

**Draft Report of the 16th Session of the
International Co-ordinating Committee of National Institutions
for the Promotion and Protection of Human Rights (ICC)**

**Room XVIII, Palais des Nations, Geneva
14 and 15 April 2005**

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I ORGANISATION OF THE SESSION

1. The International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) held its 16th session at the United Nations Office (UN) in Geneva on 14 and 15 April 2005. Prior to adoption of the agenda (*see Annex I*) the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, addressed the meeting (*see Annex II*). Her address was followed by the statement of Mr. Morten Kjaerum, Chairperson of the ICC (*see Annex III*).
2. The ICC held three meetings during the session. In the first meeting, the business session, the agenda was adopted and the election of the ICC Chairperson and Vice Chairperson took place. A discussion was held concerning the ways and means National Institutions (NIs) can help to implement the existing human rights instruments. It was agreed that the time for enforcement and compliance with human rights instruments has arrived and that NIs have a crucial role to play in this regard. A discussion was held in relation to the draft resolution, on NIs to be presented to the 61st session of the Commission on Human Rights (CHR).
3. The 16th session was chaired by Mr. Morten Kjaerum, Chairperson of the ICC, and Ambassador Salvador Campos, Vice-Chairperson, respectively. As per the rules of procedure, elections of the Chairperson and Vice Chairperson of the ICC were held. The NI of France motioned, seconded by the NIs of Venezuela and the Philippines, for the re-election of the Danish Institute for Human Rights as Chairperson. This was adopted by acclamation. The Vice Chairperson (the Mexican Human Rights Commission) was also reaffirmed in its post, by acclamation. The NI of Argentina motioned, seconded by the NIs of India and Paraguay.
4. The 16th session was attended by representatives of NIs from Africa, the Americas, the Asia-Pacific and the European regions. Also present were the members of the National Institutions Unit (NI Unit) and other representatives of OHCHR and ICC Observers (*see Annex IX for a complete list of participants*).
5. The report of the 15th session of the ICC was adopted by consensus.
6. Members agreed that the minutes and related documents of the ICC meetings should be made publicly available including through the NI website www.nhri.net.
7. At the close of the business session, the Chairperson of the ICC thanked the NI Unit for its invaluable support as Secretariat of the ICC.

II. MATTERS CONCERNING THE 61st SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

8. Members thanked the Government of Australia for sponsoring the CHR resolution 2005/74 *National institutions for the promotion and protection of human rights* (*see Annex IV*) and commented on the draft. This resolution permits NIs to address orally the CHR under all agenda items and/or to submit written reports on the agenda items of interest for the NIs (OP 11) at the next session of the CHR. All NIs expressed their strong support to the draft resolution in its present format and expressed concern on the request by some Governments to change the language as this would change the

objective of the resolution. A call was made to all NIs to lobby their governments to support the resolution. It was agreed that the resolution in its present format will have the clear support from the ICC; there were no objections to this position.

9. The Secretary-General reports to the 61st session of the CHR on the: *Effective Functioning of Human Rights Mechanisms: National Institutions and Regional Arrangements – National Institutions for the promotion and protection of human rights* (E/CN.4/2005/106) and on the *Effective Functioning of Human Rights Mechanisms: National Institutions and Regional Arrangements – Enhancing the participation of national human rights institutions in the work of the Commission on Human Rights and its subsidiary bodies* (E/CN.4/2005/107), respectively, were noted.
10. Participants discussed ways to improve the participation of NIs in the work of the CHR. The NI Unit Coordinator of OHCHR, Mr. Orest Nowosad informed participants on the reform processes the UN and OHCHR were going through as a response from the Secretary-General to the high level panel. These reform processes should provide opportunities for NIs to improve their contribution to the CHR. In addition, the Coordinator indicated that, with the increase in the number of staff of the NI Unit, better assistance will be provided to NIs. NI representatives expressed the need to have a body to convey their proposals to the reform and expressed satisfaction with this increase in the NIU.
11. The OHCHR also informed participants on the Action 2 initiative to implement human rights at the country level and agreed to convey the contributions of the NIs to the High Commissioner.
12. The consequences of the NI Resolution as well as the proposed UN reform processes were discussed. In relation to the UN reform processes NI representatives expressed the need to underline the role of NIs. It was agreed that the ICC Chairperson and regional chairs should draft an ICC stance on the reform process. With regard to the NI resolution allowing NIs to speak under all agenda items of the CHR, it was agreed that the ICC Chairperson should speak under agenda item 18(b) with input from regional chairs and NIs on issues of particular concern. In relation to the other agenda items of the CHR, it was agreed that the regional chairs should coordinate interventions on prioritised areas, and that both the regional chairs and individual NIs would make interventions at the CHR. Individual NIs were encouraged to link up to prepare possible joint statements. Generally, the need for coordination of NI interventions on the agenda items was underlined, as was the importance of not necessarily intervening on all agenda items, but rather focussing on areas of particular interest. It was agreed that the ICC Chairperson and regional chairs would prepare a paper on coordination of NI interventions at the CHR for circulation prior to the next meeting of the ICC. As a first step, it was suggested to distribute a questionnaire on topics of common concern for prioritization during the next CHR.

III. ACCREDITATION SUB-COMMITTEE

Consideration of the report of the Accreditation Sub-Committee

13. The Accreditation Sub-Committee presented an oral and written report of its recommendations. It was agreed that an electronic version would be sent to Members

following the ICC session. Members were reminded that the Accreditation Sub-Committee's recommendations were subject to the ICC's approval, and that the recommendations were made based on the documents submitted by applicant institutions. The support of the NI Unit of OHCHR was noted with appreciation by the Committee members. The different classifications for accreditation are:

- A: Compliance with the Paris Principles.
- A(R): Accreditation with reservation – granted where insufficient documentation is submitted to confer “A” status.
- B: Not fully compliant with the Paris Principles or insufficient information provided to make a determination (observer status).
- C: Non-compliant with the Paris Principles.

14. The Ad Interim Chairperson of the Accreditation Sub-Committee (Fiji Human Rights Commission) listed the members of the Sub-Committee as the NIs of Canada, Denmark, Fiji and Uganda. The Chairperson reviewed the list of NIs considered by the Sub-Committee and presented a number of general observations for strengthening the accreditation process. It was requested that the Sub-Committee report be provided in Annex to this report (*see Annex V*). The report was adopted by the ICC Members.

15. It was noted that the present resolution on National Human Rights Institutions as well as the Secretary General's reports on NIs to the 61st session of the CHR underlined the need for strengthening the accreditation procedures of NIs. Specifically, it has been suggested to conduct continuous periodic reviews of the accreditation status of NIs. It was noted that the ICC Rules of Procedure para 3(g) already allow for this possibility and a final decision on a possible review mechanism was deferred to the next ICC Meeting.

IV. ACTIVITIES OF THE ICC AND NATIONAL INSTITUTIONS IN 2004

a. Follow-up to the 7th International Conference of National Institutions and the Seoul commitment.

16. Representatives of the Korean National Human Rights Commission presented a video on the 7th International Conference of National Institutions.

17. The Chairperson of the ICC stressed the commitments made in Seoul. To follow up on these commitments, a questionnaire had been circulated and was part of the binder handed to participants (*see Annex VIII*). The Chairperson urged NIs to fill in the questionnaire and return it to the Secretariat within one month, at the latest on the 8 May 2005. The Secretariat will then consolidate the results of the questionnaire and prepare a paper to be circulated in June 2005.

18. The ICC Chairperson proposed to create a small working group with at least one representative from each region to ensure a sound follow-up to the commitments made in Seoul.

b. Reports of, and plans for, Regional Meetings

19. OHCHR reiterated the usefulness of NIs reporting on regional meetings by sending their documents to OHCHR to be forwarded as official CHR documentation. This year 3

documents were submitted (E/CN.4/2005/N.I/ 1 to 3).

20. This announcement was followed by oral presentations by the representatives of the regional networks:

- The Americas: The representative of the Network of the Americas informed participants that they have submitted a written report of the activities since the ICC meeting last year. The representative highlighted the General Assembly of the Network held in Argentina in June 2004 and the meetings held in Zacatecas (2004) and Campeche (2005) on migration and trafficking.
- Africa: The representative from Africa informed participants on various activities prepared in collaboration with the African Union and OHCHR. After deliberations within the meeting of the Coordinating Committee of African National Human Rights Institutions and its Secretariat, the members agreed unanimously that Kenya should host the Secretariat. In this regard, the representative from Africa highlighted the need to support and to organize this new secretariat. The representative also informed participants that the next Regional Conference of African NHRI will be held in Nigeria.
- Asia: The representative of the Asia Pacific Forum (APF) informed participants that they have submitted a written report of the activities covering the period from last year's ICC meeting. The representative highlighted the APF role in the drafting of the new international convention on disabilities. In terms of advisory services, the APF representative pointed the work done in Palestine and Jordan. The APF had also worked with the IDPs in response to the tsunami in Asia.
- Europe: the representative of the European group underlined the 3rd third round table of European NIs that discussed terrorism and trafficking and the 5th meeting of NIs from Europe held in Berlin in 2004. The next meeting of the European group will be held in Athens in November 2006.

c. Discussion of paper on early warning mechanisms

21. The Chairperson presented to participants the paper on early warning mechanisms that had been circulated for comments. Members provided some additional comments. The ICC agreed to incorporate those changes and adopted the document. A copy of the final version is attached in Annex VI.

d. Discussion on the initiative to develop measurement indicators concerning National Institutions and their compliance with the Paris Principles.

22. The second draft of the study was introduced by Mr. Richard Carver, one of the co-authors of the OHCHR/ International Council on Human Rights Policy (ICHRP) supported study. He informed participants on the participatory process that had been used to consult NIs through a questionnaire. The study is divided in two parts. The first part contains

benchmarks, standards that NIs might set to give more substance to the obligations they have under the Paris Principles. Benchmarks could be used by NIs in relation to their structure, mandate and performance within regard to the Paris Principles. The second part is on quantitative and qualitative indicators. These indicators can be used to measure achievement in reaching the benchmarks and in particular in monitoring the external impact of the NI and their activities.

23. Neither the benchmarks nor the indicators are intended to be compulsory, they are choices for NIs to assess their mandate, structure and the impact of their work. The study is not intended to reopen the debate on the Paris Principles but rather enrich them in their present form. It is expected that the final version of the study will be available by the end of the year in all official ICC languages. NIs were encouraged to provide the OHCHR and ICHRP with comments to the draft report.

e. Progress report on the 5th session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities.

24. Ms. Anuradha Mohit, the ICC representative selected to follow the 5th session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities, made an oral presentation of the contribution from NIs to the drafting of the international convention. In general terms, the NI contribution was very much appreciated as it was recognized that NIs do play an important role as the interface between governments and civil societies. During the negotiation process, the role of NIs was also to be watchdogs to ensure that governments do not introduce standards that are lower than the ones already in place.

