accredited with an “A” status provided however that decisions of the ICC Bureau on accreditation determinations shall not be subject to review or control by a General Meeting.
<b>Art. 34</b>	The General Meeting elects the members of the ICC Bureau, including the Chairperson and the Secretary. The members of the ICC Bureau must be individuals representing the members of the ICC accredited with an “A” status which have been nominated by their regional groups under article 31.
<b>Art. 35</b>	If required under Swiss Law, the General Meeting must elect an auditor who shall not be a member of the ICC.
<b>Art. 36</b>	The General Meeting meets at least once a year in conjunction with a meeting of the Human Rights Council upon written notice given by the ICC Bureau to the members at least four (4) weeks in advance and at such other times required according to the law including when a request is demanded by one fifth or more of the members.
<b>Art. 37</b>	The agenda of the meeting shall be submitted to the members with the written notice of meeting.

<b>Art. 38</b>	<p><b>SECTION 9: RIGHT TO VOTE AND DECISIONS</b></p> <p>At General Meetings only members accredited with an “A” status shall be entitled to vote. A member that has been accredited with a “B” status has the right to participate as an observer in General Meetings (and all other open meetings and workshops of the ICC). A NHRI that is not accredited with either an “A” or “B” status may, with the consent of the particular meeting or workshop, attend as an observer. The Chairperson, after consultation with ICC members, may invite NHRIs who are not members of the ICC and any other person or institution to participate in the work of the ICC as an observer without the right to vote.</p>
<b>Art. 39</b>	<p>At General Meetings only one (1) NHRI per Member State of the United Nations shall be eligible to be a voting member. Where more than one (1) institution in a State qualifies for membership the State shall have one (1) speaking right, one (1) voting right, and if elected, one (1) ICC Bureau member. The choice of an institution to represent the NHRI of a particular State shall be for the relevant institutions to determine.</p>
<b>Art. 40</b>	<p>Decisions of the General Meeting are passed by the majority of members present or duly represented. The General Meeting will only deal with matters that are summarized in the Agenda. If necessary, or on the request of more than half of the members present at a General Meeting, the Chairperson can call an Extraordinary General Meeting.</p>
<b>Art. 41</b>	<p>A quorum of at least one half of the total number of members is necessary.</p>
<b>Art. 42</b>	<p>English, French, and Spanish shall be the working languages of the ICC.</p>
<b>Art. 43</b>	<p><b>SECTION 10: ICC BUREAU</b></p> <p>ICC is managed by a committee entitled the ICC Bureau which shall comprise sixteen (16) individuals, including the Chairperson and the Secretary, elected by the General Meeting on the nomination of regional groupings of members, comprising four (4) representatives from members of each of the regional groups.</p>
<b>Art. 44</b>	<p>In the event that a representative of a member of a regional group for any reason is no longer able to represent that member, or if the member ceases to hold an “A” status accreditation, the representative shall cease to be a member of the ICC Bureau and the Regional Coordinating Committee may thereupon nominate another representative who shall act as a casual member of the ICC Bureau until the next General Meeting.</p>
<b>Art. 45</b>	<p>The Chairperson and the Secretary shall be elected on a rotational basis by the General Meeting for a term of three (3) years.</p>

