

**Draft Report of the Fourteenth Session of the
International Co-ordinating Committee of National Institutions
for the Promotion and Protection of Human Rights**

**Room XXIII, Palais des Nations, Geneva
15 and 16 April 2004**

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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 Fourteenth Session at the United Nations Office (UN) in Geneva on 15 and 16 April 2004. Prior to adoption of the agenda (see Annex I) the Acting United Nations High Commissioner for Human Rights, Mr. Bertrand Ramcharan, addressed the meeting (see Annex II). His address was followed by the statement of Mr. Omar Azziman, 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 enhancing and strengthening NIs' participation to the Commission on Human Rights (CHR) and other UN bodies. A discussion was held in relation to the draft resolution for the 60th Session of the CHR on NIs. Various activities and reports of the ICC and the Credentials Committee were presented and adopted.
3. The Fourteenth Session was chaired by Messrs. Omar Azziman, outgoing Chairperson of the ICC, Mr. Morten Kjaerum, incoming Chairperson, 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. France motioned, seconded by Australia, for the nomination 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.
4. The Fourteenth 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 and other representatives of OHCHR and ICC Observers (see Annex VI for a complete list of participants).
5. 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.
6. At the close of the business session, the Chair of the ICC thanked the NI Unit for its invaluable support as Secretariat of the ICC.

II. MATTERS CONCERNING THE 60TH SESSION OF THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

7. Members thanked the Government of Australia for sponsoring the resolution *National institutions for the promotion and protection of human rights (see Annex IV)* and commented on the draft. They stressed that input from NIs should be directly taken into account well in advance of the CHR. It was hoped that the observations made in the meeting would be taken into account in the resolution. In this regard, the New Zealand Human Rights Commission representative called on Members to note in their diaries the importance of early consultation of the resolution.
8. The report to the CHR of the Secretary-General: *Effective Functioning of Human Rights Mechanisms: National Institutions and Regional Arrangements – National Institutions for the promotion and protection of human rights (E/CN.4/2004/101)* was noted. Members appreciated the fact that the conclusions concerning the round tables on the Administration of Justice and the Paris Principles, respectively, were included in Annex.
9. A report concerning strengthening the role of NIs in the CHR was tabled by Ms. Halima Embarek Warzazi, Member of the *Conseil Consultatif des Droits de l'homme* of Morocco. The NI Unit Coordinator of OHCHR noted that pursuant to the Australian sponsored resolution concerning NIs, the Unit would prepare a report on ways and means to enhance participation of NIs in the work of the CHR. The issue would be further discussed at the next ICC meeting to be held in September in Seoul, Republic of Korea.

III. ACCREDITATION SUB-COMMITTEE

Consideration of the report of the Accreditation Sub-Committee

10. The Accreditation Sub-Committee presented an oral 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 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.

11. The Chairperson of the Accreditation Sub-Committee (Canadian 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 requested that the Committee report be provided in Annex to this report (see Annex V). The report was adopted by the ICC Members.

Consideration of draft rules of procedure of the Accreditation Sub-Committee

12. Discussion concerning the draft rules of procedure for membership of the Accreditation Sub-Committee would be included in the agenda of the ICC meeting to be held during the 7th International Conference of NIs in Seoul, Republic of Korea. The draft rules would be circulated to the Members by the Secretariat in advance of the meeting. The Chairperson requested the Members of the ICC to review the rules with a view to their adoption at the next ICC meeting.

IV. ACTIVITIES OF THE ICC AND NATIONAL INSTITUTIONS IN 2004

a. 7th International Conference of National Institutions

Mr. Chang-kuk Kim, President of the Korean National Human Rights Commission, briefed the Members on arrangements concerning the 7th International Conference of National Institutions. He noted that as a result of discussions with the regional groups that the overall theme of the Conference was proposed as *Upholding Human Rights during Conflict and while Countering Terrorism*. The Conference would be held 14-17 September 2004 in Seoul, Republic of Korea. It would be hosted by the Korean National Human Rights Commission and co-organised in accordance with the ICC Rules of Procedure by the Chairperson of the ICC and OHCHR. Details concerning the budget were being finalised but offers of support had been received from the Commission, OHCHR and the Asia Pacific Forum.

b. Reports and plans for Regional Meetings

Given that regional groups of NIs had addressed the CHR on their issues, they were invited to submit to the Secretariat their reports for distribution to the Members and posting on the NI website (www.nhri.net).

c. Early Warning mechanisms

Members requested that the Secretariat prepare a paper on this issue for the consideration of Members at its meeting to be held during the 7th International Conference of NIs.

OHCHR activities in the field of National Institutions

13. The National Institutions Unit Coordinator provided the Members with an overview of OHCHR activities for 2004. Members were reassured that there was a continued commitment of OHCHR to continue to work with, and support, NIs as well as look to ways to enhance their participation within the CHR and other UN bodies. Members were provided with a break down of the areas of responsibility of the NI Unit members.

V THEMATIC DISCUSSION: THE NEW INTERNATIONAL CONVENTION TO PROMOTE AND PROTECT THE RIGHTS AND DIGNITY OF PERSONS WITH DISABILITIES

Refer to Annex VI

VI THEMATIC DISCUSSION: HUMAN RIGHTS EDUCATION

Refer to Annex VII

VII CLOSING OF THE SESSION

The ICC closed its Fourteenth Session on 16 April 2004 at 1300H.

**ANNUAL MEETING OF THE INTERNATIONAL CO-ORDINATING COMMITTEE
OF NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION
OF HUMAN RIGHTS (ICC)
ROOM XXIII, PALAIS DES NATIONS
GENEVA, 15-16 APRIL 2004**

AGENDA

THURSDAY 15 APRIL, 1000-1300

1. Address by Mr. Bertrand Ramcharan, Acting United Nations High Commissioner for Human Rights
2. Adoption of the Agenda
3. Statement by Mr. Omar Azziman, Chairperson of the ICC
4. Election of the Chairperson and Deputy Chairperson of the ICC
5. Adoption of the report of the previous session
6. Matters concerning the 60th Session of the United Nations Commission on Human Rights
 - a. Consideration of the Secretary-General's Report
 - b. Consideration of the draft resolution on National Institutions
 - c. Discussion concerning the draft ECOSOC resolution
 - d. Any other related matters
7. Consideration and adoption of the report of the Accreditation Sub-Committee
8. Consideration of draft rules of procedure of the Accreditation Sub-Committee
9. Activities of the ICC and National Institutions in 2004
 - a. 7th International Conference of National Institutions
 - b. Reports and plans for Regional Meetings
 - c. Early warning mechanisms
 - d. New matters of consideration for National Institutions in 2004
10. Other business
11. Closing business session

THURSDAY 15 APRIL, 1500-1800

Thematic topic discussion: The New International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities

FRIDAY 16 APRIL, 1000-1300

Thematic topic discussion: Human Rights Education

ADDRESS BY

BERTRAND RAMCHARAN
ACTING UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS



To

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

Geneva, 15 April 2004

Distinguished members of the International Co-ordinating Committee,

Ladies and gentlemen,

I am pleased to open your Annual Meeting held in parallel to the 60th session of the Commission on Human Rights.