25. Ms. Mohit also stressed that, despite significant progress made in the drafting of the convention, it was clear that the final version of the convention will not be ready in 2005. The main reason for this is that conceptual gaps remain. It is expected that the Convention will guarantee freedom from human degrading form of treatment. Some issues such as the right to marriage or national and international monitoring mechanisms were discussed at length during the 5th session of the Ad Hoc Committee.

26. During the discussion, some NI representatives urged other NIs to engage with their governments to ensure that the momentum for this convention is maintained. The critical gap of not having a convention on people with disabilities under the international human rights framework was also mentioned. Ms. Mohit was renewed as the ICC representative to the Ad-hoc Committee.

V. NEW MATTERS OF CONSIDERATION FOR NATIONAL INSTITUTIONS IN 2005

a. Status of distance and regional training on conflict prevention and prevention of torture

27. OHCHR informed participants about a current project (“Actors for Change: Strengthening the capacity of National Institutions through distance and regional training”) which aims to strengthen the capacity of NIs to prevent torture, and engage in the prevention of conflict,

including early warning, through the individual and collective reinforcement by means of strengthening their regional networks. Through the work of NIs the rule of law will be strengthened and the capacity to prevent conflict and torture will be enhanced. The programme is incentive based with initial training via CD ROM with expert facilitators. Training initiatives are planned for each NI region (Africa, the Americas, Asia and the Pacific, and Europe/Central Asia).

b. Status of treaty bodies training initiatives

28. OHCHR further noted that since November 2003, the OHCHR's Treaties and Commission Branch in conjunction with the NI Unit has been implementing a project aimed at strengthening the implementation of human rights treaty recommendations. The objective of the project is to increase the involvement of national actors in the treaty reporting and implementation process, to enhance the participation of NIs, civil society and the media in the work of the treaty bodies, and to improve the overall reporting process, including follow-up at the national level.
29. Under the project to date, targeted training on follow up to treaty body recommendations has been offered to NIs, NGOs and Media from Albania, Argentina, Azerbaijan, Colombia, Croatia, El Salvador, Guatemala, Kenya, Latvia, Panama, the Russian Federation, Rwanda, Sri Lanka and Togo. The next training is planned in Geneva for May 2005 with participants from Bosnia-Herzegovina, Mauritius, Thailand, Uganda and Zambia. Follow-up activities for those who have already participated in the trainings took place in Guatemala and Rwanda and others are planned later this year. It is hoped that by the end of the project, a substantive number of NIs will have participated in this important training.

c. Launch of CD-ROM modules on the Paris Principles and containing a compilation of legislation, constitutional provisions and annual reports

30. OHCHR announced the launching of CD-ROM modules on the Paris Principles and containing a compilation of founding legal instruments and annual reports as well as a comparative analysis of the legal provisions contained on each of the criteria for NIs stipulated in the Paris Principles. OHCHR and the Danish Institute for Human Rights, working jointly on the development of the compilation, explained the objective, process and content of the CD- ROM modules. The contents of the CD Rom will also be made available via www.nhri.net as part of a NI database containing documentation and analysis.
31. Some representatives of NIs noted the need for documents to be in all ICC languages. The Coordinator of the NI Unit explained that the translation of many documents was done by the staff of the NI Unit adding to its normal workload. He called upon the ICC to find a solution to this issue and called upon all NIs to send their documents in all languages as well as to facilitate translations.

d. Launch of thematic studies

i. Violence against children (with OHCHR and UNICEF)

32. Ms. Jane Connors, from the Treaties and Commission Branch within OHCHR, informed

participants of the status of preparations of the Secretary-General's (SG) study on violence against children undertaken jointly with UNICEF, also present at the meeting, and WHO. The study is being prepared in response to the request from the United Nations General Assembly to the SG. In 2003, the SG appointed the independent expert of violence against children, Mr. Sergio Pinheiro, to lead the study. The objectives of the study are to assess the situation on violence against children and to develop strategies to combat this phenomenon, including the development of effective protection mechanisms by States. The methodology used for the study was the development of a concept paper and the preparation of a questionnaire that was circulated in 2004.

33. As of April 2005, 93 Governments replied to the questionnaire available on the website www.violencestudy.org and some of the answers were prepared with the assistance of NIs. Mr. Pinheiro requests further inputs from NIs to the study as he believes NIs are very well placed to analyse the issue of violence against children at the country level. A working group has been established with an NGO advisory panel and an editorial board. Regional and international consultations are foreseen. Mr. Pinheiro would welcome the participation of NIs in the regional meetings.
34. The study is expected to be ready next year. It will be the basis for the preparation of the Secretary-General's report. Many NIs commented on recent publications related to violence against children and expressed interest in collaborating with Mr. Pinheiro. It was agreed that Ms. Connors will send information with regard to regional consultations to NIs through the NI Unit. She requested representatives from NIs to express their interest in serving as Rapporteurs in one of the working groups during the regional consultations.

ii. HIV/AIDS project (with UNAIDS)

35. Mr. Orest Nowosad, Coordinator of the National Institutions Unit, informed the participants of the joint initiative between UNAIDS and OHCHR to develop a Handbook for National Human Rights Institutions on HIV/ AIDS and Human Rights to use when addressing HIV/ AIDS related issues in their human rights work within their respective national contexts. The final draft was being revised and would be disseminated to the participants upon completion.

VI. PLANS FOR THE 8TH INTERNATIONAL CONFERENCE

36. The ICC Chairperson informed participants that it is the time of the Americas to host the next International Conference of NIs in 2006 and explained a few of the ICC rules and regulations on this issue. The representative of the Mexican NI, speaking as the Secretariat of the Network of the Americas, informed the audience that consultations to determine which NI will host the next international meeting were still ongoing.
37. OHCHR informed participants on the financial contribution the Office provides to the NI that organizes the international conference. The best dates to have the 8th International Conference meeting are in the 3rd or 4th quarter of 2006.
38. It was agreed that, if the Americas could not find a host NI for the 8th International Conference, the turn will go to Africa. The Americas will then get the turn for the 9th International Conference.

VII. THEMATIC DISCUSSION: MIGRATION AND NATIONAL INSTITUTIONS

Refer to Annex VII

VIII. CLOSING OF THE SESSION

The ICC closed its 16th session on 15 April 2005 at 1300H.

ANNEX I

SIXTEENTH SESSION OF THE ANNUAL MEETING OF THE INTERNATIONAL CO-ORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)

***ROOM XVIII, PALAIS DES NATIONS
GENEVA, 14-15 APRIL 2005***

AGENDA

THURSDAY 14 APRIL, 1000-1300

1. Address by Ms. Louise Arbour, United Nations High Commissioner for Human Rights (1000-1030)
1. Statement by Mr. Morten Kjaerum, Chairperson of the ICC
1. Adoption of the Agenda
1. Election of the Chairperson and Vice-Chairperson of the ICC
1. Adoption of the report of the 15th session of the ICC
1. Matters concerning the 61st session of the Commission on Human Rights:
 - a. Consideration of the Secretary-General's annual report on National Institutions (E/CN.4/2005/106)
 - b. Consideration of the Secretary-General's report on National Institutions participation in the work of the Commission on Human Rights (E/CN.4/2005/107)
 - c. Consideration of the draft resolution on National Institutions
 - d. Other related matters
8. Consideration and adoption of the report of the ICC Credentials Committee
9. Activities of the ICC and National Institutions in 2004:
 - a. Follow-up to the 7th International Conference of National Institutions and the Seoul commitment:
 - Information on national and regional actions taken;
 - Identification of ways in which the ICC can further implementation of the Seoul Declaration
 - b. Reports of, and plans for, Regional Meetings
 - c. Discussion of paper on early warning mechanisms
 - d. Discussion on initiative to develop measurement indicators concerning National Institutions and their compliance with the Paris Principles
 - e. Progress report on the 5th session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities
10. New matters of consideration for National Institutions in 2005:

- Status of distance and regional trainings on conflict prevention and prevention of torture;
 - Status of treaty bodies workshops;
 - Launch of CD-ROMs modules on Paris Principles and compilations of legislation, constitutional provisions and annual reports;
 - Launch of thematic studies:
 - Violence against children (with OHCHR and UNICEF)
 - HIV/AIDS project (with UNAIDS)
11. Plans for the 8th International Conference
 12. Other business
 13. Closing business session

THURSDAY 14 APRIL, 1500-1800

Thematic topic discussion: Role of National Institutions in the Commission on Human Rights and other United Nations Bodies

FRIDAY 15 APRIL, 1000-1300

Thematic topic discussion: Migration and National Institutions.

Parallel events:

- HIV/AIDS and the role of the National Institutions (with UNAIDS).
- Minorities and National Institutions.

ANNEX II

**OFFICE OF THE HIGH COMMISSIONER
FOR HUMAN RIGHTS**



**16TH SESSION OF THE INTERNATIONAL COORDINATING
COMMITTEE OF NATIONAL INSTITUTIONS FOR THE
PROMOTION AND PROTECTION OF HUMAN RIGHTS**

GENEVA, 14 APRIL 2005

**MS. LOUISE ARBOUR
HIGH COMMISSIONER FOR HUMAN RIGHTS**

OPENING STATEMENT



UNITED NATIONS

Dear colleagues and friends,

It is a pleasure to be with you today and to address the opening of the 16th Session of the International Coordinating Committee of National Institutions. It was only a short while ago when I had the opportunity to address you at the Seventh International Conference of National Institutions for the Promotion and Protection of Human Rights in Seoul.

At that Conference, which brought together not only national institutions but also your partners in civil society and government, I stated that “the promotion of human rights is of value only to the extent to which it helps bring about the realization of those rights. It is not an end in itself.” I spoke to you of this in the context of the role of national institutions in the prevention of conflict and in ensuring respect for human rights while terrorism is being countered.

Today I will continue along the same lines. We have a large body of international human rights norms which, as human rights advocates, we should already all be familiar with. Over ten years ago the Vienna World Conference on Human Rights called for the speedy ratification of human rights instruments. While there remains room for improvement of the existing normative framework, I believe that, today, our efforts should focus on bringing these norms to reality and ensure their full implementation at the national level. National institutions have clearly to play a key role in this process.

As I noted in my opening statement to this session of the Commission on Human Rights, there is no doubt that human rights is at the center of our societies. Most recently, the Secretary-General has highlighted the importance of ensuring this centrality in action, in implementation. The report on *Investing in Development: A Practical Plan to Achieve the Millennium Development Goals* also drives us in this direction with your role underlined.