<b>Art. 46</b>	<p data-bbox="391 226 758 257"><b>Powers of the ICC Bureau</b></p> <p data-bbox="391 280 1465 383">The ICC Bureau is empowered to act generally in the name of the ICC and to carry out the purpose and functions of the ICC. Without limiting the generality of the powers of management the ICC Bureau is empowered to:</p> <ul data-bbox="470 409 1465 1883" style="list-style-type: none"><li data-bbox="470 409 1465 477">• Decide applications for accreditation after considering a recommendation from the Sub-Committee on Accreditation</li><li data-bbox="470 499 1118 530">• Decide applications for membership of the ICC</li><li data-bbox="470 553 1007 584">• Summon General Meetings of the ICC</li><li data-bbox="470 607 1465 824">• Collaborate and work with the OHCHR and its NIU, and in particular to work with the NIU in connection with the ICC accreditation process, annual meetings of the ICC, meetings of the ICC Bureau and international conferences of NHRIs. In addition, the NIU will facilitate and coordinate the participation of NHRIs in the Human Rights Council, its mechanisms, and the United Nations human rights treaty bodies</li><li data-bbox="470 846 1465 913">• Use and accept the services of the NIU as the Secretariat for the ICC, the ICC Bureau and its Sub-Committee on Accreditation</li><li data-bbox="470 936 1465 1003">• Appoint from the members of the ICC Bureau a person to be the treasurer of the ICC</li><li data-bbox="470 1025 1374 1057">• Acquire, lease, dispose of or otherwise deal in property of any kind</li><li data-bbox="470 1079 1465 1146">• Open bank accounts, appoint signatories thereto and define the authority of the signatories</li><li data-bbox="470 1169 1374 1236">• Spend money and do all things it considers desirable to promote the purposes of the ICC</li><li data-bbox="470 1258 1374 1326">• Delegate any function to a nominated person, standing committee or subcommittee of persons or members</li><li data-bbox="470 1348 1465 1415">• Co-ordinate and arrange conferences, meetings, standing committees and sub-committees, and other activities</li><li data-bbox="470 1438 1310 1469">• Engage, dismiss or suspend employees, agents and contractors</li><li data-bbox="470 1491 758 1523">• Enter into contracts</li><li data-bbox="470 1545 1465 1612">• Engage professional assistance for the preparation of annual and other financial statements, to obtain legal advice, and for any other purpose</li><li data-bbox="470 1635 1465 1830">• Prepare and disseminate information notes, bulletins and papers of any kind to members, and to promote generally information about human rights issues and activities of the Human Rights Council, its mechanisms, the United Nations human rights treaty bodies, and of the ICC in which members could have an interest</li><li data-bbox="470 1852 1289 1883">• Receive financial grants and donations, and gifts of any kind</li></ul>
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<b>Art. 47</b>	<p><b>Membership subscription</b></p> <p>The ICC Bureau shall as and when it considers appropriate recommend to a General Meeting that an annual membership subscription be set by the General Meeting. Once set the Bureau will ensure procedures are in place to collect membership subscriptions. The ICC Bureau in its discretion may waive in whole or in part the annual subscription for a member if satisfied that the member is unable to pay the full amount due.</p>
<b>Art. 48</b>	<p><b>Meetings of the ICC Bureau</b></p> <p>A meeting of the ICC Bureau shall be held in conjunction with each General Meeting of the ICC and at least two (2) times each year. Otherwise, the ICC Bureau shall meet at such times and places as it or the Chairperson shall decide. Written notice summoning a meeting shall be given at least two (2) weeks in advance unless the ICC Bureau agrees to a shorter period for that meeting. The agenda of the meeting shall be submitted to the members with the written notice of meeting.</p>
<b>Art. 49</b>	<p><b>The Chairperson and Secretary</b></p> <p>The Chairperson, or in his or her absence the Secretary, shall direct the work of the General Meeting and the ICC Bureau. Until otherwise decided by a General Meeting, she or he shall represent the ICC in accordance with developed practices and authorities followed by the Chairperson acting under the former Rules of Procedure.</p> <p>In particular, the Chairperson may speak at the Human Rights Council, its mechanisms, United Nations human rights treaty bodies and, when invited, at other international organisations:</p> <ul style="list-style-type: none"> <li>• On behalf of the ICC on topics authorised by a General Meeting or the ICC Bureau</li> <li>• On behalf of individual NHRIs when authorised by them</li> <li>• On thematic human rights issues to promote policy decided by a General Meeting, a biennial conference or by the ICC Bureau</li> <li>• To promote and protect human rights recognised by international human rights Covenants, the Human Rights Council, its mechanisms and United Nations human rights treaty bodies and</li> <li>• Generally to advance the objects of the ICC</li> </ul>
<b>Art. 50.1</b>	<p><b>Conduct of ICC Bureau business</b></p> <p>English, French, and Spanish shall be the working languages of the ICC Bureau.</p>
<b>Art. 50.2</b>	<p>A majority of the members of the ICC Bureau shall constitute a quorum.</p>
<b>Art. 50.3</b>	<p>An agenda for each meeting shall be drawn up by the Chairperson in consultation with the members. Agenda items may be added at the meeting if approved by a majority of the members present.</p>