Since your last meeting we have gone through a very tumultuous period for the Office and globally. Our late High Commissioner for Human Rights, Sergio Vieira de Mello, who addressed you last year and who asked you, as partners, to meet a number of challenges became a victim of terrorism which now plagues our daily lives. Despite our loss we have held fast to his wish to engage with you as partners. I wish to personally thank all of you who so kindly gave your support to this Office following the tragic death of our leader. And also for giving meaning to his words, by working with us on substantive issues, during the course of the past year.

As many of you know, we will have a new High Commissioner join us very shortly. Indeed, Louise Arbour, joins me in wishing you a successful meeting and I know looks forward to meeting you. The Office of the High Commissioner for Human Rights will continue to support you in your work.

At the core of our support is the international commitment to the establishment and strengthening of effective, independent, pluralist and accessible national institutions, in conformity with the internationally accepted standards - the Paris Principles. I therefore urge this Committee and those institutions with which you are associated to remain vigilant in this regard including through your accreditation process. A failure to represent and re-affirm these standards and ensure that recognized national institutions are in genuine compliance with the Paris Principles could jeopardize the still emerging recognition of your right to participate in the work of the Commission and other United Nations fora.

To commemorate the Tenth Anniversary of the unanimous adoption of the Paris Principles by the United Nations General Assembly on 20 December 1993, the National Institutions Unit convened a roundtable on the Principles and provided small grants enabling national institutions of Albania, Ghana, Haiti, Mauritius, Morocco, the Philippines, Uganda and Zambia to promote the Principles at the national level.

The participants of the roundtable, held in December at OHCHR headquarters in Geneva, included representatives of the ICC, other institutions and the key international NGOs. The reflection, the conclusions of which form a part of the Secretary General's report to the 60th Session of the Commission on Human Rights, reviewed the key issues of independence and the functions and powers of national institutions. The Principles are clearly a basis on which one can build sound, credible institutions for the promotion and protection of human rights which are at the core of national protection systems.

The challenges we raised with you in your last meeting for you to tackle with us included issues concerning migrants, discrimination, women, anti-terrorism legislation and follow up to the recommendations of the Commission on Human Rights. While there remains work to be done what you have achieved in partnership with my colleagues is commendable.

We clearly recognize that national institutions can help lead the way on a number of important human rights issues. In this context, I am particularly pleased that the International Co-ordinating Committee has decided to focus this year on two thematic topics: The New International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities and Human Rights Education, respectively. I welcome this positive development to include substantive discussions in your annual meeting.

I commend you for the work you have already carried out in the field of disability. You engaged with 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. This was done following a series of regional consultations in Costa Rica, Uganda, and India supported by our Office. You have also discussed the possibility of establishing working groups on human rights and disability which we have offered to assist you on. Such a global group established with the assistance of my Office, can help deepen the understanding of disability as a human rights issue and permit for a useful exchange of experiences.

Your other topic, human rights education, is very relevant at a time when the Commission is considering the possibility of declaring another decade and/or requesting the adoption of a new international instrument on human rights education. Under the first Decade for Human Rights Education, which is coming to an end in December this year, national institutions have played a crucial role in developing comprehensive and participatory human rights education strategies, in drawing the attention of governmental and non-governmental actors to the Decade's framework, in conducting human rights education and training activities, and in disseminating information and knowledge on human rights issues. I consider it crucial that national institutions engage in discussions concerning a new human rights education decade and be involved, should a decision be taken to have a new International Convention, in its drafting so that the vast experience and expertise they have developed can be beneficial to all.

In line with the requests made of you last year a number of initiatives have been fulfilled. OHCHR provided support to the national institutions of Fiji, Mexico, Mongolia, Niger, and Venezuela to undertake activities to combat racism in their countries. Support was given for the establishment of a Race Relations Unit in the Fiji Human Rights Commission, for translating educational materials into indigenous languages in Mexico, for protecting the rights of the Tsaatan ethnic minority in Mongolia, for a study into the practice of slavery in the departments of Maradi and Tahoua in Niger, and for providing training on Indigenous Rights and the international human rights instruments in Venezuela. In Auckland in February 2004, OHCHR and the New Zealand Human Rights Commission, co-organized a roundtable of race relations commissioners and/or focal points to discuss issues of common interest.

Representatives of the Ombudsman Offices of the Caribbean met in Kingston, Jamaica, in March 2003 for a workshop on the promotion and protection of reproductive rights. The workshop, convened by OHCHR, UNFPA, and the Inter-American Institute of Human Rights (IIHR) and facilitated by the Caribbean Ombudsman Association (CAROA), gave participants the opportunity to develop a framework for applying human rights concepts to reproductive and sexual health, to discuss critical reproductive health/rights issues within the region, and to assess obstacles and opportunities that women and men face in the exercise of reproductive rights.

In cooperation with the Association for the Prevention of Torture, the National Institutions Unit brought together a number of you at OHCHR headquarters in July 2003 to discuss the Optional Protocol to the Convention against Torture. The proceedings of the seminar will be published shortly.

The Danish Institute for Human Rights and OHCHR's National Institutions Unit co-organized and co-sponsored a roundtable on national human rights institutions and the administration of justice. The roundtable, held in Copenhagen, Denmark in November 2003, drew together representatives of 22 national institutions to exchange experiences on how best to engage with the judiciary. This is an important area of work and we look forward to developing follow-on initiatives with you.

In Africa, OHCHR has entered into partnership with the South Africa-United Kingdom-based non-governmental organization Fahamu in a pilot initiative to provide distance training to African national institutions. The pilot training programme, which includes a CD-ROM based package as well as a seminar to share experiences and best practices and gain further knowledge, will bring together national institutions from Africa. The seminar will be co-hosted by the recently established National Human Rights Commission of Kenya.

The collaboration between national institutions and the United Nations treaty and charter-based bodies (General Assembly, the Commission on Human Rights and its Sub-Commission on the Promotion and Protection of Human Rights) has been considerably strengthened. This is all part of the important role you can play in ensuring that that discussed at the international level translates into reality at the national level.

The National Institutions Unit and the Treaty Body Recommendation Unit within my Office are providing training to a number of institutions through a European Union funded project on the treaty body process and how best to deal with the Concluding Observations of such treaties. A number of treaty bodies are now opening their doors to your reports and observations. I therefore encourage you to seize upon this opportunity both at the national, and where necessary international, levels to engage in the treaty body process as provided for in the Paris Principles. You have a critical role in ensuring the implementation of international human rights treaties at the national level and enhancing the collaboration with Governments and civil society organizations.

Your role as human rights-monitoring bodies is assessed by the Commission on Human Rights and the General Assembly and recognized by the treaty bodies and special procedures mandate. I therefore invite you to pursue a strategic and pro-active role in this international monitoring process, by raising public awareness of the human rights instruments, lobbying for their implementation, and actively monitoring this implementation at the national level.

The treaty bodies can also be your allies. A number of them have called on States parties to provide the necessary resources to your institutions, without compromising your independence. They have also called into question Government interference in your work and therefore can be guarantors of your existence when you might come under attack from Governments.

Another important challenge I hope you will address is increasing co-operation with the members of the Sub-Commission on the Promotion and Protection of Human Rights as well as the Special Procedures mandate holders of the Commission, including both thematic and country mechanisms. At its 55th session, held during July-August 2003, the Sub-Commission determined that national institutions could be accredited to the Sub-Commission in their own right and their representatives may speak for a period of up to five minutes on any substantive agenda item. This was the first time national institutions were accorded such rights. This is appropriate and part of the increasing recognition of a need for you to have a role in international human rights bodies and mechanisms.