At the core of the vision enunciated in the reports I have just mentioned is the critical provision of remedies. This is no more critical than in situations of, or those arising out of, conflict. I had the pleasure to launch with the Chair of the Independent Human Rights Commission of Afghanistan the Commission’s report, *A call for Justice*. The report encapsulates the results of a national survey which asked individuals what peace, security and justice meant to them and how they might best be assured. Such a bold initiative highlights what a new independent national institution can do even in the face of conflict. The institution did not shy from this task for its own self preservation, but recognized that its relevance depended on doing so on behalf of a hopeful public and ever growing civil society. It is also a fitting example of an area which I believe continues to warrant attention - the need to ensure transitional justice and the eradication of impunity.

It is clear to me, coming from a country which is federalist with two legal systems – common and civil – along with an increasingly recognized traditional based approach to the provision of remedies, that there is no one approach to institution building. However, irrespective of the system or the local context, we must ensure that all institutions support individual and collective rights and in particular in relation to the most vulnerable. In this context, and as it was highlighted during your Round Table on the Administration of Justice supported by my Office, the relationship with a strong judiciary is important to give full effect to the international human rights instruments. To be credible in this regard, you also need to ensure that in your work a direct and unequivocal support of the international human rights norms is assured.

I would argue that in order to ensure the provision of effective remedies, access to justice is critical. An effective national institution can provide an affordable, accessible remedy for the mediation and conciliation of complaints. However, we recognize that not all complaints can be dealt with through these means. Therefore, some of you have recourse to stronger measures where you can intervene in judicial processes while respecting the independence of the judiciary. For those who have such powers it is important that they be maintained. This could include playing the role of *amicus curiae*, having the power to initiate cases on behalf of complainants or requesting judicial action against those who do not respond to the recommendations of your institution. This of course cannot be a blanket approach but can be useful to ensure that remedies are provided in relation to human rights violations. It is important that such measures are provided without the interference of the State to sustain your independence and the trust that the public has engendered in you.

Not every human rights situation which we must confront is the direct result of human action. Natural disasters, such as the tsunami disaster of December 2004, may lead to situations where your action is required as it was highlighted by the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons in a recent paper. As part of his recommendations he calls for national institutions to be more involved in their monitoring role and in advising the relevant actors once the emergency phase is over. Such action is essential for the needs of the most vulnerable to be met in an effective and timely manner.

Finally, while I have placed emphasis on implementation and the provision of remedies at the national level, it is crucial that you have a strong international system to support you. I would therefore like to stress the importance that my office places on the reform process undertaken by our Organization. Collectively, with partners such as national institutions, we must address how we can better advance the cause of human rights. The success of any future partnership with national institutions, however, will largely depend upon a common understanding of objectives and shared and mutual responsibilities. This goes well beyond a funding equation. Rather we should look at how we can garner our mutual strengths and advantages to better ensure a full enjoyment of human rights. The future of the human rights movement relies on such an approach.

I wish you very fruitful discussions – both in relation to your working methods but also on the substantive issues – over the next two days. Your independent and credible voices are essential in today's world and therefore I look forward to the result of your deliberations.

Thank you.

ANNEX III

OPENING STATEMENT BY

**MR MORTEN KJAERUM
DIRECTOR, DANISH INSTITUTE FOR HUMAN RIGHTS**

**CHAIRPERSON
INTERNATIONAL CO-ORDINATING COMMITTEE OF NATIONAL
INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF
HUMAN RIGHTS (ICC)**

**AT THE SIXTEENTH SESSION OF THE ANNUAL MEETING OF THE
ICC**

Geneva, Thursday 14 April 2005

Ms. Arbour, High Commissioner for Human Rights,
Dr. Soberanes, Vice-Chairperson of the ICC,
Dear colleagues,
Ladies and gentlemen;

First and foremost I want to thank you dear colleagues and Ms Arbour, High Commissioner for Human Rights and your National Institutions Unit for the results that we have achieved since last year's meeting in Geneva in this my first year as Chair of the International Coordinating Committee.

The immensity of the task ahead of us as the International Coordinating Committee is striking. As the principal representative of National Human Rights Institutions at international level, our colleagues look to us to “coordinate at an international level, the activities of National Human Rights Institutions” and to “follow up on and, where appropriate, implement recommendations of United Nations resolutions as well as our own international conferences”.

This reality leaves us with a number of challenges. Please allow me to share with you my vision in the form of three key initiatives to be taken to meet the expectations and turn the challenges into opportunities for our work: First, a continued strengthening of the substance of our work to make full use of our “comparative advantage” as National Human Rights Institutions. Second, to strengthen delivery on our commitments by following up on and implementing the declarations we have adopted over the years. Third, to strengthen our institutional type, especially in terms of improved accreditation procedures as a key element in achieving our desired access to the United Nations System.

The best way to strengthen the substance of our work is to provide new answers to the key issues on the international agenda – in this way there is a direct line from Seoul to Geneva. In Seoul, we demonstrated the specific role that we as National Human Rights Institutions can play to translate the general starting point: the inherent interrelatedness and interdependency of individual protection and national security, into practice. The Seoul Declaration includes a number of building blocks for an integrated, long-term approach to preventing terrorism and sustaining national security, based on a profound respect for human rights.

Strengthening our substantial contributions to the international protection of human rights as reflected in the Seoul Declaration as well as on a number of other thematic areas such as migration, requires a strong commitment and responsibility by us as National Human Rights Institutions and most fundamentally also a strong Secretariat. Often the Office of the High Commissioner for Human Rights and her National Institutions Unit is thanked, but more seldom is the truly indispensable role that such a function plays recognised. At this Commission the reform of the United Nations human rights system, especially in relation to the international monitoring of national compliance, figures prominently on the agenda. The high quality work performed by the Office as advisers and secretariat to National Human Rights Institutions is in my

opinion truly a key element in delivering this overall result. As an example, the education series under development in the Office, which we will be discussing here today, will contribute to the strengthening of our capacity to deliver these substantial results at international level. At the same time, the financing of our institutions and the importance of a coordinated approach to fundraising for our institutions could be considered.

The second initiative, which deserves our attention, is the strengthening of follow-up and implementation of the policy decisions reached at our international conferences, roundtables and ICC meetings. Again the line from Seoul to Geneva is clear as we will be discussing the specific actions taken by our institutions in adhering to the Seoul Commitment and the role of the ICC in this respect. The Office of the High Commissioner of Human Rights is compiling an overview of the specific recommendations and decisions reached by our institutions over the years. In the spirit of the Vienna Declaration, which consolidated our unique role as National Human Rights Institutions, we should consider a permanent Geneva Programme of Action. This is a precondition for adding substance to our mandate of linking with the international system, and especially our work as the ICC to facilitate and coordinate these efforts.

The third initiative, which has been long underway since the adoption of the Paris Principles is to strengthen the recognition of our institutional type in the United Nations and to strengthen our participation. The role of National Human Rights Institutions in the Charter Bodies still needs to be formally defined to remove the present uncertainty. Considering our role as the independent, pluralistic national platform for the promotion and protection of human rights, it is our conviction that we can add valuable substance to the deliberations and contribute to the reform of the Commission as also called for in the report of the Secretary General's High-level Panel on Threats, Challenges and Change. We should be permitted to speak under all agenda items of the Commission and have speaking rights similar to those of NGOs.

We have already demonstrated that we are able to provide substantial input in relation to the treaty bodies and even standard setting mechanisms such as the Ad Hoc Committee on an International Convention on the Rights and Dignity of Persons with Disabilities and its Working Group to prepare a draft text for a convention. There is still room for improvement and in particular we should discuss the scope for regional interventions, prioritisation of agenda items and issues and the role of the ICC chair.

As stated in the Secretary General's Report, this increased access also places demands on the ICC in terms of strengthening our accreditation system. Only National Human Rights Institutions which are truly in compliance with the Paris Principles can ensure that we maintain our identity as protectors and promoters of a substantive, constructive and objective national human rights agenda. Rules of procedure have been developed for the Credentials Committee, the Office of the High Commissioner is strengthening the analysis and preparation of the applications submitted and at this meeting we will be discussing the introduction of a system of ongoing assessment of accredited

National Human Rights Institutions' compliance with the Paris Principles – both in terms of assessing the formal legal framework and the actual performance.

Needless to say, this continued monitoring and provision of advice by the ICC to National human Rights Institutions to ensure their autonomy and independence also requires the States to support and respect these characteristics. We need to make full use of the Early Warning Mechanisms discussed at last ICC Meeting to assist National Human Rights Institutions under threat, and to repeat the continue to encourage the States domestically as well as in this Commission to support National Human Rights Institutions in continuing to reaffirm the validity of the Paris Principles and the critical importance of full compliance with them.

In the spirit of the 7th international conference and the unique possibilities we face for improving our possibilities of feeding the results of our work into the United Nations system let us make decisions at this meeting in relation to all three initiatives. I welcome you to this the 16th meeting of the ICC with the encouragement for us to continue our common efforts of formulating and ensuring day to day implementation of the red carpet declarations and in this way demonstrating that national Human Rights Institutions are an integral and indispensable part of an effective international human rights system.

I thank you for your attention.

ANNEX IV

National institutions for the promotion and protection of human rights

Resolution 2005/74 adopted by consensus by the Commission on Human Rights at its 61st session, on 20 April 2005

The Commission on Human Rights,

Recalling the relevant resolutions of the General Assembly, notably resolution 48/134 of 20 December 1993, and its own resolutions concerning national institutions for the promotion and protection of human rights,

Welcoming international recognition of the importance of establishing and strengthening independent, pluralistic national institutions for the promotion and protection of human rights consistent with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134 (the Paris Principles),

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the legal framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights (A/CONF.157/23), which reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Programme of Action (A/CONF.157/NI/6) adopted by national institutions meeting in Vienna during the World Conference on Human Rights, which recommended that United Nations activities and programmes should be reinforced to meet the requests for assistance from States wishing to establish or strengthen their national institutions for the promotion and protection of human rights,

Welcoming the strengthening of international cooperation among national human

rights institutions, including through the International Coordinating Committee of National Institutions,

Noting the outcomes of the seventh International Conference for National Institutions held in Seoul from 14 to 17 September 2004, the positive contribution of non-governmental organizations and the Seoul Declaration on upholding human rights during conflict and while countering terrorism,

Welcoming the strengthening in all regions of regional cooperation among national human rights institutions and between national human rights institutions and other regional human rights forums,

Noting efforts to strengthen regional human rights networks, including the fifth European meeting of national institutions for the promotion and protection of human rights and the third Round Table of National Human Rights Institutions held in Berlin from 25 to 26 November 2004, organized jointly by the German Institute for Human Rights and the Commissioner for Human Rights of the Council of Europe, the First African Union Conference of National Human Rights Institutions held in Addis Ababa from 18 to 21 October 2004, the continuing work of the Network of National Human Rights Institutions of the Americas, the Network's Third General Assembly held in Buenos Aires from 9 to 11 June 2004 and its seminar on irregular migration and trafficking of people: human rights and national institutions, held in Campeche, Mexico, from 10 to 11 March 2005, and the work of the Asia Pacific Forum of National Human Rights Institutions, including the holding of their ninth annual meeting in Seoul in September 2004,