<b>Art. 50.4</b>	Members of the ICC Bureau may be accompanied at meetings by advisers, including, by representatives from the relevant Regional Coordinating Committee. Such persons attend in the capacity of advisers to their members and observers to the meeting, and may participate in discussions at the call and invitation of the Chair.
<b>Art. 50.5</b>	Each member shall have one (1) vote. Where possible, decisions of the ICC Bureau shall be reached by consensus. When consensus is not possible, decisions shall be by a majority of members present and voting. In the event of an equality of votes, the proposal being voted on shall be regarded as being defeated.
<b>Art. 50.6</b>	The Chairperson, after consultation with ICC Bureau members, may invite NHRIs whether or not members of the ICC and any other person or institution to participate in the work of the ICC or the ICC Bureau as an observer without the right to vote.
<b>Art. 50.7</b>	Notwithstanding the forgoing provisions of this Article 50, the ICC Bureau may decide any matter in writing without the need to formally summon a meeting provided that a majority of the members of the ICC Bureau concur with the decision.
<b>Art. 51</b>	<b>Further procedure</b> Should any question concerning the procedure of the ICC Bureau arise which is not provided for by these rules the ICC Bureau may adopt such procedure as it thinks fit.
<b>Art. 52</b>	<b>SECTION 11: FINANCIAL ADMINISTRATION</b> <b>Accounting year</b> The financial year ends on 31 December of each year.
<b>Art. 53</b>	<b>SECTION 12: ASSETS OF THE ICC</b> The assets of the ICC comprise and include: <ul style="list-style-type: none"> <li>• Grants obtained from international and national public and semi-public organizations</li> <li>• Donations</li> <li>• Subscriptions</li> <li>• Funds entrusted to it by other organizations, associations, businesses or institutions and</li> <li>• Income and property of any kind received from whatever source</li> </ul>
<b>Art. 54</b>	The assets of the ICC must be applied solely towards promoting the purposes of the ICC as set out in Section 3.

<b>Art. 55</b>	<p><b>SECTION 13: DISSOLUTION AND LIQUIDATION</b></p> <p><b>Dissolution</b></p> <p>The ICC may be dissolved by resolution of the ICC in a General Meeting. A General Meeting called for this purpose shall be convened specially. At least one half of the members must be present. If this proportion is not present the General Meeting must be reconvened after an interval of at least two (2) weeks. It can then validly deliberate with whatever numbers of members are present. In any case the dissolution can only be approved by a majority of three quarters of the members present.</p>
<b>Art. 56</b>	<p><b>Liquidation</b></p> <p>The winding up of the ICC and the liquidation of its assets shall be carried out by one (1) or more liquidators appointed by the General Meeting. The General Meeting must authorize the liquidator or liquidators to distribute the net assets to another association or public organization having similar purposes to the ICC. No part of the net assets available for distribution shall be paid to any member of the ICC.</p>
<b>Art. 57</b>	<p><b>SECTION 14: AMENDMENT OF STATUTE</b></p> <p>This Statute may be amended only by a General Meeting of the ICC.</p>
<b>Art. 58</b>	<p><b>SECTION 15: TRANSITIONAL PROVISION</b></p> <p>The Sub-Committee on Accreditation and the Rules of Procedure for the ICC Sub-Committee on Accreditation are by this Statute continued in existence, and shall remain in existence until amended or revoked by the ICC Bureau. The Sub-Committee on Accreditation is hereby constituted a sub-committee of the ICC Bureau. The Rules of Procedure for the ICC Sub-Committee on Accreditation are incorporated into this Statute as Annex I.</p>

### **Annex III**

#### **NAIROBI DECLARATION**

#### **NINTH INTERNATIONAL CONFERENCE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**Nairobi, Kenya, 21-24 October 2008**

1. The Ninth International Conference of National Institutions for the Promotion and Protection of Human Rights was devoted to the role of national human rights institutions (NHRIs) in the Administration of Justice. The Conference took place in Nairobi from 21 to 24 October 2008 and was organized by the Kenya National Commission on Human Rights (KNCHR), in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee (ICC) of NHRIs. Participants thanked the KNCHR, OHCHR, the *Organisation Internationale de la Francophonie*, the Swedish International Development Cooperation Agency (SIDA), the Commonwealth Secretariat and UNDP for their support.
2. NHRIs expressed their gratitude to the KNCHR for the excellent organization and warm hospitality that they had enjoyed. They welcomed the statements of the United Nations Deputy High Commissioner for Human Rights, the ICC Chair, the President of the UN Human Rights Council and other keynote speakers, as well as the fruitful and concrete discussions and deliberations. Non-governmental organizations from around the world made a valuable contribution at a pre-conference Forum and by actively participating in the Conference itself. The Conference was further enriched by the participation of the Prime Minister of the Republic of Kenya, the Minister of Justice, National Cohesion and Constitutional Affairs and the Attorney General of the Republic of Kenya.