Despite these gains, I know that some of you are concerned about the role you play as national institutions in the Commission on Human Rights. We will, together with you and the Bureau of the Commission, continue to explore ways in which this can be strengthened. We want to ensure that whatever initiatives are undertaken are done so with careful reflection so that we can move your participation forward and not in the opposite direction.

Our partnership strategy vis-à-vis national institutions meant a continued emphasis on the establishment and strengthening of your regional networks. We provide support not only for your annual meetings but for substantive initiatives such as the respect for human rights in combating terrorism as recently discussed in Kathmandu and last year in Cartagena; investigation techniques as undertaken for the Sri Lanka Human Rights Commission with the Asia Pacific Forum; and Indigenous People's rights as discussed in March of this year in Merida. Concerning the nascent African Secretariat of National Human Rights Institutions we look forward to its further development and stand ready to discuss with you ways in which we can meaningfully engage with the Secretariat. In Europe, closer links were established with the Office of the Council of Europe's Human Rights Commissioner, which included bilateral consultations and a joint mission was fielded to the Republic of Slovenia in October to provide advice to Slovenia's Human Rights Ombudsman.

This year you will hold your 7th International Conference of National Human Rights Institutions. While a formal decision on its hosting will be taken by your Committee later in your proceedings I would like to commend the potential host, the National Human Rights Commission of the Republic of Korea, in the manner in which it has constructively engaged with your Committee, through its Chair, and my Office in coming up with a forward looking agenda. The International Conference represents a unique opportunity for national institutions from all over the world to meet and exchange experiences and identify future strategies on issues of common concern. The Conference this year will be discussing matters that are of vital importance for the promotion and protection of human rights. The draft agenda includes good governance – of which human rights is a cross-cutting thread; the role of NIs in combating economic, social and cultural rights discrimination; HIV/AIDS; the human rights of migrants; and conflict, terror and human rights. All this under the umbrella of two main sub-themes: globalization and discrimination and state sovereignty and human rights. These issues represent some of the main human rights challenges of this century.

Friends, while the work of national institutions is now on a solid footing within my Office, in large part through the efforts of a small National Institutions Unit, a major issue remains the need for resources to respond to requests from your ever expanding group and related workload. I therefore again call upon you to encourage your Governments to provide appropriate support to my Office in this area. The Unit conceptualizes functions and delivers services to countries, regional and global bodies, and to in-house entities. We hear from you

that there is a need for a specialist national institutions unit to build a body of experience and expertise that is readily drawn upon.

This need is reflected in the fact that last year the unit was in contact with over 70 national institutions during the year, some 20 more than in 2002. Thematic work in the areas of the rights of persons with disabilities, a rights-based approach to development, the prevention of torture, combating racism and HIV/AIDS was also developed further during the year. Advisory missions were fielded to 6 countries and at least 15 governments received information on the Paris Principles and direct advice, at their request, on appropriate constitutional or legislative frameworks for any new national institutions and on the nature, functions, powers and responsibilities of such institutions. The Unit is working on publications related to ESCR, HIV/AIDS, and Minority Rights as well as preparing a CD-Based compilation of national institutions legislation.

Mr. Chairman, let me conclude my address by saluting you warmly and emphasizing the value of your work. It has been a pleasure for me to get to know many of you and see your important work first hand. I was impressed by your interventions of yesterday and encouraged by the meaningful work which is undertaken at the ground level. I wish you all the best in your endeavors.

I thank you Mr. Chairman.

**Statement to the International Co-ordinating Committee, 14th Session
Geneva, 15 April 2004
Mr. Omar AZZIMAN
Chairperson, International Co-ordinating Committee**

GENEVE, 15 AVRIL 2004

Monsieur le Haut Commissaire intérimaire,
Mes Chers Collègues,
Mesdames et Messieurs,

Je voudrais d'abord vous dire la joie et le bonheur que j'éprouve à vous souhaiter à tous la bienvenue à notre session annuelle pour 2004 et le plaisir que j'éprouve à vous retrouver à nouveau à Genève.

En ouvrant cette session du Comité International de Coordination des Institutions Nationales de promotion et de protection des droits de l'Homme, je ne peux m'empêcher d'avoir une pensée émue pour Sergio Vieira de Mello qui, il y a un an, presque jour pour jour, avait assisté avec nous à l'ouverture de la session 2003 et nous avait adressé, dans cette même salle, un message chaleureux d'encouragement et de soutien, message que nous ne sommes pas prêts d'oublier.

C'est avec une grande peine et un immense désarroi que nous avons appris sa brutale disparition dans un horrible attentat alors qu'il assumait une délicate mission diplomatique en Irak. Nous nous souviendrons longtemps de cette personnalité exceptionnelle ainsi que du soutien déterminé qu'il comptait nous apporter au cours de son mandat. La présence aujourd'hui parmi nous de Monsieur Bertrand Ramcharan dont nous connaissons tous les multiples qualités professionnelles et humaines témoigne de la continuité de l'engagement du Haut Commissariat auprès des Institutions Nationales. En votre nom à tous, je tiens à remercier M. Bertrand Ramcharan de sa présence avec nous, de l'attention qu'il consacre au suivi de nos activités et aussi de l'amicale et sympathique réception qu'il nous a offert hier soir. Sans plus tarder, je lui donne donc la parole.

Mesdames et Messieurs,

Nous avons tous appris avec une grande satisfaction la nomination de Mme Louise Arbour à la tête du Haut Commissariat aux Droits de l'Homme et je saisis cette occasion pour rendre hommage à son courage et à la force de ses convictions. Je suis persuadé que Mme Arbour nous apportera son appui et son soutien et contribuera à l'essor de ces acteurs singuliers et dynamiques que sont devenues les institutions nationales des droits de l'Homme.

Pour notre part, nous assurons Mme Arbour que le CIC et la famille des institutions nationales seront toujours à ses côtés pour la soutenir dans l'accomplissement de sa mission.

Mes Chers Collègues,
Mesdames et Messieurs,

Depuis l'année dernière, le Comité International de Coordination, dont le Conseil Consultatif des Droits de l'Homme du Royaume du Maroc a assuré la Présidence, durant trois années consécutives, a mené un certain nombre d'activités - dont la plupart figure à l'ordre du jour de ces deux journées - tant pour consolider et renforcer le processus d'institutionnalisation de notre groupement que pour mieux le faire connaître.

Je me propose de vous rappeler brièvement l'essentiel de ce qui a été accompli.

Je commencerai par la question de notre participation à l'ECOSOC.

Dans le cadre de la mission qui a été confiée à la Présidence, la question du statut du CIC auprès de l'ECOSOC, a fait l'objet de consultations, menées au début de cette année à New York, par un membre du Conseil Consultatif des Droits de l'Homme, en l'occurrence Mme Halima EMBAREK WARZAZI qui vient d'être élue membre de la sous-commission des Nations Unies aux droits de l'Homme.

Mme WARZAZI, qui a eu des contacts très instructifs avec le Président de l'ECOSOC et plusieurs membres de ce Conseil, s'est attelée à étudier la possibilité d'un statut pour le CIC auprès de cet organisme des Nations-Unies ; elle nous présentera ses conclusions lors de la discussion concernant ce sujet.