Noting the conclusions and programme of action adopted at the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in Doha from 2 to 4 March 2004 with regard to the role of national institutions (see E/CN.4/2004/89),

Noting also the creation of a francophone group of national institutions for human rights in cooperation with the International Organization of la francophonie,

Noting further the work of the Ibero-American Federation of Ombudsman as a forum for cooperation and exchanging of experience,

Welcoming the call of the twelfth Workshop for the Office for the United Nations High Commissioner for Human Rights to support the subregional workshop for the Arab Region on national human rights protection systems, including national human rights institutions, held in Cairo, from 6 to 8 March 2005 with the support of the Egyptian National Council for Human Rights,

Noting the valuable role played and contributions made by national institutions in United Nations meetings dealing with human rights and the importance of their continued appropriate participation,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights consistent with the Paris Principles;

2. *Reiterates* the continued importance of the Paris Principles as a set of important recommended guidelines of practice for national institutions, recognizes the value of further strengthening their application and encourages States, national institutions and other interested parties to consider ways to achieve this;

3. *Welcomes* the decisions of a growing number of States to establish, or to consider establishing, national institutions consistent with the Paris Principles;

4. *Encourages* States to establish or, where they already exist, to strengthen such institutions, as outlined in the Vienna Declaration and Programme of Action;

5. *Recognizes* that national institutions have a crucial role to play in promoting and ensuring the indivisibility and interdependence of all human rights and calls upon all States to ensure that all human rights are appropriately reflected in the mandate of their national human rights institutions when established;

6. *Takes note with satisfaction* of the efforts of those States that have provided their national institutions with more autonomy and independence, including through giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

7. *Recognizes* the important and constructive role that individuals, groups and organs of society can play for the better promotion and protection of human rights and encourages efforts by national institutions to establish partnerships and increase cooperation with civil society;

8. *Welcomes* greater efforts by the Office of the High Commissioner to engage national institutions as partners and provide them with opportunities to exchange experiences and best practices amongst themselves, and in this context welcomes:

(a) The International Workshop of National Institutions for the Promotion and Protection of Human Rights: causes, effects and consequences of the migratory phenomenon and human rights protection held in Zacatecas, Mexico, from 14 to 15 October 2004 organized by the Mexican National Human Rights Commission of Mexico and the Human Rights Commission of Zacatecas;

(b) The Round Table of National Human Rights Institutions and National Machineries for the Advancement of Women held in Ouarzazate, Morocco, from 15 to 19 November 2004 with the Conseil consultatif des droits de l'homme of Morocco in cooperation with the United Nations Division for the Advancement of Women, Department of Economic and Social Affairs; and

(c) The International Round Table on National Institutions and Good Governance held in Suva from 13 to 15 December 2004 with the Fiji Human Rights Commission;

9. *Also welcomes* the engagement of the Office of the High Commissioner with concerned national institutions on a regional level in relation to conflict prevention as well as the prevention of torture;

10. *Further welcomes* the practice of national institutions and coordinating committees of such institutions that conform with the Paris Principles of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

11. *Welcomes* the report of the Secretary-General (E/CN.4/2005/107) on enhancing the participation of national human rights institutions in the work of the Commission and its subsidiary bodies and, in accordance with its recommendations, decides to request the Chairperson of the sixty-first session, in consultation with all relevant stakeholders, to finalize, by the sixty-second session, the modalities for:

(a) Permitting national institutions that are accredited by the Accreditation Subcommittee of the International Coordinating Committee of National Institutions under the auspices of the Office of the High Commissioner, and coordinating committees of such institutions, to speak, as outlined in the report, within their mandates, under all items of the Commission's agenda, while stressing the need to maintain present good practices of management of the agenda and speaking times in the Commission, to allocate dedicated seating to national institutions for this purpose, and supporting their engagement with all the subsidiary bodies of the Commission;

(b) Continuing the practice of issuing documents from national institutions under their own symbol numbers;

12. *Welcomes* the continuation of the practice of national institutions convening regional meetings and encourages national institutions, in cooperation with the Office of the High Commissioner, to continue to organize similar events with Governments and non-governmental organizations in their own regions;

13. *Affirms* the important role of national human rights institutions, in cooperation

with other mechanisms for the promotion and protection of human rights, in combating racial and related forms of discrimination and in the protection and promotion of the human rights of women and the rights of particularly vulnerable groups, including children and people with disabilities;

14. *Recognizes* the important and constructive role that national institutions can play in human rights education, including by the publication and dissemination of human rights material and other public information activities during the World Programme for Human Rights Education, and calls upon all existing national institutions to assist in the implementation of human rights education training programmes across all relevant sectors of society, including during the first phase of the Programme (2005-2007), which will focus on primary and secondary education;

15. *Commends* the High Commissioner for the priority accorded to the establishment and strengthening of national human rights institutions, including through technical cooperation, and calls upon the Office of the High Commissioner:

(a) To continue to strengthen its coordinating role in this field and to allocate the resources necessary for this work from both core and extrabudgetary sources;

(b) To continue to support technical cooperation projects focused on specific practical challenges faced by national institutions, including in the area of complaint handling;

16. *Welcomes* efforts, through the Secretary-General's action 2 programme (see A/57/387), to ensure effective engagement by all parts of the United Nations with national institutions and notes in this regard the importance of strengthening the National Institutions Unit within the Office of the High Commissioner, including with appropriate specialist expertise;

17. *Expresses its appreciation* to those Governments that have contributed additional resources for the purpose of the establishment and strengthening of national human rights institutions and their regional organizations;

18. *Welcomes* the important role of the International Coordinating Committee, in close cooperation with the Office of the High Commissioner, in assessing conformity with the Paris Principles and in assisting Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

19. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the International Coordinating Committee during the sessions of the Commission, under the auspices of, and in cooperation

with, the Office of the High Commissioner;

20. *Also requests* the Secretary-General to continue to provide, from within existing resources and from the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for international and regional meetings of national institutions;

21. *Further requests* the Secretary-General to report to the Commission at its sixty-second session on the implementation of the present resolution and on ways and means of enhancing participation of national human rights institutions in the work of the Commission;

22. *Requests* the Secretary-General to report to the Commission at its sixty-second session on the process currently utilized by the International Coordinating Committee to accredit national institutions in compliance with the Paris Principles and to ensure that the process is strengthened with appropriate periodic review;

23. *Decides* to continue its consideration of this question at its sixty-second session.

59th meeting
20 April 2005
[Adopted without a vote]

ANNEX V

INTERNATIONAL COORDINATING COMMITTEE OF NATIONAL HUMAN RIGHTS INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS 16th Session, Geneva, 14-15 April 2005

Report and Recommendations of the Sub-Committee on Accreditation

BACKGROUND

1. In accordance with the Rules of Procedure of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), the Sub-Committee on Accreditation (the Sub-Committee) has the mandate to consider and review applications for accreditation received by the National Institutions Unit of the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its capacity as the ICC Secretariat, and to make recommendations to the ICC members with regard to the compliance of applicant institutions with the Paris Principles.
2. Representatives of the national institutions of Canada, Denmark, Fiji (acting Chair) and Uganda, as members of the Sub-Committee and as representatives of their respective regions, convened on 13 April 2005. The OHCHR participated as a permanent observer and in its capacity as ICC Secretariat.
3. The Sub-Committee considered the applications of the national institutions of Burkina Faso, the Democratic Republic of Congo, Jordan, Kenya, Norway, Palestine and Tanzania.
4. In accordance with the Paris Principles and the ICC Rules of Procedure, the different classifications for accreditation used by the Committee are:
 - A: Compliance with the Paris Principles;
 - A(R): Accreditation with reserve – granted where insufficient documentation is submitted to confer A status;
 - B: Observer Status - Not fully in compliance with the Paris Principles or insufficient information provided to make a determination;
 - C: Non-compliant with the Paris Principles.
5. After considering all applications, the Sub-Committee presents this report for consideration of the members of the ICC at its sixteenth session. The report provides a summary of the discussions and recommendations of the Sub-Committee, and includes background information as appropriate.

SUMMARY OF DECISIONS AND RECOMMENDATIONS

National Institution	Year(s) reviewed	Recommendation	Comments
Africa			
Burkina Faso <i>(Commission Nationale des Droits Humains)</i>	2002 A(R)	B	<ul style="list-style-type: none"> - Funding provided by the government does not support permanent staff - Funding provided by the government does not support own premises - Provision on appointment of the Secretary-General by the Prime Minister is not in compliance with the Paris Principles
Democratic Republic of Congo <i>(Observatoire National des Droits de l'Homme)</i>	First application	A(R)	<ul style="list-style-type: none"> - A full activity report was provided to the Sub-Committee - It is recommended that it be granted temporary A(R) status - The status will expire at end of the transitional administration period in the DRC

<p>Kenya <i>(National Commission on Human Rights)</i></p>	<p>First application received in 2003; deferred following the adoption of new legislation in March 2003</p>	<p>A</p>	<ul style="list-style-type: none"> - Compliance with the Paris Principles - Appointment process of the Commission is commendable and should be referred to as a best practice
<p>Tanzania <i>(Commission for Human Rights and Good Governance)</i></p>	<p>First application in 2003 – A(R) for lack of documentation specifically the most recent Annual Report.</p>	<p>A(R) (No change)</p>	<ul style="list-style-type: none"> - No change has been made in terms of the institution’s 2003 application - The lifting of the reserve is conditional upon the submission of an annual report for 2003 which are to be approved by parliament
Asia-Pacific			
<p>Jordan <i>(National Centre for Human Rights)</i></p>	<p>Not Considered</p>	<p>DEFERRED until next meeting of the Sub-Committee (see Article 3.5 of the Sub-Committee Rules of Procedure)</p>	<ul style="list-style-type: none"> - Late and incomplete submission of the application

<p>Palestine <i>(The Palestinian Independent Commission for Human Rights)</i></p>	<p>First Application</p>	<p>A(R)</p>	<ul style="list-style-type: none"> - The enabling law is still in draft form - The lifting of the reserve is conditional upon the correspondence of the draft law (presently under review) with the law which will be adopted by the appropriate authority
<p>Europe</p>			
<p>Norway <i>(Norwegian Centre for Human Rights)</i></p>	<ul style="list-style-type: none"> - First application in 2003. - Second application in 2004. <p>A(R) for number of issues raised by the Sub-Committee for clarifications.</p>	<p>A(R) (No change)</p>	<ul style="list-style-type: none"> - Significant progress has been made by the NCHR - The Government's intention of providing direct funding to the institution has not yet been decided. The application will be reconsidered once documentation is provided confirming the provision of funding.