3. The Ninth International Conference of NHRIs adopted the following Declaration:

*The Ninth International Conference of NHRIs,*

4. *Noting* the report of the United Nations Secretary-General to the Human Rights Council A/HRC/7/69 acknowledging that NHRIs compliant with the Paris Principles are key elements of strong and effective national human rights protection systems;
5. *Acknowledging* that through the exercise of their mandates, NHRIs can support Governments in ensuring that international human rights norms are applied at the national level, including by facilitating follow-up actions to the recommendations resulting from the international human rights system;
6. *Recalling* Declarations issued by previous international conferences of NHRIs, especially the Seoul Declaration and Santa Cruz Declarations;

7. *Urging* the continued enhancement of the role and participation of NHRIs in the international human rights system and NHRIs' interaction with the UN Human Rights Council, the UN Human Rights Treaty Bodies, the Special Procedures Mandate Holders, the UN Commission on the Status of Women and UN instruments and mechanisms concerned with the rights of indigenous peoples and enforced disappearances. The establishment of a Representative of the ICC in Geneva will assist in this role;
8. *Stressing* that the independence and autonomy of NHRIs, their pluralistic representation, as well as their interaction with a broad range of stakeholders, is necessary for their compliance with international standards and their effectiveness at the national, regional and international levels;
9. *Welcoming* the increasingly important role of NHRIs in the work of OHCHR and the deepening of their partnership in connection with the implementation of the High Commissioner's Plan of Action and OHCHR country engagement strategy, and in this regard also welcomes the development of a guidance note for NHRIs on transitional justice as well as an operational guide on torture prevention;
10. *Welcoming* the initiative of the High Commissioner for Human Rights in the context of the 60th anniversary of the Universal Declaration of Human Rights with respect to the "Dignity and justice for detainees week" and the action undertaken by NHRIs worldwide in response to that initiative;
11. *Welcoming* the participation of the Harvard University Law School Human Rights Program in the international conference and welcoming closer cooperation between that Program, NHRIs, regional coordinating bodies and OHCHR;
12. *Welcoming* the participation and contribution of Equitas, Rights and Democracy and the Association for the Prevention of Torture in the proceeding of the International Conference and their continuous cooperation with the NHRIs, regional coordinating bodies and the OHCHR;
13. *Recognizing* that the more the United Nations system works closely with and through independent NHRIs, the greater are the chances of success and sustainability of good governance, rule of law and human rights efforts and welcoming the cooperation of OHCHR with UNDP in the development of a Toolkit for UNCT staff on NHRIs;
14. *Welcoming* the increasingly important role for NHRIs to work collaboratively with NGOs in implementing their mandate and welcoming the NGOs Plan of Action presented at the NGOs Forum of the 9th International Conference;
15. *Recognizing* that rule of law development requires the full and meaningful participation and support of national stakeholders;
16. *Recognizing* the fundamental importance which the rule of law and administration of justice has in ensuring the promotion and protection of human rights;
17. *Recognizing* the important role of the judiciary in applying human rights standards, in the development of a strong national system for human rights protection;

18. *Recognizing* the importance of the establishment by the United Nations Secretary-General of the Rule of Law Coordination and Resource Group, coordinating UN system-wide attention on the rule of law and welcoming closer cooperation of the UN with NHRIs in implementing programs on the rule of law at the national level;
19. *Recognizing* the important role that NHRIs play in ensuring an effective administration of justice, in particular with regard to access to justice, the judiciary, law enforcement and correctional and detention facilities;
20. *Emphasizing* that the rule of law should be based on a Constitution and national legislation, consistent with international human rights standards and principles;
21. *Acknowledging* that the role of NHRIs with regard to courts is one of support and cooperation, aimed at a constructive engagement in order to ensure the highest standards for the promotion and protection of human rights;
22. *Acknowledging* that the relation between law enforcement and NHRIs is one of oversight on the part of NHRIs and of necessary cooperation;
23. *Acknowledging* that while prisons are places where there is deprivation of liberty, all human rights of detainees must be guaranteed;
24. *Taking note* of the recommendation contained in the report to the 8th session of the Human Rights Council of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/8/3) to appoint a Special Rapporteur on the rights of detainees;