J'évoquerai ensuite le projet de Règlement intérieur du Sous-comité d'accréditation des Institutions Nationales, qui sera discuté et, je l'espère approuvé au cours de cette réunion, et dont le projet a été présenté par la Commission Nationale Consultative des Droits de l'Homme de France, Présidente du Groupe Européen. Un avant-projet de Règlement des groupes régionaux a aussi été élaboré par la même commission française.

La Présidence a, par ailleurs, eu également des entretiens, échangé plusieurs correspondances, puis reçu à Rabat, M. le Président de la Commission Nationale des Droits de l'Homme de Corée, ainsi qu'une importante délégation, afin de discuter de la 7^{ème} Conférence Internationale des Institutions Nationales projetée pour septembre prochain à Séoul. Cette question figure aussi à l'ordre du jour de notre réunion et nous avons à en débattre.

Enfin, la Présidence a eu l'occasion de prendre part à quelques rencontres internationales, dont en particulier la Table-ronde sur « les Principes de Paris: une réflexion », qui s'est tenu à Genève en décembre 2003, à l'occasion du 10^{ème} anniversaire de l'adoption de ces principes directeurs des Institutions Nationales. Sur le plan régional, elle a pris part à la dernière réunion du Comité Africain de Coordination des Institutions Nationales, à Johannesburg, en Afrique du Sud, et a participé à la préparation des rencontres à venir dans les autres régions.

Chers Collègues,

Cette session du CIC se distingue des sessions précédentes parce que nous entendons cette fois-ci consacrer une partie de notre temps à l'examen de questions thématiques d'intérêt général.

Il sera en effet question de la nouvelle convention internationale pour la promotion et la protection des droits et de la dignité des handicapés, ainsi que de l'éducation aux droits de l'homme. Ce sont là deux questions essentielles pour la promotion et la protection des droits de l'homme et la promotion des valeurs démocratiques.

Je note d'ailleurs que l'éducation aux droits de l'homme était aussi à l'ordre du jour du Conseil d'Administration de l'Association francophone des commissions nationales des droits de l'homme et je sais que plusieurs Institutions Nationales ont pris des initiatives particulièrement intéressantes dans ce domaine, c'est le cas de la Commission du Rwanda et c'est aussi le cas du Conseil Consultatif des Droits de l'homme du Maroc, dont l'expérience en la matière nous sera présentée demain.

Nous prendrons connaissance, lors de nos travaux, des rapports et des prochaines réunions régionales et internationales, du mécanisme d'alerte rapide et des nouveaux sujets à examiner par les Institutions Nationales en 2004. Nous aurons aussi l'occasion d'entendre les représentants des Institutions Nationales, présentes à cette session, sur d'autres questions ainsi que sur certains aspects de coopération régionale. Je voudrais, à cet égard, saluer la mise en place récente du Secrétariat des Institutions Nationales Africaines, installé à Johannesburg, en Afrique du Sud.

A cette occasion, peut-être pourrions-nous évoquer la question des rapports élaborés par les institutions nationales. Il me semble en effet qu'une demande s'exprime en faveur de rapports qui ne se limitent pas à décrire la liste des activités accomplies, mais qui contiennent aussi une analyse critique et une évaluation de la situation des droits de l'homme sur le plan national.

Le programme de notre session est donc chargé. Ce qui témoigne sans doute du dynamisme de notre groupement et du renforcement de la coopération entre les Institutions Nationales.

Il faut aussi signaler qu'en marge de cette session, de nombreuses réunions thématiques sont organisées. Je citerai celle consacrée à la discussion sur « les meilleures pratiques de coopération des ONG et des Institutions Nationales » et celle sur « les Droits de l'homme dans la région Asie-Pacifique », organisées conjointement par le Gouvernement d'Australie et le Haut Commissariat des Nations Unies aux Droits de l'homme sans parler des réunions des quatre groupes régionaux (Afrique – Amériques – Asie-Pacifique – Europe).

A propos des réunions des groupes régionaux, je voudrais vous signaler que depuis février dernier, la Commission Africaine entend assurer une meilleure prise en compte des droits économiques, sociaux et culturels pour ne plus en faire les parents pauvres des droits de l'Homme.

Je pense que cette initiative parfaitement louable et opportune mérite d'être soutenue (et le cas échéant partagée) par l'ensemble de la famille des Institutions Nationales.

Malgré tous ces efforts, le CIC et les Institutions Nationales elles-mêmes restent méconnues ou mal connues. Nous devons donc redoubler d'efforts, individuellement et collectivement, pour y remédier. A titre d'exemple, lors du « premier séminaire des présidents et membres des instances parlementaires des droits de l'homme », tenu ici à Genève en février dernier, le nombre impressionnant de questions qui ont été posées concernant les Institutions Nationales, leur statut, leur rôle... démontre que même ceux (les

parlementaires du monde entier, membres de l'Union) qui s'intéressent à nous et qui devraient être nos partenaires dans plusieurs domaines ne sont pas toujours au fait de notre positionnement institutionnel, de nos missions et encore moins de nos travaux.

Monsieur le Haut Commissaire,
Mes Chers Collègues,
Mesdames et Messieurs,

Avant de terminer mon propos et de me retirer pour l'élection du président, je compte donc sur votre sagesse et votre coopération pour mener à bien notre programme et remercie en votre nom, toutes celles et tous ceux qui, avec dévouement et intelligence, ont accompli un travail remarquable pour renforcer nos structures et fortifier notre groupement.

Je voudrais remercier aussi les coordonnateurs des groupes régionaux et l'équipe des Institutions Nationales du Haut Commissariat avec à sa tête notre ami M. Nowosad. Je tiens à remercier également le Vice-Président du CIC, le Dr. José Luis SOBERANEZ trouve ici l'expression de ma reconnaissance.

Enfin, j'adresse mes plus vifs remerciements à toutes celles et à tous ceux qui, nombreux, ont apporté leur aide et leur soutien à la présidence dans l'accomplissement de sa mission.

Je vous remercie de votre attention.

**Resolution on national institutions adopted by consensus by the
Commission on Human Rights at its 60th session,
21 April 2004**

**National institutions for the promotion and protection of human rights
Commission on Human Rights resolution 2004/75**

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 (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, 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 the Programme of Action 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,

Welcoming also 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 with appreciation efforts to strengthen regional human rights networks in Europe and Africa, the continuing work of the Network of National Human Rights Institutions of the Americas, including workshops held in Cartagena, Colombia, in September 2003 and in Merida, Mexico, in March 2004, and the work of the Asia Pacific Forum of National Human Rights Institutions, including the holding of their eighth annual meeting and third session of the Advisory Council of Jurists in Kathmandu in February 2004,

Noting the conclusions and programme of action adopted at the 12th Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian and Pacific Region held in Doha in March 2004 with regard to the role of national institutions (see E/CN.4/2004/89),

Welcoming the call of the 12th Regional Workshop for the Office of the High Commissioner for Human Rights to support a subregional workshop for the Arab Region on national human rights protection systems, including national human rights institutions,

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 Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) annexed to General Assembly resolution 48/134 of 20 December 1993;

2. *Reiterates* the continued importance of the Paris Principles, recognizes the value of further strengthening their application and encourages States, national institutions and other interested parties to consider ways to achieve this and, in this context, welcomes the holding of the round table “The Paris Principles: a reflection” in Geneva in December 2003 with members of the International Coordinating Committee of National Institutions and civil society;