REVIEW OF APPLICATIONS

Africa

Burkina Faso

Recommendation: B

The Commission Nationale des Droits Humains (CNDH) was accredited with status A(R) by the Sub-Committee on Accreditation on 15 April 2002 in Geneva. The application did not contain all the supporting documentation as required by Article 3.3 of the ICC Rules of Procedure. In particular, the annual report, the budget as well as the accreditation grid were missing. On examination of the supporting documentation submitted for the purposes of the CNDH's 2005 application, the Sub-Committee is of the opinion that the institution is not fully in compliance with the Paris Principles. In particular, the Sub-Committee notes that:

- The status A(R) is a temporary status which reflects that the application does not contain all required supporting documentation. In the case of the CNDH, its 2002 application was incomplete and the institution was therefore accredited with status A(R). Upon present review of the full dossier, the Sub-Committee is of the opinion that the institution is not in full compliance with the Paris Principles;
- The institution is not considered to be in compliance with the Paris Principles as the level of funding from the government appears to be inadequate. It is, however, noted that although the institution's budget is appended to that of the Ministry responsible for human rights, this is not in itself considered to be incompatible with the Paris Principles. The institution needs to demonstrate that it has adequate financial independence;
- Further, due to its lack of financial autonomy, the institution does not have its own premises or permanent staff;
- Further, the Secretary-General of the CNDH is appointed by the Prime Minister. The institution needs to demonstrate that appointment of the Secretary-General has taken place with sufficient consultation and transparency.

For these reasons, the Sub-Committee recommends that the institution is accredited with status B.

Democratic Republic of Congo

Recommendation: A(R)

The Observatoire National des Droits de l'Homme (ONDH) of the Democratic Republic of Congo has formally submitted its first application for membership to the ICC. On examination of the supporting documentation provided by the ONDH, the Sub-Committee noted that:

- A full activity report was not submitted as part of the application;
- The institution was established under a transitional administration. This renders the accreditation status presently granted as temporary, and will have to expire at the close of the transitional period, at which time the Sub-Committee will reconsider the application of the new institution. Consequently, any new institution established will have to present a new application to the Sub-Committee.

For these reasons, it is recommended that the institution should be accorded the status A(R).

Kenya**Recommendation: A**

The Kenya National Commission on Human Rights (KNHRC) has not been accredited to date. A previous application for accreditation was deferred by the Sub-Committee in 2003 following the adoption of new legislation on the establishment of the Commission in March 2003, with regard to which the Sub-Committee requested further information. Further, the Commission did not provide an annual report in support of its 2003 application. On examination of the present application of the KNHRC, the Sub-Committee finds that the institution is in compliance with the Paris Principles. For this reason, the Sub-Committee recommends that the KNHRC is accredited with status A. In addition, the Sub-Committee notes that the process of appointment of Commissioners of the KNHRC is commendable, and recommends that it is referred to as a best practice.

Tanzania**Recommendation: A(R)**

The accreditation status of the Commission for Human Rights and Good Governance of Tanzania at present is A(R), which it obtained following its application to the ICC in 2003. The Commission did not provide an annual report and its budget in support of its 2003 application. On examination of the supporting documentation presently provided by the Commission, the Sub-Committee notes that:

- No change has been made in terms of the supporting documentation submitted for the purposes of the institution's application;
- In particular, there is no indication of the recent activity of the institution in an annual report for 2003.

For these reasons, the Sub-Committee recommends that the Commission on Human Rights and Good Governance of Tanzania maintains the status A(R). The Sub-Committee further recommends that a possible lifting of the reserve be conditional upon the institution's submission of an annual report for 2003 to the Sub-Committee, once the report has been approved by Parliament.

Asia Pacific**Jordan****Recommendation: N/A**

The National Centre for Human Rights (NCHR) of Jordan has formally submitted its first application for accreditation to the ICC. The NCHR did not submit the supporting documentation required by Article 3.3 of the ICC Rules of Procedure within the time-limit stipulated by Article 3.4 of the Sub-Committee Rules of Procedure. For the above reason, the Sub-Committee recommends that the present application of the NHRC should not be considered and should be deferred.

Palestine**Recommendation: A(R)**

The PICCR has formally submitted its first application for accreditation to the ICC. The PICCR was established in 1993 by a Presidential Decree issued by President Yasser Arafat.

On examination of the supporting documentation provided by the institution for the purposes of its application, the Sub-Committee notes that the enabling law of the institution is still in draft form. It therefore recommends that the institution be accredited with status A(R). Further, the Sub-Committee recommends that the lifting of the reserve be conditional upon the correspondence of the draft law presently under consideration, with the law that shall be adopted by the appropriate authority. The Sub-Committee adds that, in particular, the institution needs to demonstrate that the provisions of the draft law which relate to the institution's funding are effectively implemented.

Europe

Norway

Recommendation: A(R)

The Norwegian Center for Human Rights was granted accreditation status A with reserve in 2003. This decision was based on various concerns, including the lack of an annual report of activity; the fact that the Centre lacks pluralism in its governing body, in particular with respect to the representation of civil society; and the fact that the Centre lacks autonomy with respect to accountability, infrastructure, staff and resources, given that it is embedded within the structure of the University of Oslo. In 2004, the Centre submitted an annual report for activities in 2003 and further information to address the concerns outlined by the Sub-Committee. After consideration of the annual report and other information submitted, the Sub-Committee was of the opinion that the Centre was not in compliance with the Paris Principles; that not all the concerns of the ICC had been addressed. In light of these considerations, the Sub-Committee recommended that the Centre maintains the status A with reserve accreditation, and that it submit further clarifications in 2005. It was further recommended that the Chair of the ICC correspond with the Centre with a view of providing more detailed information on these considerations and steps that need to be taken to ensure that the Centre be granted full status A accreditation. With regard to the present application of the Centre, the Sub-Committee notes that the Centre has made significant progress towards compliance with the Paris Principles. However, the Sub-Committee considers that the Centre is not yet compliant with the Paris Principles on the element of funding in particular, owing to its affiliation with the University of Oslo. For this reason, the Sub-Committee recommends that the institution maintains the status A(R), and that the lifting of the reserve should be conditional on the full implementation of the government's stated intention to provide funding to the Centre.

GENERAL OBSERVATIONS

1. **The Sub-Committee would like to stress the importance of keeping within the deadlines for the submission of applications and supporting documentation. It is recalled that Article 3.4 of the Rules of Procedure of the Sub-Committee on Accreditation provide that “applications and support documents shall be provided to the ICC Chairperson no later than two (2) months prior to the meeting of the ICC.”**
2. **Further, the Sub-Committee refers to the Rules of Procedure requiring an Annual Report to be presented before consideration of accreditation and recommends that any new institution should not be permitted to make an application for accreditation where it has not yet completed its first year of activity.**

- 3. The Sub-Committee notes that in examining applications, it shall consider both the compliance of the institution with the Paris Principles and the implementation program of the institution.**
- 4. The Sub-Committee proposes that once it has made its decision, an applicant institution should have an opportunity to seek clarification with regard to the decision of the Sub-Committee. The institution should be able to seek this information from the ICC in order to ensure transparency in the Committee's decision-making.**

ANNEX VI

Early Warning Mechanisms (As adopted by the ICC)

National Institutions in need: Guidelines for Early Warning¹

Purpose: The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) at its 14th session in April 2004 decided to consider a paper relating to Early Warning mechanisms for national human rights institutions (NIs). It requested the Secretariat to prepare a draft paper for discussion at its 15th session to be held in Seoul, Republic of Korea in September 2004. The purpose of this note is therefore to meet with that request and provide general guidelines for NIs to follow when they or their members or staff are under threat.

Background: A number of NIs and/or their members and staff have recently been the subjects of threats. These threats, which may be more or less direct in nature, can for instance take the following forms

- Calls for abolition of the institution;
- Impediments placed on the institution concerning required support to ensure their very existence and the effective functioning of their mandates including:
 - ❖ Financial
 - ❖ Restriction of mandate
 - ❖ Creation of additional/competing institutions which are more government oriented
- Intimidation and/or threats of death or violence against members or staff of the institution.

The reasons behind such threats may relate to certain actions which the NI has undertaken, e.g. criticising Governmental authorities or civil servants; issuing reports and or statements (in annual or extraordinary reports, to international human rights treaty bodies, special mechanisms of the United Nations, the media, etc.); or disgruntled complainants who feel that their requests for remedies have not been satisfied.

The ICC, while not explicitly noted within its mandate as being empowered to take action in support of its members when under threat, is implicitly empowered to do so by virtue of its mandate to strengthen NIs and to ensure that they conform to the Paris Principles; to co-ordinate joint activities and enhance co-operation among NIs; and to liaise with the United Nations and other international organisations. It is therefore appropriate that the ICC provide some general guidelines for NIs to refer to in a Call for Action in support of their institution.

Questions which the ICC will need to consider when such action is requested include:

- ❖ Is there sufficient evidence to justify a particular course of action?;
- ❖ Is the institution in question actually an NI?;
- ❖ What is the most appropriate course of action?;
- ❖ Through which medium is the action going to be most effective?

¹ Adopted by the members of the International Coordinating Committee of National Human Rights Institutions at its 16th session, held on 14 April 2005, Geneva, Switzerland.

Guidelines

The following are the proposed steps which a NI and the ICC may wish to take when a NI is under threat. Such action should be undertaken in consultation with the NI whether the threat is against the institution or a member or staff:

- ❖ Contact the Chair of the ICC, the Regional Coordinator and/or Secretariat, and the Office of the High Commissioner for Human Rights (OHCHR) explaining the facts and necessary details behind a particular initiative;
- ❖ In consultation with these bodies identify an appropriate course of action, depending on the nature of the threat and the context of the NI at the national level etc., aimed at achieving the most effective remedy.

This could include such steps as:

- ❖ Posting on the NI website (www.nhri.net) information concerning facts regarding the threat and the proposed action;
- ❖ Requesting the ICC Chair and OHCHR to write or make contact with the requisite authority concerning the alleged threat;
 - The ICC Chair can request the intervention of other NIs and in particular ICC Members
 - OHCHR, can if appropriate, make contact with the Governmental authorities

Depending on the nature of the threat the process can be incremental. If resolved through direct contact with the authorities then the process can stop. If not then additional pressure may be required, i.e.:

- ❖ Engaging with the national and international media;
- ❖ Requesting the intervention of the relevant United Nations or regional special mechanisms, in particular for example the United Nations Special Rapporteur on Human Rights Defenders, the African Rapporteur on Human Rights Defenders, the European Human Rights Commissioner, etc;
- ❖ Drawing the issue to the attention of the United Nations treaty bodies;
- ❖ Drawing the attention to the key International and Regional NGOs;
- ❖ Drawing attention to the issue of concern in the Commission on Human Rights under agenda item 18(b).