In order to implement this Declaration, NHRIs hereby agree:

25. To undertake initiatives towards the strengthening of the administration of justice, within their mandates, and encourage cooperation in this area at the regional and international level, including through OHCHR and the wider UN system;
26. To publicize and encourage implementation of relevant recommendations of UN Treaty Bodies, as well as the Human Rights Council's Special Procedures to monitor thematic areas in human rights and ensure reporting and proper follow-up;
27. To promote incorporation of international norms into national law;
28. To engage in inter-country and regional/NHRI cooperation and use the ICC network to communicate on the issue of the administration of justice. NHRIs shall also endeavour to form strategic partnerships with civil society organizations to implement their activities;
29. To develop and implement within their institutions a strategy to strengthen the administration of justice;
30. To establish a working group made up of the NHRIs' regional chairs, through the ICC Chair, to define a concrete plan of action for the implementation and follow-up of this Declaration to be reviewed at ICC meetings, starting in March 2009;

31. To request OHCHR to prepare a report which would include NHRIs best practices as emerged during the 9th international conference in strengthening the administration of justice;
32. To widely share this Declaration to relevant partners including members of UN human rights bodies as well as the UN system;

### General Guidelines

The State has the primary responsibility to protect, promote and respect human rights and ensure that the administration of justice is in full compliance with both international and domestic human rights obligations. The following are the main areas where NHRIs, through the exercise of their mandate, working closely with partners, including the NGOs, may become involved in order to strengthen the administration of justice:

### NHRIs and the Judiciary and Access to Justice

33. NHRIs should consider, in contributing to the promotion of the role of the judiciary in promoting and protecting human rights, the following actions:
  - (a) Role of NHRIs in Receiving Cases of Human Rights Violations and assisting victims: complaints-handling in a sequential nature; i.e. NHRIs may handle complaints submitted to them by a complainant and by settling the case through conciliation and mediation, thereby relieving the existing case-load of courts; Ensuring victims of human rights violations receive compensation, including encouragement of the establishment of the fund for this purpose; Promoting equal access to justice and assisting victims seeking redress with information on the law and the legal system particularly in relation to marginalized or vulnerable groups as well as migrants;
  - (b) Seeking informal legal redress mechanisms through conciliation or through binding decisions;
  - (c) Providing Recommendations to strengthen the legal system and judiciary: Proposing and contributing to legislative reforms to strengthen the judiciary (e.g. procedures related to the level and appointment of prosecutors and judges and qualifying lawyers; the independence of the judiciary and its capacity to adjudicate cases fairly and competently); Advocating for strengthening of laws to improve the judicial or criminal law system including enacting a law against torture where none exist; Strengthening the compliance of informal and traditional justice systems with international human rights standards by monitoring traditional justice mechanisms and addressing all forms of discrimination both in the composition of traditional justice tribunals, their procedures and in terms of substantive outcomes of cases;
  - (d) Promoting adherence and compliance of the judiciary to international human rights norms including through amicus and legal education: Increasing awareness and knowledge by the judiciary of international human rights norms, standards and practices and related jurisprudence, including through training, seminars, study tours,

or articles in professional legal publications. Engaging with judicial educational bodies and professional legal training bodies; Assisting in the education of judges, lawyers, prosecutors and other judicial authorities (e.g. ensuring curricula reflect international human rights law); Providing support for the development of legal education facilities (e.g. library); informing persons who filed petitions with NHRIs of their rights and remedies available intervening in courts as *amicus curiae*, nationally and, if existing, in regional human rights mechanisms;

- (e) Taking action where officials in the judiciary are faced by intimidation, threats or violence;
- (f) Through their research and monitoring functions examining the conditions of access to justice for all, with particular reference to indigent, vulnerable and marginalized groups;