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 potentially 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 active participation of national human rights institutions in the International Race Relations Round Table, held in Auckland, New Zealand, in February 2004;

(b) The Round Table on National Human Rights Institutions and the Administration of Justice, held in Copenhagen in November 2003;

(c) Plans for similar round tables regarding good governance, gender-based discrimination and migration to be held in 2004;

9. *Also welcomes* the practice of national institutions which conform with the Paris Principles of participating in an appropriate manner in their own right in meetings of the Commission and its subsidiary bodies;

10. *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;

11. *Also welcomes* the active attention paid to the issue of disability by national institutions, including through the holding of workshops for national institutions held in San Jose in March 2003, in New Delhi in May 2003, and in Kampala in June 2003, and also welcomes their continued contribution in their independent capacity to the work of the Ad Hoc Committee established pursuant to General Assembly resolution 56/168 of 19 December 2001;

12. *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;

13. *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 United Nations Decade for Human Rights Education, 1995-2004, and calls upon all existing national institutions to implement human rights education training programmes across all relevant sectors of society;

14. *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 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;

15. *Welcomes* efforts, through the Secretary-General's action 2 programme, 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;

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

17. *Welcomes* the important role of the International Coordinating Committee of National Institutions, 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;

18. *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;

19. *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;

20. *Welcomes* the report of the Secretary-General (E/CN.4/2004/101) and requests him to report to the Commission at its sixty-first session on the implementation of the present resolution and on ways and means to enhance participation of national human rights institutions in the work of the Commission, to enable them to continue to contribute substantially to the work of the Commission by passing on their expert knowledge and practical experience in human rights matters;

21. *Decides* to continue its consideration of this question at its sixty-first session.

58th meeting
21 April 2004
[Adopted without a vote]

**INTERNATIONAL COORDINATION COMMITTEE OF
NATIONAL HUMAN RIGHTS INSTITUTIONS
FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS
14th Session, Geneva, 15-16 April 2004**

Report and Recommendations from the Sub-Committee on Accreditation

INTRODUCTION

In accordance with the Rules of Procedure of the International Coordination Committee of Nations Institutions for the Promotion and Protection of Human Rights, the Sub-Committee on Accreditation (“the Committee”) has the mandate to review and analyze accreditation applications forwarded by the ICC Chairperson and to make recommendations to ICC members on the compliance of applicants with the Paris Principles.

The national institutions of Canada, Denmark, Fiji, and Uganda, as members of the Sub-Committee on Accreditation and representing their respective regions, met on 13 and 14 April 2004. The Office of the United Nations High Commissioner for Human Rights participated as a permanent observer and in its capacity as Secretariat of the ICC. The Committee considered the accreditation applications from the national institutions of Albania, Bosnia and Herzegovina, Ireland, the Netherlands, Norway, Republic of Korea and Thailand. While the latter two applications were new, others were being reviewed as they had been presented in previous years.

In accordance with the Paris Principles and the ICC Rules of Procedures, 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.

After considering all applications, the Sub-Committee presents this report, which includes a summary of discussions and recommendation, followed by further background information as appropriate.

SUMMARY OF DISCUSSION AND RECOMMENDATIONS

National Institution	Year(s) reviewed	Recommendation	Comments
Europe			
Albania (<i>Institution for the People's Advocate of Albania</i>)	2003 (A (R)) 2004	A (remove reserve)	In compliance with the Paris Principles.
Bosnia-Herzegovina (<i>Human Rights Ombudsman of Bosnia and Herzegovina</i>)	2001 (A(R)) 2002 (A (R)) 2003 (A (R)) 2004	A (remove reserve)	In compliance with the Paris Principles.
Ireland (<i>Human Rights Commission of the Republic of Ireland</i>)	2002 (A (R)) 2003 (A (R)) 2004	A (remove reserve)	In compliance with the Paris Principles. Need for progress report in 2005 on the implementation of recommendations.
Netherlands (<i>The Netherlands Equal Treatment Commission</i>)	1999 (B)	B (no change)	Not fully in compliance. Need for progress report in 2005 addressing concerns.
Norway (<i>Norwegian Centre for Human Rights</i>)	2003 (A (R)) 2004	A (R) (no change)	Not fully in compliance. Need for progress report in 2005 addressing concerns.
Asia-Pacific			
Republic of Korea (<i>National Human Rights Commission of the Republic of Korea</i>)	New	A	In compliance with the Paris Principles.
Thailand (<i>National Human Rights Commission of Thailand</i>)	New	A	In compliance with the Paris Principles.

REVIEW OF APPLICATIONS

Europe

Albania

Recommendation: A (remove reserve)

In 2003, the Institution of Ombudsman of Albania was granted the accreditation status A with reserve. While the Institution had provided most relevant documents, the Sub-Committee indicated that the Institution should submit an activity report that would reflect at least one year of activity. The Institution of Ombudsman of Albania submitted in 2004 a report of activities for the year 2003 to the ICC Chairperson. After consideration of this annual report, the Sub-Committee believes the Institution is in compliance with the Paris Principles. The Committee recommends that the ICC removes its reserve on the accreditation of the Institution and that it be granted a status A accreditation.

Bosnia and Herzegovina

Recommendation: A (remove reserve)

In 2001, 2002 and 2003, the ICC Sub-Committee on Accreditation granted the accreditation status A with reserve to the Human Rights Ombudsman of Bosnia and Herzegovina (BiH), due to the fact that no annual reports had been submitted. The Ombudsman of BiH submitted in 2004 reports of activities for the years 2000-2003 to the ICC Chairperson. After consideration of these reports, as well as the BiH Ombudsman Law (03 January 2001), the Sub-Committee believes the Ombudsman is in compliance with the Paris Principles. The Committee recommends that the ICC removes its reserve on the accreditation status of the Ombudsman and that it be granted a status A accreditation.

Ireland

**Recommendation: A (remove reserve)
With follow-up**

In 2002, the Human Rights Commission of the Republic of Ireland was accredited status A with reserve. The reserve was maintained in 2003 due to the absence of an annual report. In 2004, the Commission submitted an annual report for 2002-2003, as well as a Strategic Plan for 2003-2006. After consideration of these documents, the Sub-Committee believes the Commission is in compliance with the Paris Principles. The Committee recommends that the ICC removes its reserve on the accreditation status of the Commission and that it be granted a status A accreditation. However, in its annual report, the Human Rights Commission raises many key issues (attribution of budget, nomination of staff, etc) that will have an impact on its functioning and that are being addressed with the Government. The Sub-Committee therefore also recommends that the Commission submit to the ICC Chairperson in 2005 a progress report on the implementation of recommendations outlined in its annual report. It is further recommended that the ICC Chairperson correspond with the Commission with a view to providing more detailed information on these considerations and steps that need be taken to ensure that the Commission remains in compliance with the Paris Principles.

The Netherlands

**Recommendation: B (no change)
With follow-up**

The Netherlands Equal Opportunity Commission was granted status B accreditation in 1999, due to its narrow equal treatment mandate and the absence of supporting documentation. In 2004, the Commission applied for Accreditation status A, submitting its accreditation grid,

enabling legislation, annual report and budget and other supporting documents. In these documents, the Commission indicates concerns over its lack of autonomy from the Ministry of Justice. Furthermore, we note the indication of various potential changes in its national environment, such as the ongoing discussion with the Government on the establishment of an institution with a broad human rights mandate, keeping in mind that each country can only have one fully accredited national institution. In light of these considerations, the Sub-Committee believes the Commission is not in full compliance with the Paris Principles. The Committee recommends that the ICC maintain the status B accreditation, and that the Commission submit a progress report on these issues in 2005. It is further recommended that the ICC Chairperson correspond with the Commission with a view to providing more detailed information on these considerations and steps that need be taken to ensure that the Commission is in compliance with the Paris Principles.

