



**CHAIRPERSON**  
THE INTERNATIONAL CO-ORDINATING COMMITTEE  
OF NATIONAL HUMAN RIGHTS INSTITUTIONS

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## **THE INTERNATIONAL CO-ORDINATING COMMITTEE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (ICC)**

### **ICC Position Papers National Human Rights Institutions and the UN Human Rights Council**

#### **– Volume II: National Human Rights Institutions and the Special Procedures and universal periodic review mechanism**

**22 September 2006**

THE ICC IS A REPRESENTATIVE BODY OF NATIONAL HUMAN RIGHTS INSTITUTIONS ESTABLISHED FOR THE PURPOSE OF CREATING AND STRENGTHENING NATIONAL HUMAN RIGHTS INSTITUTIONS WHICH ARE IN CONFORMITY WITH THE PARIS PRINCIPLES. IT PERFORMS THIS ROLE THROUGH ENCOURAGING INTERNATIONAL CO-ORDINATION OF JOINT ACTIVITIES AND CO-OPERATION AMONG THESE NATIONAL HUMAN RIGHTS INSTITUTIONS, ORGANISING INTERNATIONAL CONFERENCES, LIAISON WITH THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANISATIONS AND, WHERE REQUESTED, ASSISTING GOVERNMENTS TO ESTABLISH A NATIONAL INSTITUTION.

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## 1. Background

In the Report of the Secretary General on the Effective Functioning of National Institutions and Regional Arrangements (E/CN.4/2006/102), the ICC Chairperson and regional chairs were requested to draft an ICC position on the reform process. During the 17<sup>th</sup> session of the ICC 12 – 13 April 2006 it was decided that a Working Group consisting of one representative from each regional group of NHRIs should prepare such a draft ICC position on the role of NHRIs in the Human Rights Council by 1<sup>st</sup> June 2006. This document includes the results of this work.

## 2. Introduction

National Human Rights Institutions represent a recognized means whereby States can work more effectively to guarantee human rights within their jurisdictions. As independent authorities established by law and ensuring a pluralist representation of social forces involved in the promotion and protection of human rights we are devoted to the promotion of international human rights instruments at the national level and to the protection of the rights enshrined in them within our countries through effective human rights implementation.

The United Nations has recognized this important role of National Human Rights Institutions. The United Nations Paris Principles<sup>1</sup> specify that NHRIs should contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence. Furthermore, the Paris Principles also establish the mandate for NHRIs to cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.

In view of the general objectives of the Human Rights Council of strengthening the promotion of the full implementation of human rights obligations and commitments by States, NHRIs play an indispensable role in relation to:

- Advising the state on the scope and implementation of its human rights obligations;
- Following-up on the recommendations of the United Nations bodies;

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<sup>1</sup> \*Paris Principles defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris 7-9 October 1991, adopted by Human Rights Commission Resolution 1992/54, 1992 and General Assembly Resolution 48/134, 1993.

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- Educating and building capacity on human rights at national level
- Conducting public information campaigns on the activities of the international human rights system which shall include the Human Rights Council.
- Supporting and participating in the monitoring and investigation of the effectiveness of human rights protection at national and regional levels;
- Documenting the national human rights situation;

### 3. Arrangements for NHRIs in the Human Rights Council

General Assembly resolution 60/251 establishing the Human Rights Council provides a clear mandate for the participation of NHRIs as observers in the UN Human Rights Council, in stating that the Council will:

*“work in close cooperation in the field of human rights with [...] national human rights institutions”* (art. 5 (h)); and

*“The participation of and consultation with observers, including [...] national human rights institutions [...] shall be based on arrangements and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities”* (art. 11)

In accordance with the resolution, it is expected that the arrangements for NHRI participation in the Human Rights Council and its subsidiary bodies will be based on the existing arrangements observed by the Commission on Human Rights as reflected in its resolution 2005/74, namely that:

- **NHRIs** fully accredited by the International Coordinating Committee of National Human Rights Institutions (ICC) on recommendation of its Accreditation Subcommittee, i.e. with A status, and coordinating committees of such (ICC and regional coordinating bodies) where they are representing their constituent NHRIs **are permitted to speak under all items of the Council’s agenda.**
  - At the 16<sup>th</sup> session of the ICC it was agreed that the ICC Chairperson should speak in the equivalent to the General Segment of the Human Rights Council with input from regional coordinating bodies and NHRIs on issues of particular concern
  - At the 16<sup>th</sup> session of the ICC it was agreed that on all other agenda items the regional coordinating bodies should facilitate interventions on prioritized areas and that both the ICC, regional coordinating bodies and individual NHRIs would make interventions, preferably through joint statements. Coordination should be done under the umbrella of the ICC to acknowledge which NHRI wishes to speak on which agenda and ensure equitable geographical distribution in the use of speaking times on thematic agenda items.