#### NHRIs and Legal Aid Providers and Systems

- 34. Encouraging and supporting the establishment of legal aid centres that provide out-reach services and enhance access to justice, especially for people living in poverty, and other vulnerable groups;
- 35. Finding appropriate means of cooperating with such centres, in particular to ensure that human rights are thoroughly integrated into the provision of legal aid;
- 36. Encouraging the establishment of autonomously managed legal aid schemes in order to meet obligations in national and international law;
- 37. Working to ensure legal recognition and standardization of paralegalism;

#### NHRIs and Law Enforcement

- 38. NHRIs, together with relevant stakeholders, should strive to strengthen law enforcement systems, institutions and personnel, including through:
  - (a) Initiating the development, publication and implementation of education and training resources on human rights and international humanitarian law standards, investigation techniques for law enforcement and security forces and encourage them to incorporate human rights and international humanitarian law into all levels of their programs;
  - (b) Developing or revising standing orders that apply to police and security forces to meet international human rights and international humanitarian law standards, in particular related to places of detention, procedures of arrest, investigation and interrogation;
  - (c) Encouraging alternatives to pre-trial detention (such as bail, surveillance reporting and non-cash guarantees);

- (d) Encouraging non-custodial measures of punishment (such as community service, fines, restitution or compensation to the victim), especially for breast-feeding mothers in detention;
- (e) Presenting concrete proposals aimed at ensuring that minor offences do not come under the ambit of the criminal law system; for instance, by strengthening mediation and direct victim compensation, and promoting local community structures for resolving petty crimes;
- (f) Periodic site inspections (announced and unannounced) of police stations and prisons, in close partnership with other independent structures tasked with this role and law enforcement and other national authorities, encouraging them to take appropriate, prompt action;
- (g) Legislative proposals on the setting up of accountability mechanisms, monitoring systems to ensure their application and internal investigation procedures and sanctions;
- (h) Monitoring and reporting on alleged cases of corruption in the police and security forces;
- (i) Assistance in vetting processes (through the provision of confidential information on past human rights violations -for serious abuses there are no time limits- the violators, as well as cases of corruption and abuse of authority);
- (j) Public awareness-raising on complaints procedures against the police;
- (k) Encouraging fair remuneration and working conditions for law enforcement and security personnel;

#### NHRIs and places of detention

- 39. NHRIs should encourage their Governments to ratify the Convention against Torture (CAT) and its Optional Protocol (OPCAT), and to consider their designation as national preventive mechanism in this context, only if the necessary powers and resources are made available to them;
- 40. NHRIs should ensure their Governments adopt appropriate measures to ensure that all detainees are able to enjoy their rights to, among other things, health, food, water and education;
- 41. NHRIs should work with their Governments to ensure that those in detention have the opportunity to complain about violations of their rights, including to the NHRI (for example through face-to-face complaints, complaint boxes or on-site human rights counselling services), and, where a violation is found, that detainees have access to a remedy and compensation;

42. NHRI should monitor their Governments' obligation to respect, protect and fulfil the rights of all people in detention, especially vulnerable or marginalised groups, and support their reintegration within society;
43. NHRI should strive to strengthen the correctional system and its personnel, including through:
  - (a) Training of correctional staff (on human rights, interviewing and investigatory techniques, the prohibition of torture, OPCAT, etc.);
  - (b) Development of training materials for correctional staff on core international human rights standards regarding the correctional system;
  - (c) Revision of implementing regulations in line with international standards;
  - (d) Visits or periodic inspections (announced and unannounced) of any place of detention and confidential interviews with detainees;
  - (e) Investigating complaints;
  - (f) Assistance in vetting processes of staff of any place of detention;
  - (g) Legislative review and proposals (possibly based on individual complaints), including on minimum standards for correctional facilities; codes of conduct for correctional staffs; the intake, incarceration and transfer of inmates;
  - (h) Facilitating assistance to families of detained persons that appeal to the NHRI;
  - (i) Appropriate protection and assistance for the best interest of children of women in detention;
  - (j) Ensuring the protection of detainees from torture and cruel inhuman and degrading treatments and punishments; and
  - (k) Raising community awareness concerning the dignity and justice for detainees.

Adopted in Nairobi,

24 October 2008

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