Norway

**Recommendation: A (R) (no change)
With follow-up**

The Norwegian Center for Human Rights was granted accreditation status A with reserve in 2003. This decision was based on various concerns, including: lack of annual report of activity; the fact that the Center lacks pluralism in its governing body, in particular with respect to the representation of civil society; the fact that the Center 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 ICC. After consideration of the annual report and other information submitted, the Sub-Committee believes the Center is not in full compliance with the Paris Principles. The Committee believes that the concerns of the ICC have not been addressed, and that no substantial changes in this area have taken place. In light of these considerations, the Sub-Committee therefore recommends that the ICC maintain the status A (R) accreditation, and that the Center submit further clarifications in 2005. It is further recommended that the Chair of the ICC correspond with the Center with a view to providing more detailed information on these considerations and steps that need be taken to ensure that the Center be granted full status A accreditation.

Asia-Pacific

Republic of Korea

Recommendation: A

The National Human Rights Commission of the Republic of Korea submitted a new application in 2004, along with relevant supporting documents, including enabling legislation, annual report and budget, and accreditation grid. After consideration of these documents, the Sub-Committee believes the Commission is in compliance with the Paris Principles. The Committee recommends that the ICC grant a status A accreditation to the Human Rights Commission of the Republic of Korea.

Thailand

Recommendation: A

The National Human Rights Commission of Thailand submitted a new application in 2004, along with relevant supporting documents, including enabling legislation, annual report and budget, and accreditation grid. After consideration of these documents, the Sub-Committee believes the Commission is in compliance with the Paris Principles. The Committee recommends that the ICC grant a status A accreditation to the Human Rights Commission of Thailand.

CONCLUSION

The Sub-Committee on Accreditation submits this report with recommendations to ICC members for their consideration and approval. The Committee further recommends, as outlined above, that the ICC Chairperson correspond with the national institutions of Ireland, Netherlands and Norway, with a view to providing more detailed information on considerations and concerns pertaining to their applications, as well as to outline steps that would be required to ensure that their national institution remains or is in compliance with the Paris Principles. The Office of the UN High Commissioner for Human Rights and the members of the Sub-Committee on Accreditation will provide support to the ICC Chairperson in implementing this recommendation.

Finally, the members of the Sub-Committee on Accreditation would like to express their deepest appreciation for the exceptional support provided by the National Institution Unit at the OHCHR in preparing for the meeting of the Committee, in distributing relevant documents to members, in ensuring close communications between members and in providing technical advice to the Committee during its deliberation.

Thematic Discussion: The new International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities

During the International Coordinating Committee's (ICC) thematic discussion on human rights and disabilities, the important role played by National Institutions (NIs) in promoting and protecting the rights of persons with disabilities was recognised. It was stressed that the rights of persons with disabilities should not be intended as referring only to social and economic rights, but instead as encompassing all rights, including civil and political. The need to look at issues of equal opportunity, inclusive education and empowerment was highlighted.

The main themes raised by representatives of NIs and panellists included:

- The existing legal framework and the elaboration of a new instrument
- Participation in the drafting process, monitoring and accountability
- Regional approaches and consultations
- Issues of concern and the role of NIs

The existing legal framework and the elaboration of a new instrument

The NIs' Representative in the Ad Hoc Committee on a Comprehensive and Integral International Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, Charlotte McClain-Nhlapa, asserted that despite the various legal instruments in place to protect the rights of persons with disabilities, the latter continue to be marginalised. She appealed for a certain level of realism in analysing the process of drafting of a new Convention. In this context, since the Convention would not be adopted in the short term, it would be important to adopt a twin track approach, promoting the adoption of a new Convention as well as the implementation of already existing instruments relevant to the rights of persons with disabilities. With regard to economic, social and cultural rights it was stressed that NIs should work towards their progressive realisation and that 'progressive realisation' should not be confused with 'non-action'.

The representative from the National Commission for Human Rights of Greece mentioned that NIs have a critical role to play in the promotion of compliance of national legislation with international obligations. The Commission of Greece had been assessing the compatibility of national legislation with international provisions relevant to persons with disabilities.

The representative of the Nigerian Human Rights Commission questioned the relevance of a special convention on the rights of persons with disabilities. The National Human Rights Commission of India was of the firm view that a binding instrument was vital to address the protection of the rights of persons with disabilities. With regard to the existing draft it was stressed that it would prove to be useful for NIs to deliberate on its footnotes and provide their recommendations on unresolved issues. It was proposed that NIs compile a list of domestic and international jurisprudence on matters specific to disability rights.

Participation in the drafting process, monitoring and accountability

NIs were recognised as important active participants in the development of the new international instrument for the protection of the rights of persons with disabilities. Ms. Charlotte McClain-Nhlapa stressed that it was vital to have, within the new convention, a proper monitoring tool, with the role of NIs being regarded as acutely important. NIs could be specifically designated as monitoring bodies. This process would require an increased collaboration by NIs with state parties, including working directly with persons with disabilities. By acknowledging the fact that the relationship with persons with disabilities needed to be harnessed, NIs were urged to develop expertise in area of persons with disabilities.

The OHCHR Focal Point on Human Rights and Disability asserted that NIs could play a crucial role in addressing issues of disabilities. State Party reports to the various treaty bodies do not comment on issues of persons with disabilities. NIs could contribute this dimension to the debate. The experience of NIs would prove to be very important in assessing remedial approaches and alternative settlement methods.

It was pointed out that the debate on the issue of close monitoring would remain a difficult one. The new treaty on disability was being negotiated only partly by experts on disability and human rights issues. The experience of NIs that had already worked on areas of disability and human rights would be fundamental and most welcome. The new Convention should provide a mechanism for effective monitoring.

In this context, it would be imperative for further discussions to take into account the proposals of the Secretary-General regarding the examination of adjustment of reporting procedures. Additionally, the importance of the new treaty to insist on international monitoring and accountability at the international as well as the national level was emphasised. Likewise, it would prove essential to consider the ways in which a new mechanism could complement existing ones.

Some representatives of NIs, including from Morocco, Switzerland and Uganda expressed the opinion that NIs would prove to be vital in monitoring government compliance on issues of disabilities and ensuring that legislation brought forward respects the rights of persons with disabilities. NIs would have to analyze the significance of the new convention for persons with disabilities and the ways in which the convention could be fully implemented, including through promotion of its contents, monitoring and counselling. NIs should also have follow-up and monitoring mechanisms in place.

Regional Approaches and Consultations

From across all geographic regions, with support from OHCHR, NIs had consulted and discussed international mechanisms already in place for the protection of the rights of persons with disabilities. Charlotte McClain-Nhlapa noted that the issues raised with respect to human rights and disabilities were very similar in all parts of the world. Further regional feedback on the process and on the draft would prove very useful.

Some NIs expressed concern at the lack of resources to follow-up closely on disability issues and on the process of drafting the Convention. It was therefore suggested by the NI of Morocco that a closer look at the process of cooperation among NIs be taken, with a view to

distributing tasks and ensuring rotation or division of work based on specific areas of interests or concerns.