ANNEX VII

Thematic Discussion: Migration and National Institutions

The International Coordinating Committee (ICC) held a thematic discussion on Migration and National Institutions where the important role played by National Human Rights Institutions (NIs) in promoting and protecting the rights of migrant people was explored. The panel was chaired by Mr. Maurice Manning, Chairperson of the Irish Human Rights Commission, and included Mr. Prasad Kariyawasam, Chairperson of the Committee on Migrant Workers; Mr. Volmar Antonio Perez Ortiz, Defensor del Pueblo, Defensoría del Pueblo de Colombia; Ms. Zonke Majodina, Deputy Chairperson, South African Human Rights Commission; and Mr. David Fisher, Consultant/Researcher in support to the mandate of the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons. The panel and representatives from various NIs contributed to the discussion by providing their experience and expertise in the field of migration and national institutions. The main themes raised included:

- Status of ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- The role of NIs in advocating for the ratification of the Convention;
- Ways for NIs to better use the Convention for the protection and promotion of the rights of migrant workers and members of their families;
- Ways to defend the human rights of migrants even in a country that hasn't ratified the Convention;
- Way forward.

Mr. Prasad Kariyawasam indicated that the 21st century was the era of migration and the UN has recognized that migration is increasing all over the world. He stressed the recognition by the Committee on Migrant Workers of the work of NIs as a pillar for the promotion and protection of the rights of migrant workers. Mr. Kariyawasam explained the status of ratifications of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Due to its very broad scope, the Convention addresses issues regarding migrant workers in the countries of origin, transit and destination. It also contains a comprehensive definition of a migrant worker and makes the distinction between regular and irregular migration. Mr. Kariyawasam highlighted that the protection of the basic human rights of migrant workers should not depend on the legal status of the migrant, regular or irregular, but should be applicable to all migrants.

There are 28 countries that are State parties to the Convention and all are countries of origin; none are of destination or receiving countries of migrant workers. Mr. Kariyawasam referred to a recent study undertaken by UNESCO in order to identify the obstacles to the ratification of the Convention. According to the study, some governments have claimed that the content of some provisions of the Convention are too broad and too intrusive and that it favours irregular migration. The Committee does not share this view and would like to point at the fact that the Convention favours regular migration with actions deterring entrepreneurs from hiring irregular migrants. Other obstacles identified in the study are the alleged high cost of implementing the Convention, political reasons and national security issues.

Mr. Kariyawasam highlighted the unique role NIs can play in using the Convention as a tool to enhance the protection and promotion of the human rights of migrant workers and to

encourage governments to sign and ratify the Convention. The existing networks between NIs are also to be used for that purpose. He indicated that, in some cases, states were implementing some provisions of the Convention but without signing it. NIs could advocate for the ratification of the Convention through different measures such as launching a study of national legislation in order to harmonize it with the international instruments and could participate in the preparation of the reports to be submitted to the Committee.

Ms. Zonke Majodina from the South African Human Rights Commission indicated that the dichotomy between migrants, refugees and internally displaced people (IDP) no longer exists in Africa. In particular in West Africa, trade, agriculture and recent conflicts such as in Liberia and Cote d'Ivoire are the root causes for people to migrate but often also the causes for a spread in trafficking of human beings. In East Africa, rural to urban migration is the main type of migration as cross border migration is still quite low and is very concentrated in people going to different countries to work in mines on a temporary basis.

Ms. Majodina underlined the importance the media has given to migration from Africa to northern countries while neglecting the migration from one African country to the neighbouring country pushed by poverty. Although the distinction between regular and irregular migration is not always very useful in Africa, irregular migrants are more vulnerable to trafficking. The representative from the South African Human Rights Commission also indicated that human rights institutions should never make the distinction between regular or irregular migration. Ms. Majodina indicated that some African countries have changed their laws on immigration but not always in accordance with the existing international instruments, rather on a bilateral basis, resulting in a lack of knowledge of internationally agreed basic human rights by government officials such as the police and prison guards.

The representative of the South African Human Rights Commission stressed the low priority NIs have given to migration issues and the existing human rights abuses of migrants in Africa. Existing immigration policies are based on controlling the phenomenon and therefore subordinating basic human rights. Ms. Majodina pointed at some actions that are most urgent for NIs to address the human rights of migrants, and in particular she mentioned the following needs:

- To appoint a migration focal point in every NI; the South African Human Rights Commission did so with great success;
- NIs to advocate for States to sign and ratify the Convention on Migrant Workers;
- To monitor the situation of migrants within their countries;
- To raise public awareness on the rights of migrants; and
- To advocate the implementation of the existing laws.

Mr. Volmar Antonio Perez Ortiz, Defensor del Pueblo of Colombia, focused his intervention on trafficking of human beings as a major human rights violation. He pointed at the particular difficult situation of women that are often dragged into prostitution after being trafficked. IOM has indicated that, in Colombia, trafficking is the third most profitable business despite the fact that trafficking is condemned and sanctioned under Colombian law.

The Defensoría del Pueblo of Colombia has launched an initiative to protect displaced people forced to migrate within and outside of Colombia to escape from the armed conflict and violence. In this context, rural to rural, rural to urban and urban to urban migrations are very common in that country after an episode of violence in an area. As a result of this

initiative, the Colombian legislature has decided to consider unlawful the forced displacement of people. The NI of Colombia is monitoring the implementation of this law. Mr. Perez Ortiz stressed the need for governments to provide the necessary legal guaranties to ensure an effective and protective framework of the fundamental rights of people with particular attention to the situation of women and children.

Mr. David Fisher, Consultant/Researcher in support to the mandate of the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons (IDPs) started his intervention with a presentation of the different recent publications that are available on IDPs. The role of the Representative of the Secretary-General is to monitor the human rights of IDPs and to support the development of national policies on IDPs. He highlighted the definition of an IDP as it is contained in the publication “A framework for national responsibility” that was distributed in the room. He indicated that, although the rights of IDPs are similar to the ones of migrant people, IDPs are not protected by any specific international legal framework or by any international agency such as refugees are. The work of the Representative of the United Nations Secretary-General on the Human Rights of Internally Displaced Persons started with a study on the existing international instruments regarding the protection of IDPs. One of the main conclusions was that these instruments are often not applied due to a lack of knowledge by officials dealing with IDP issues. To counterbalance this, the guiding principles on internal displacement were published and widely distributed. Mr. Fisher stressed the important role NIs can play in addressing both the gap in the legal framework and in raising awareness among officials on the human rights of IDPs. The publication “A framework for national responsibility” also contains practical recommendations for NIs to guide in sensitizing states on IDP issues. He provided some examples of successful initiatives such as the creation of an office dealing with human rights and IDPs in Sri Lanka.

Mr. Fisher presented the publication “Protection of internally displaced persons in situations of natural disaster” based on a visit from the Representative of the Secretary-General to Asia in 2005 after the tsunami in December 2004. He highlighted the recommendations contained in the publication and in particular the ones addressed to the United Nations (OHCHR and OCHA) to develop guidelines on ways to cope with the aftermath of a natural disaster. Mr. Fisher also underlined the recommendations addressed to NIs to develop guidelines on their own; then that could be expanded to other regions.

National experiences

The discussion started with the representative of the Defensoria del Pueblo of Venezuela informing participants that the Organization of American States (OAS) has a Special Rapporteur on Migration.

The representative of the Greek National Commission for Human Rights mentioned the important role NIs play in changing the negative stereotype of immigration and in advocating for the ratification of the Convention on Migrant Workers. In the particular case of Greece, this Convention created a first negative reaction by officials but the NI will continue to work to reverse that reaction. She also pointed at the importance of the Protocol against Smuggling of Migrants by Land, Sea and Air as a crucial tool to combat human right abuses against migrants.

The representative of the Deutsches Institut fur Menschenrechte (Germany) recalled the commitment made by NIs in Seoul to campaign for the ratification of the Convention.

This campaign has to be based on a clear understanding of the value added of this Convention to protect the rights of migrant workers and therefore the necessity for it to enter into force. The need to have monitoring mechanisms was also highlighted.

The representative of the Defensoria del Pueblo of Spain informed participants that Spain had launched a unique administrative process to regularize immigrants and provide them with fundamental rights such as the right to health care and education, to receive legal advice and family reunification. It is expected that this regularization process will allow around 700,000 persons to benefit from these basic rights. Once this regularization process will be completed, a monitoring system will be put in place to deter entrepreneurs from hiring irregular migrants. This regularization process was very well received by representatives from NIs present during the thematic discussion.

The representative of the Human Rights Commission of Sri Lanka announced the creation of a high level committee within the NI to address the particular situation of women workers migrating, in particular to the Middle East. Among other tasks, the Committee aimed to raising awareness on violence against female migrant workers in the host country, review the existing national legislation and enhance the protection on migrant rights and the prevention of abuses. Some obstacles were encountered such as considering migration as a “law and order” issue rather than from a human rights based approach and finding the right balance between prosecution and protection. In this regard, special attention should be given to the situation of women victims of trafficking as their protection is often conditioned on their denouncing of their traffickers.

The representative of the Conseil Consultatif des Droits de l’Homme of Morocco indicated that lack of political will was the main reason for not ratifying the Convention as language contained in the Convention is based on other international human rights conventions. She drew the attention of participants to the particular situation of unaccompanied child migrants and the need to carefully address this issue, particularly in the countries of transit and countries of destination. In more general terms, the representative from the Defensoria del Pueblo de Paraguay made a call to countries of destination of irregular migration to provide assistance to countries of origin to prevent this type of migration.

Cooperation between national institutions

With regard to the cooperation between NIs, the representative of the Commission on Human Rights of the Philippines highlighted the need to establish “hotlines” between NIs to assist migrants. The ICC and the regional networks should assist in this endeavour. The representative of the Human Rights Commission of Malaysia added the need for NIs to ensure the basic human rights of migrants by ensuring the education of the children of migrants, raise awareness on the rights of migrants through seminars, and research on migrant workers.

The representative of the Danish Institute for Human Rights stated that this meeting was a good opportunity to follow up on the commitments made by NIs in Seoul and Berlin. The positive aspects of receiving immigration are not well known in countries of destination. This could explain some of the difficulties encountered in the ratification of the Convention. A questionnaire had been developed by the Danish NI with the objective of raising awareness on the legal impact of ratifying the Convention, promoting collaboration between NIs and NGOs and supporting initiatives such as the hotlines mentioned by the representative of the NI from the Philippines.

The representative of the National Human Rights Commission of Mexico pointed at the slow progress achieved with regard to migration issues despite all NIs being aware of the role they have to play and despite the many meetings that were held on the topic (from the Seoul consensus to the Zacatecas meeting). He suggested the creation of a working group on migration together with other NIs such as the NI from Morocco with the objective of presenting a joint report on migration to be presented at the next ICC meeting.