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- **NHRIs be allocated dedicated seating** in the Council
- The Council should support **NHRI engagement with the subsidiary bodies** of the Council
- NHRIs are permitted to **issue documents** as official UN documents under their own symbol numbers
- The Secretary-General should continue to provide, from within existing resources, the necessary **assistance for holding meetings of the ICC** during the sessions of the Commission, under the auspices of, and in cooperation with, the Office of the High Commissioner
- The Secretary-General should continue to provide, from within existing resources and from the UN Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary **assistance for international and regional meetings of NHRIs**

In the Commission on Human Rights resolution 2005/74, the Secretary General is requested to report to the Commission on ways and means of enhancing participation of NHRIs in the work of the Commission. He did so through his report E/CN.4/2006/102.

#### **4. NHRI contribution to new functions of the Human Rights Council and review of existing mechanisms**

NHRIs are committed to contribute substantively to the process of consolidating the work of the Human Rights Council in its first year of work and to ensure inter-session follow-up to the results achieved in session based on our constructive and consultative approach to human rights promotion and protection. NHRIs, regional coordinating bodies and the ICC therefore have a role to play in the various types of procedures of the Council, though the exact nature of that role will depend to some extent on the manner in which the Council fashions its procedures and the decisions of individual NHRIs.

Specifically, NHRIs have a role to play in relation to:

- (a) the *Special Procedures* of the Commission on Human Rights, in particular the thematic and country mechanisms, which the Council is to “assume, review and, where necessary, improve and rationalize . . . in order to maintain a system of special procedures, expert advice and a complaint procedure” (GA resolution 60/251, para 6);
- (b) the new *procedure for universal periodic review* of the performance of all member States of their human rights obligations ((GA resolution 60/251, para 5(e)); and
- (c) the exercise by the Council of its mandate “to address situations of violations of human rights, including gross and systematic violations” (GA resolution 60/251, para 3) and “to contribute, through dialogue and cooperation, towards the

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prevention of human rights violations and respond promptly to human rights emergencies” (GA resolution 60/251, para 5(f)).

The Human Rights Council, its subsidiary bodies and special procedures should therefore take steps to ensure that they seek the participation and input of NHRIs directly and through the ICC/regional coordinating bodies into their activities and take advantage, where appropriate, of the role of NHRIs as a bridge between the international and national levels.

This participation could include:

- Monitoring the State’s compliance with recommendations adopted by the Council in relation to particular situations.
- Providing a right to NHRIs to present recommendations, suggestions and reports relating to the promotion and protection of human rights.
- Providing a right to NHRIs to comment on any reviews instigated by the Council of its procedures or effectiveness
- The Human Rights Council should consider establishing a mechanism which allows NHRIs to raise issues of special concern with the Council

#### **4.1 NHRI interaction with the Special Procedures**

- The Human Rights Council could encourage the Special Representative of the Secretary-General on human rights defenders to interact closely with the ICC in relation to the protection of NHRIs and their members, in particular with regard to threats against them
- Considering the specific role and expertise of NHRIs in protecting and promoting human rights at the national level, Special Procedures of the Council should take into account any relevant information made available by NHRIs.
- In relation to country missions by Special Procedures, NHRIs should be advised of the mission in a timely manner and could be included in the program of the mission.

#### **4.2 NHRI participation in the universal periodic review**

- NHRIs could be given the right to comment on and contribute to the process of defining the universal periodic review mechanism so as to ensure that this

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new mechanism and other UN human rights mechanisms such as treaty monitoring bodies and Special Procedures are mutually reinforcing and coherent, including that practical reporting formats are developed. The mechanism to be adopted must be just, fair, transparent, consistent and reasonable.

- NHRIs could provide information on the fulfilment by the States of its human rights obligations, including follow-up by the States on previous recommendations of the Human Rights Council and other UN human rights mechanisms such as treaty monitoring bodies and Special Procedures. NHRIs could also be encouraged to comment on draft state reports.
- NHRIs could advise the States on follow-up to the recommendations of the Human Rights Council.

If country missions are to be undertaken in relation to the universal periodic review, NHRIs should be advised of the mission in a timely manner and could be included in the program of the mission.

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