Cooperation among members of the Asia Pacific Forum (APF) was mentioned as a good practice. A working group had been established in the region to provide inputs to the NI Representative in the Ad Hoc Committee. The importance of sharing experience with other regional groups was stressed and it was suggested that a meeting be scheduled of all representatives attending the Ad Hoc Committee prior to the meeting.

Issues of Concern and the Role of NIs

Charlotte McClain-Nhlapa spoke about the existence of cultural practices that bear a negative impact on persons with disabilities. There was an increasingly urban myth concerning persons with disabilities. Consequently, increased attention should be paid to reports that address discrimination of persons with disabilities and international instruments that address such issues.

The National Commission for Human Rights of Greece asserted that NIs should additionally be aware of the issue of double discrimination. The representative quoted the example of being a woman *and* being disabled. Likewise, the Human Rights Commission of Ireland stated that it was in the process of preparing a parallel report on the Convention on the Elimination of Discrimination against Women and its application in the Irish context. The report has also focused on issues related to women with disabilities.

The representative of the Mexican Human Rights Commission reported that OHCHR, in collaboration with the Swiss Government, has supported the publication of pamphlets in brail. The institution was enabled to hear complaints of persons with disabilities and had sought to work with a system of protection, paving the way for further developments. Similarly, the Uganda Human Rights Commission suggested finding redress by investigating violations committed against persons with disabilities.

The Uganda Human Rights Commission called for the adoption of a different approach when dealing with disability issues. It was argued that awareness raising should not be restricted to people with disabilities, but should go beyond this group to include policy-makers and the population at large. That strategy could provide a tool for attitudinal change. The National Commission for Human Rights of Greece stressed the importance of education to further sensitise the population on disability related issues.

Thematic Discussion: Human Rights Education

During the International Coordinating Committee's (ICC) thematic discussion on Human Rights Education (HRE), the important role played by National Human Rights Institutions (NIs) in promoting HRE was reaffirmed. The panel included the Special Rapporteur of the Commission on Human Rights on the Right to Education, Dr. Katarina Tomasevski, Dr. Shaista Shameem of the Fiji Human Rights Commission, Mrs. Rosslyn Noonan of the New Zealand Human Rights Commission, and Ms. Elena Ippoliti of OHCHR. The panel and representatives from various NIs contributed to the discussion by providing their experience and expertise in the field of HRE. The main themes raised included:

- Language and cultural specificities
- Education, targeted training and awareness raising
- Methodology, United Nation's assistance and monitoring
- Power of the media and Government cooperation
- Obstacles and concluding remarks

Dr. Tomasevski drew the attention of participants to the results of a questionnaire on human rights (HR) which revealed that up to 99 percent of teachers and students were neither aware of the Universal Declaration of Human Rights, nor of the United Nations Decade for Human Rights Education. She asserted that HRE has a tendency to be education *about* human rights, and not yet *of* people who have rights, therefore making human rights a distant reality. Dr. Tomasevski asserted that one major strength of NIs is their power to translate international human rights law at the national level. A further role of NIs is to act as preventive mechanisms, instead of responding after the occurrence of HR violations. By knowing when, why and how HR violations have taken place, NIs can work towards mobilising the population to establish effective preventive strategies. Dr. Tomasevski stated that NIs should not be over-dominated by lawyers, but by individuals in the field who are confronting HR issues daily. She identified the following obstacles as impeding HRE:

- HRE activities are not recognised as legitimate activities respected and practised worldwide;
- Government representatives do not constitute the best educators as they have not always received previous formal professional training on HR. In this regard, cooperation between NIs is strongly encouraged; and
- A lack of translation of the language of HR into local languages.

Language and cultural specificities

The Special Rapporteur focussed on the need to translate Anglo-American texts into national teaching languages. She asserted that this could be one avenue to eliminate the fact that HRE tends to be viewed as an alien concept imposed by the international community. Examples of translation of texts included those of the Government of Rwanda which has been encouraged to ratify all the international instruments into the local mother tongue to ensure a broader access to information given the fact that a number of people are not familiar with HR principles in Rwanda. Similarly, in India steps have been taken by the National Human Rights Commission to translate HR declarations into local languages. The National Human Rights Commission of Greece and OHCHR have started a joint project on international HR

standards, aimed at specific groups such as the police. The project document has been translated and forwarded to the Ministry for Public Order. The latter has agreed to finance the creation of 5000 manuals that have been distributed to members of the police who are attending courses or training academies. 50,000 extra manuals are expected to be published and distributed to the entire police force.

The representative of the Palestinian Independent Commission for Citizens Rights stated that, in order for HRE to be effective, one has to look at the current national and cultural context and include all authorities present, for example, the Palestinian Authority. The Swiss Commission Fédérale Contre le Racisme argued that placing issues into context is fundamental in working towards the promotion and protection of HR.

Education, targeted training and awareness raising

The panellist from the Fiji Human Rights Commission argued that its action plan constituted a comprehensive lifelong process where individuals from all strata of society were involved. By making children and adults aware of their sense of citizenship, they will also be made aware of their HR. The Commission concluded that, although its government could not be relied upon in the development of the HRE action plan, it hoped that it would eventually adopt it. Furthermore, in Greece, the Ministry of Education was set to play a pivotal role by including HRE in the educational curriculum. In this context, representatives from various NIs noted that revision of the content of the formal educational curriculum was crucial in an effort to thereby integrate HRE. It was noted that this process is being carried out in India, Greece, Morocco, Rwanda, Switzerland and Tunisia.

As a good practice, it was noted that the Fiji Human Rights Commission and the Fiji National Security Forces had partnered together to focus on targeted HRE training for the army and police. The *National Security and Human Rights* handbook was produced in collaboration with the army, the navy and the police highlighting that it was critical that these forces maintain a balance between the need for security and respect of HR. In Tunisia, teachers were invited to attend annual training courses to learn new methods of teaching and the Tunisian Ministry of Interior and Local Development is presently working on developing awareness on HR among various officials. On this note, the representative from the Rwanda National Commission for Human Rights stated that for HRE to be effective, people should be trained according to their areas of responsibility, for example, the police force, the military, prison directors and journalists. In Togo, for example, a number of teachers have been trained by a school in Geneva that provides a nucleus for the training of trainers. Likewise, the Danish Institute for Human Rights has been involved in training of the military, the police, judges and civil servants.

In India, specific groups such as persons with disabilities, women and children, the Dalits and other marginalised groups have been subjects trained on HR. The National Human Rights Commission of India has provided midday school meals to people below the poverty line enabling them to access schools. In this regard, the Commission noted that while knowledge of HR is important without access, obtaining such knowledge is rendered difficult. The Commission also published a number of books and reports on the question of HR and took steps to translate HR declarations into local languages. The Commission additionally assured that village councils had translated international HR documents into their respective regional languages.

The panellist from the New Zealand Human Rights Commission referred to the extensive review of HRE which is being undertaken in her country. It was argued that projects based on HRE aim at community transformation in the long run. The New Zealand Human Rights Commission has also sought to link HRE programs with the formal tertiary system, a technique which is also being adopted in Greece, Tunisia, and Venezuela, Greece, Tunisia and being considered by the National Commission of Rwanda.