Concluding remarks

As concluding comments, Mr. Prasad Kariyawasam welcomed the initiative of the ICC to address migration issues and hoped that the ICC could hold an annual meeting on the topic. He also congratulated the NIs for their valuable work in this area and acknowledged the important role the existing NI networks in providing immediate relief to migrants before the Convention enters finally into force. Mr. Kariyawasam shared the frustration of NIs on the delay in ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as this new convention is based on agreed language existing in other international conventions. The representative from the South African Human Rights Commission urged NIs to actively participate in the discussion on the Convention that will take place in 2006. The moderator also urged all NIs to address the need for action by NIs with regard to migration issues. The reports that are being published are for the use by NIs to efficiently work in the promotion and protection of the human rights of migrants.

ANNEX VIII

SIXTEENTH SESSION OF THE ANNUAL MEETING OF THE INTERNATIONAL CO-ORDINATING COMMITTEE OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (ICC)

AGENDA ITEM 7 a. FOLLOW UP ON THE 7th INTERNATIONAL CONFERENCE OF NATIONAL INSTITUTIONS AND THE SEOUL COMMITMENT

According to the Seoul Declaration, NHRI should take a number of actions at national level, which are listed below. A distinction is made between:

- I. Actions , which are generally applicable to all NHRIs**
- II. Actions to be taken by NHRIs , in relation to conflict and post-conflict situations**
- III. Actions to be taken by NHRIs in relation to counter-terrorism measures**

According to the Seoul Commitment, at the 16th ICC Meeting 14 – 15 April 2005 NHRIs should report on the status of the national and regional actions taken and identify ways in which the ICC can further the implementation of these provisions.

I. General provisions - Actions to be taken by all NHRIs

Recommendation	Actions taken	How can the ICC further implementation
<p>“NHRIs should develop early warning mechanisms and related operational guidelines. This should be linked to encouraging State to put in place mechanisms for early warning and action to address intra-State and intra-community conflicts that could lead to grave violations of human rights” (para 5)</p>		
<p>NHRIs should “identify potential areas of conflict in a timely and accurate manner” (para 6)</p>		
<p>NHRIs should have “a fair and equitable representation of women.” (para 10)</p>		
<p>“NHRIs should focus on inequities in society, including their socio-economic dimensions. The realization of economic, social and cultural rights can play a key role in preventing conflict and terrorism. There is a need to promote justiciability of these rights” (para 11)</p>		
<p>“NHRIs should promote and protect economic, social and cultural rights as an indivisible part of the full spectrum of universal human rights, including a reinforced capacity to better guarantee the State’s respect for its obligations under the International Covenant on Economic, Cultural and Social Rights.” (para 12)</p> <p>“NHRIs should call upon States to pay proper attention to issues of corruption endangering the enjoyment of human rights. NHRIs should encourage States to ensure basic needs, including food and shelter, thereby preventing the development of conditions that give rise to terrorism and conflicts”. (para 13)</p>		
<p>“NHRIs should call upon States to enforce the mechanism for fighting poverty according to United Nations General Assembly resolution (A/57/265) establishing the World Solidarity Fund.” (para 14)</p>		

<p>“NHRIs should call upon States to fulfil their obligations under the International Covenant on Economic, Social and Cultural Rights. NHRIs encourage states to ratify the Optional Protocol to the International Covenant on Economic, Cultural and Social Rights.” (para 15)</p>		
<p>“States should be encouraged to ratify the Optional Protocol to the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. NHRIs urge States to ratify the Rome Statute of the International Criminal Court and to adopt domestic legislation in line with the Statute.” (para 16)</p>		
<p>“NHRIs should pay special attention to signs of xenophobia and discrimination and disproportionate limitations of human rights so as to anticipate conflict.” (para 18)</p>		
<p>“NHRIs should engage in preventive activities, leading public interventions and debate, and raising awareness about both the origins of terrorism and the most effective and comprehensive responses by including human rights education for the judiciary, the public administration and security forces. Furthermore, NHRIs should stress the media’s right to freedom of expression. “ (para 22)</p>		
<p>“NHRIs should promote and ensure the national implementation of international standards on migrant workers, refugees, asylum-seekers, internally displaced persons (IDPs) and victims of trafficking.” (para 26)</p>		
<p>“NHRIs should advocate the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, in particular among receiving countries, and engage more actively in the monitoring process by the treaty bodies when they consider issues relating to migrant workers and the particular issues facing migrant women and children. NHRIs encourage States to ratify the additional protocol to the International Convention of the Rights of the Child on children in armed conflict.” (para 27)</p>		
<p>“It is recommended that NHRIs from sending, transit and receiving countries should establish bilateral and regional</p>		

cooperation among themselves to better address the issues of irregular migrants.” (para 28)		
“NHRIs should actively monitor the economic, social and political rights of refugees, asylum seekers, migrant workers and IDPs, including fair procedures, treatment by police and immigration authorities, conditions of detention, access to services, employment conditions and family reunification, in cooperation with the Office of the United Nations High Commissioner for Refugees and other United Nations and regional bodies, and NGOs.” (para 29)		
“NHRIs should promote programmes of human rights awareness for migrant workers, refugees, asylum-seekers, IDPs and victims of trafficking, and programmes of integration and reintegration, where applicable, especially for returning women migrants.“ (para 30)		
“NHRIs should facilitate counselling for women suffering violence.” (para 31)		
“NHRIs should provide education and raise awareness on women’s rights to further their economic self-sufficiency and independence.” (para 32)		

II. Actions to be taken by NHRIs in countries in conflict and/or post-conflict situations

Recommendation	Actions taken	How can the ICC further implementation
<p>“NHRIs should examine violations of human rights committed by the State during violent conflict and advocate against the establishment of national ad hoc tribunals and decision making bodies. They should also examine infringements of rights by non-State actors in the context of violent conflict.”(para 6)</p>		
<p>“Subsequently, NHRIs should provide advice on human rights and humanitarian law to conflicting parties, or otherwise apply, facilitate and support the utilization of alternative as well as traditional methods of dispute resolution, including mediation.” (para 7)</p>		
<p>“NHRIs and States should integrate these conflict resolution tools into plans, strategies and mechanisms for the peaceful and negotiated resolution of conflict. These strategies should include elements of truth and reconciliation processes and define the role that NHRIs should play in this respect. Particular attention should be paid to the establishment of a victims fund and payment of appropriate compensation.” (para 8)</p>		
<p>“NHRIs should act in a proactive way by placing human rights concerns in a broader societal context so as to focus not only on the manifestations of violent conflict but also on their underlying causes.” (para 9)</p>		
<p>“During conflict [...] any measures that may have an impact on the enjoyment of civil and political rights must be both necessary and proportionate. It is important for NHRIs to monitor the limited and justifiable application of such measures. Furthermore, NHRIs should take the necessary measures to prevent violations of derogable and especially non-derogable rights, such as the fundamental requirements of due process and fair trial, respect for human dignity, freedom from torture and ill-treatment, and arbitrary detention.” (para 19)</p>		
<p>“NHRIs should play an important role in highlighting</p>		

invisible and unacknowledged violence against women in the context of conflict.” (para 31)		
“NHRIs should have an important role in collecting data, investigating allegations and receiving complaints of violence against women during conflict.” (para 33)		
“There is a special need for NHRIs to protect and promote the rights of women refugees and internally displaced women. This should include providing a complaint mechanism, inspection of refugee and IDP camps and monitoring complaints from women in detention centres of other States waiting to receive refugee status, and from forcibly repatriation of women. NHRIs should take measures to protect women refugees and IDPs from being trafficked. NHRIs should contribute to the formulation and implementation of reconstruction and rehabilitation programmes with the participation of women.” (para 34)		
“Any commission of inquiry, truth or reconciliation commission set up as part of a peace process should address past widespread and systematic violence against women, and should have a fair representation of women.” (para 35)		
“During the negotiations for a political settlement of a conflict, States should enact constitutional provisions providing for equality and affirmative action.” (para 36)		

III. Actions to be taken by NHRIs specifically in relation to counter-terrorism measures

Recommendation	Actions taken	How can the ICC further implementation
<p>“There is a need to [...] monitor discriminatory effects of counter-terrorism measures on the economic, social and cultural rights of vulnerable groups.” (para 11)</p>		
<p>“[...] in countering terrorism, any measures that may have an impact on the enjoyment of civil and political rights must be both necessary and proportionate. It is important for NHRIs to monitor the limited and justifiable application of such measures. NHRIs should demand of the State that counter-terrorism legislation is neither enacted in haste nor without prior public scrutiny. Furthermore, NHRIs should take the necessary measures to prevent violations of derogable and especially non-derogable rights, such as the fundamental requirements of due process and fair trial, respect for human dignity, freedom from torture and ill-treatment, and arbitrary detention.” (para 19)</p>		
<p>“NHRIs must monitor violations of human rights in the implementation of counter-terrorism measures through periodic review, including their impact on minority communities and human rights defenders.” (para 23)</p>		

ANNEX IX

PARTICIPANTS IN THE 16th SESSION OF THE ANNUAL MEETING OF NATIONAL INSTITUTIONS

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61th Session of the Commission for Human Rights - April 2005

National Institutions	Delegation	Address
ICC: International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.	1. Mr. Morten KJAERUM <i>ICC Chairperson</i>	8 H Wilders Plads 1403 Copenhagen Denmark
Africa: Co-ordinating Committee of African National Institutions for the Promotion and Protection of Human Rights.	1. Mrs. Margaret SEKAGGYA <i>Chairperson</i>	Uganda Human Rights Commission Plot 20/22/24 Buganda Road, P.O.Box 4929 Kampala Uganda
Network of Americas: Red de Instituciones Nacionales para la Promoción y Protección de los Derechos Humanos	1. Mr. José Luis SOBERANES FERNANDEZ* <i>Secretary General</i>	Periférico sur 3469 San Jerónimo Lídice Magdalena Contreras 10200 Mexico D.F.
Asia Pacific Forum	1. Mr. Kieren FITZPATRICK <i>Director, Secretariat</i> 2. Ms. Thuy DOAN-SMITH <i>Funds Development Officer</i>	GPO Box 5281 Sydney NSW 1042 Australia
CREC: Comité régional européen de coordination des institutions nationales	1. Mr. Joël THORAVAL <i>President</i>	35, rue St Dominique 75700 Paris France
FIO: Federación Iberoamericana de Ombudsmen	1. Mr. Germán MUNDARAÍN <i>Presidente de la Federación Iberoamericana de Ombudsmen</i> 2. Mr. Alejandro CARRILLO <i>Director de la Secretaría del Fondo Especial</i>	Ave. Mexico Plaza Morelos Edificio Defensoría del Pueblo – Piso 8 Bellas Artes