The representative from the Palestinian Independent Commission for Citizens Rights highlighted the relationship between HRE and democracy. In this context, the representative of the Fiji Human Rights Commission asserted that HRE addresses protection, good governance and the rule of law.

The representative from the Conseil Consultatif des droits de l'homme of Morocco noted that in Morocco, the education curriculum has been structured to incorporate the teaching of human rights in history, geography, Islamic thought, philosophy, and Arabic and French courses. Consequently, the Moroccan Minister of Education has undertaken a number of initiatives to promote HRE, such as the screening of texts that contradict HR values and the distribution to all stakeholders of copies of all of the international commitments made by Morocco in terms of ratification of HR instruments. The representative from the Philippines Commission on Human Rights noted that a similar method of integrating HRE in elementary and secondary schools had been adopted. In an aim to promote the learning of HR, the representative from the National Human Rights Commission of India commented on the fact that law schools have introduced distance learning in this regard. Similarly, in Venezuela, alliances have been developed with the government and agreements have been signed with universities in the region on distance learning in an aim to disseminate knowledge on HR in the remote parts of the country.

In Rwanda and Fiji, leaflets, brochures and a handbook on HRE have been prepared. The representative from Tunisia stated that her institution has set up a progress report on training and raising public awareness on HR. Likewise, in India, seminars and symposia are being conducted by the National Human Rights Commission to address the issue of HRE.

Regarding information, Dr. Tomasevski called for the identification and elimination of anti-HR messages as well as content control of materials; a task which could be undertaken by NIs.

Methodology, UN assistance & monitoring

The OHCHR focal point on HRE provided a number of technical suggestions with regard to the enhancement and implementation of HRE by countries. These would include a need to:

- (i) Undertake an assessment on the relevance of the decade on HRE;
- (ii) Organise events to act as an impetus for coming years;
- (iii) Organise programs focusing on specific sectors;
- (iv) Raise awareness at the national level;
- (v) Influence the government to shape the contents and guidelines of HRE;
- (vi) Share materials developed with other HR actors;
- (vii) Develop an online database on HR training containing materials developed by all institutions, with a quick-search on target groups;

- (viii) Distribute a list of comprehensive training materials specific to the audience being trained;
- (ix) Adopt, contextualise and translate training materials into relevant languages.

Examples of applied methodology were provided by NIs that have already implemented HRE in their activities. Basic approaches adopted by the Fiji Human Rights Commission including a HR Action Plan were: establishing a Committee; conducting a baseline study; setting priorities (target groups and priority areas); developing the Action Plan; implementing the Action Plan as well as reviewing, revising and evaluating the Action Plan. Questionnaires were developed to assess the situation of HRE in Fiji and submissions were received from a number of substantive groups including civil society.

The Human Rights Commission of Fiji suggested ways that the UN can be of assistance and called for support in terms of funding and recognition of the Fiji Action Plan. It was also stated that NIs should aim at establishing a more effective system of coordination with NGOs and UN Agencies such as UNESCO or UNIFEM. Dr. Tomasevski focussed on regional exchange of programs, citing the example of regional networks in Latin America which have developed HRE indicators. The National Human Rights Institution of India affirmed the need for OHCHR to offer its assistance to facilitate cooperation among countries. The Commission consequently called for capacity building in the field of HR in order to develop the necessary skills.

The Commission Nationale Consultative des droits de l'homme of France commented on the issue of developing a method of stocktaking of the achievements and failures of the HRE decade. In this regard, Dr. Tomasevski pleaded for the inclusion of "Worst Practices", along with those of "Best Practices". The representative from the Comité Supérieur des droits de l'homme et des Libertés Fondamentales of Tunisia proposed that a new Convention of HRE be established that would have a monitoring mechanism.

Power of the media and Government cooperation

The representative from the Conseil Consultatif des droits de l'homme of Morocco asserted that the Ministry of Education has taken the initiative to set up a council for the promotion of the culture of HR. Subsequently, an audio visual program that can address "every-day" people and take into account their specificities has been developed. In this sense, the representative from Palestinian Independent Commission for Citizens Rights stated that the media could play an important role in disseminating information on HR and contribute in broadening accessibility to people living in remote areas and vulnerable groups. The National Commission for Human Rights of Greece has targeted the population through the media. Although this has proved to be a costly initiative, the national television station has agreed to assist the Greek Commission in hosting the program.

The panellist from the Fiji Human Rights Commission stated that HRE was considered subversive by the Government and seen as potentially affecting political power structures. The Fiji Human Rights Commission faced a misunderstanding by the Government of the concept of HRE. The Government maintained that a civic education plan was already established and that the project of the Fiji Human Rights Commission would interfere with Government plans. This led to a conflict of opinions between partners and regional UN organisations. The representative noted the importance of making UNDP aware of the difference between HR and civic education.

On the other hand, the representative of the Philippines Commission on Human Rights commented on its initiative in setting up a project that would integrate HRE in elementary and secondary schools. She stated that there has been a memorandum of understanding between the Commission and the Department of Education on sharing costs and resources so that the latter gained a sense of ownership of the project. Similarly, the Defensoría del Pueblo of Venezuela commented on the fact that it was presently working with the Ministry of Education in the spirit of resource sharing.

Furthermore, the National Human Rights Commission of Greece stated that, despite the fact that it bears a consultative status with no allocated budget for conducting programs, the work has been divided into a number of working groups, each examining different aspects of HR (for example, dissemination of education in close cooperation with the Ministry of Education) and implementing projects.

The representative of the Fiji Human Rights Commission offered a number of ways to introduce HRE in the national context, as it had previously put forth in its Action Plan. She called for a comprehensive review of the constitution of Fiji with an aim to identify the existence of any legal mechanisms in place with respect to HR. It was then suggested that there should be a discussion on the effectiveness and relevance of international HR conventions in the particular context of HRE. The Commission congratulated the Special Rapporteur for her work in developing a whole range of educational materials. Subsequently, the representative commented that its Action Plan gave an overview of the United Nations system, the Universal Declaration of Human Rights and the various Human Rights Treaty Body Committees as well as the protection mechanisms in place.

Obstacles and concluding remarks

The representative from the Danish Institute for Human Rights provided a brief summary of other obstacles faced by Denmark in furthering the effective implementation of HRE. He stated that the conceptual framework is deeply rooted in the Scandinavian welfare state model where the state is seen as a service provider. This is reflected in the way that HRE is seen as being imposed. There was also a prevailing feeling in Scandinavia that Scandinavians have not experienced gross HR violations. This view projects the image that Denmark is fulfilling all its HR obligations, yet there is persistent discrimination with regards to women, children and other marginalised groups.

Dr. Tomasevski argued that states could be seen as both protectors and violators of HR, which can prove to be an important challenge to HRE and for NIs. Priority areas for action by NIs include:

- An analysis of textbooks to eliminate all notions that contradict HR;
- A stocktaking on activities being carried out on HRE;
- Increasing the visibility of HRE in their country; and
- Encouraging the translation of information into national languages and its dissemination at the national level. This should also be taken as an opportunity to assess how activities undertaken are being translated at the national level.

To conclude, Dr. Tomasevski stressed the need for governments to enhance support to NIs. OHCHR's HRE focal point asserted that it was critical for NIs to act as a catalyst to bring together HR actors, governments and NGOs on a HRE platform.

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15 and 16 April 2004 - Geneva, Switzerland

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