National Institutions	Delegation	Address
Afghanistan: Afghan Independent Human Rights Commission	<ol style="list-style-type: none"> 1. Dr. Sima SAMAR <i>Chairperson</i> 2. Mr. Richard BENNETT <i>Assistant Commissioner</i> 	Pul-e-Surkh Kart-e-3, Kabul
Algeria: Commission Nationale Consultative de Promotion et de Protection des Droits de l'Homme	<ol style="list-style-type: none"> 1. Ms Nassira BELLOULA <i>Member</i> 2. Ms Meriem LOUKRIZ <i>Member</i> 3. Ms Fatiha BAGHDADI <i>Member</i> 4. Mr. El-Hachemi CHEIKH <i>Member</i> 6. Mr. Abdelaziz TABBI-ANNENI <i>Director</i> 	Palais du Peuple Avenue F. Roosevelt Alger République Algérienne Démocratique et Populaire
Argentina: Defensor del Pueblo de la Nación	<ol style="list-style-type: none"> 1. Mr. Eduardo MONDINO <i>Defensor del Pueblo de la Nación Argentina</i> 2. Mr. Juan Carlos MAZZINI <i>Adviser</i> 3. Ms. Carolina PERIN <i>Adviser</i> 4. Mr. Edric Speckert <i>Interpreter</i> 5. Ms. Claudine SPECKERT <i>Interpreter</i> 	Montevideo 1244 Capital Federal (1018) República Argentina
Armenia: Human Rights Defender of the Republic of Armenia	<ol style="list-style-type: none"> 1. Ms. Larisa ALAVERDYAN <i>Human Rights Defender</i> 	19 Marshal Baghramian, ave. Yerevan – 375095 Armenia
Australia: Human Rights and Equal Opportunity Commission	<ol style="list-style-type: none"> 1. Mr. John VON DOUSSA <i>President</i> 2. Ms. Susan Roberts <i>Director of Legal Services</i> 	Level 8, Piccadilly Tower 133 Castlerengh St. Sydney Australia

National Institutions	Delegation	Address
Bolivia : Defensor del Pueblo	1. Mr. Waldo ALBARRACIN SANCHEZ Defendor	Calle Heriberto Gutiérrez # 2374 Entre Rosendo Gutierrez y Belisario Salinas, La Paz
Bosnia & Herzegovina : The Human Rights Ombudsman of Bosnia and Herzegovina	1. Mr. Safet PASIC <i>Ombudsman</i> 2. Ms. Danijela ANTIC <i>International Relations Officer</i>	Marshal Tita 7 BA-71000 Sarajevo Bosnia & Herzegovina
Canada : Canadian Human Rights Commission	3. Ms Mary GUSELLA <i>Chief Commissioner</i> 4. Ms. Kathryn HAMILTON <i>A/Director Gl – Employment Equity Policy</i>	344 Slater St. Ottawa (Ontario) K1A 1E1Canada
Colombia : Defensoría del Pueblo	1. Mr. Volmar PEREZ ORTIZ <i>Defensor</i> 2. Ms. Amaida PALACIOS JAIMES <i>Member</i>	Calle 55 No. 10-32/46 Santa Fe de Bogotá Colombia
Cyprus : National Institute for the Protection of Human Rights	1. Ms. Leda KOURSOU MBA <i>President</i>	Office of the Law Commissioner 10 Pavlou Nirvana Str. 1492 Nicosia
Denmark : The Danish Institute for Human Rights	1. Mr. Morten KJAERUM <i>Executive Director</i> 2. Ms. Birgitte KOFOD OLSEN <i>Director, National Department</i> 3. Ms. Lone LINDHOLT <i>Head, Civil Society Programme</i> 4. Ms. Anne-Marie GARRIDO <i>Programme Manager</i>	8 H Wilders Plads 1403 Copenhagen Denmark
DRC : Observatoire National des droits de l'homme	1. Mr. Michel Innocent MPINGA TSHIBASU <i>President</i>	Avenue Sendwe 5058 Ex Résidence du Cardinal Maluda Commune de Kalamu

National Institutions	Delegation	Address
Egypt : National Council for Human Rights	1. Mr. Mokhles KOTB <i>Secretary General</i>	1113, Corniche of the Nile Midane Al Tahrir National Council Building Cairo, Egypt
Fiji : Human Rights Commission	1. Ms. Shaista SHAMEEM <i>Director</i> 2. Mr. Sotia COUTTS <i>Member</i>	Private Mail Bag GPO, Suva, Fiji
France : Commission nationale consultative des droits de l'homme	1. Mr. Joël THORAVAL <i>Président</i> 2. Mr. Emmanuel DECAUX <i>Président de la sous-commission internationale</i> 3. Mr. Michel FORST <i>Secretary-General</i> 4. Ms. Stéphanie DJIAN <i>Chargée de mission</i> 5. Mr. Gerard FELLOUS <i>Chargé de mission auprès du Président</i>	35, rue St Dominique 75700 Paris France
Germany : Deutsches Institut for Menschenrechte	1. Mr. Heiner BIELEFELDT <i>Director</i> 2. Ms Frauke SEIDENSTICKER <i>Deputy Director</i> 3. Ms. Claudia LOHRENSCHEIT <i>Press Officer</i> 4. Mr. Wolfgang HEINZ <i>Academic Adviser</i>	Zimmerstr. 26/27 10969 Berlin Germany
Greece : National Commission for Human Rights	1. Ms. Haritini DIPLA <i>Member</i>	Neofytou Vamva 6 GR 106 74 Athens Greece

National Institutions	Delegation	Address
Guatemala: Procurador de los Derechos Humanos	<ol style="list-style-type: none"> 1. Mr. Sergio Fernando MORALES <i>Prourado</i> 2. Mr. Conrado MARTINEZ <i>Chief of Int'l Mechanisms Unit</i> 3. Ms. Rossana PERALTA DE HEGEL <i>Director of Int'l Relations</i> 4. Mr. Juan Ramón RUIZ <i>Chief Peace Accords Unit</i> 	12 Ave. 12-72, Zona 1 C.A. 01001 Ciudad de Guatemala
Honduras: Comisionado Nacional de los Derechos Humanos	<ol style="list-style-type: none"> 1. Dr. Ramón Custodio LOPEZ <i>Commissioner</i> 2. Ms. Julia AUMÜLLER <i>Assistant to the Commissioner</i> 	Avenida La Paz, contiguo a Galería La Paz, frente a Vía Platero, Casa No. 222 Tegucigalpa, Honduras
India: National Human Rights Commission	<ol style="list-style-type: none"> 1. Dr. Justice A.S. ANAND <i>Chairperson</i> 2. Mr. Nirmal SINGH <i>Secretary General</i> 3. Justice Shivaraj V. PATIL <i>Member</i> 4. Mr. Shri A.K. PARASHAR <i>Deputy Registrar</i> 5. Mr. Harvinder SINGH <i>Private Secretary to Chairperson</i> 6. Ms. Anuradha MOHIT <i>ICC Rapporteur</i> 	Faridkot House Copernics Marg New Delhi 110001
Ireland: Human Rights Commission	<ol style="list-style-type: none"> 1. Mr. Maurice MANNING <i>Presidnet</i> 	Jervis St. Dublin 1 Ireland
Indonesia: Indonesian National Commission on Human Rights	<ol style="list-style-type: none"> 1. Mr. Abdul Hakim GARUDA <i>Chairperson</i> 2. Mr. Enny SOEPRAPTO <i>Member</i> 	Jl. Latuharhary No. 4B Menteng 10310 Jakarta Pusat

National Institutions	Delegation	Address
Kenya : Kenya National Commission on Human Rights	<ol style="list-style-type: none"> 1. Mr. Maina KIAI <i>Chairman</i> 2. Mr. Lawrence MUTE <i>Commissioner</i> 3. Ms. Wambui KIMATHI <i>Commissioner</i> 4. Mr. James MWENDA <i>Program Officer</i> 5. Ms. Fatuma IBRAHIM <i>Commissioner</i> 6. Mr. Tirp KITUR <i>Commissioner</i> 	NSSF Bldg., Block A Eastern Wing, 9 th Floor P.O. Box 74359 Nairobi-00200 Kenya
Malawi : Malawi Human Rights Commission	<ol style="list-style-type: none"> 1. Justice Elton M. SINGINI <i>Commissioner</i> 2. Mrs. Emiliana F. TEMBO <i>Executive Secretary</i> 	HB House Off Chilambula Road Opposite ADMARC Depot Lilongwe Old Town Private Bag 378 Lilingwe 3
Malaysia : Human Rights Commission of Malaysia	<ol style="list-style-type: none"> 1. Ms. Tengku Datuk Nazihah MOHAMED RUS <i>Commissioner</i> 2. Ms. Suraina PASHA <i>Officer</i> 	Tingkat 29 Menara Tun Kazak Jalan Raja Laut 50350 Kuala Lumpur Malaysia
Mauritius : National Human Rights Commission	<ol style="list-style-type: none"> 1. Mr. Dheeru B. SEETULSINGH <i>Chairman</i> 	2 nd Floor, NPF Building Jules Koenig Street Port Louis Mauritius

National Institutions	Delegation	Address
Mexico: Comisión Nacional de los Derechos Humanos	<ol style="list-style-type: none"> 1. Mr. José Luis SOBERANES FERNANDEZ <i>President</i> 2. Mr. Salvador CAMPOS ICARDO <i>Executive Secretary</i> 3. Mr. Roberto GUADARRAMA BAENA <i>Secretary to the President</i> 4. Mr. Ulises RUIZLOPART ESPINOSA <i>Coordinator of International Affairs</i> 5. Ms. Laura SANABRIA MIRAVETE <i>Subdirector of Interinstitutional Relations</i> 	Av. Periférico Sur # 41181 Torre 1 2° Piso Enfrente de TV-Azteca 01900 Mexico D.F. Mexico
Mongolia : National Human Rights Commission	<ol style="list-style-type: none"> 1. Mr. Munkhbat NYAMAA <i>Program Manager</i> 	State Property Building 1 Ulaanbaatar 38 Mongolia
Morocco: Conseil Consultatif des Droits de l'homme	<ol style="list-style-type: none"> 1. Mr. Driss BENZEKRI <i>Secretary-General</i> 2. Ms. Halima EMBAREK WARZAZI <i>Member</i> 3. Mr. Abdelaziz BENZAKOUR <i>Member</i> 4. Ms. Yamina LEMRINI EL OUAHABI <i>Member</i> 5. Mr. Mohamed Mustapha RAISSOUNI <i>Member</i> 6. Mr. Ali BARGACH <i>Chief of Int'l Cooperation Unit</i> 	CCDH Sahat Ach Chouhada Rabat, Maroc
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National Institutions	Delegation	Address
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