

DISCUSSION PAPER ON INTERACTION BETWEEN NATIONAL HUMAN RIGHTS INSTITUTIONS AND SPECIAL PROCEDURES

The purpose of this document is to identify areas for strengthened interaction between national human rights institutions (NHRIs) and Special Procedures (SPs) of the Human Rights Council (especially those NHRIs which are fully compliant with the Paris Principles, i.e. with A-status ICC accreditation¹). NHRIs and SPs have much to gain from each other in performing their responsibilities for the promotion and protection of human rights².

At the 12th annual meeting of SP mandate holders (Geneva, 21-25 June 2005), the need was recognized to strengthen follow-up to SP recommendations and to enhance their impact at the country level. Strengthened cooperation between SPs and NIs in these and other areas can make an important contribution to the effectiveness of both SPs and NIs, and to the effective realisation of human rights for people everywhere.

The potential for successful cooperation between NHRIs and SPs has recently also been acknowledged by the United Nations High Commissioner for Human Rights, Ms. Louise Arbour, when she addressed the 19th annual meeting of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights on 21 March 2007. She mentioned that NHRIs take a pivotal position at the national level as the key-stone of a strong national human rights protection system. Moreover, she expressed her conviction that NIs are the best relay mechanism at country level to ensure the application of international human rights norms, and specifically mentioned the Special Procedures in this regard.

On the occasion of the 20th anniversary of the Danish Institute for Human Rights, the Deputy High Commissioner for Human Rights, Ms. Kyung-wha Kang, also reiterated this on 3 May 2007 when stating that NHRIs are key dialogue partners to Special Procedure mandate holders, contributing to the preparation, implementation and follow up action to country visits.

The important and mutually reinforcing role of NHRIs and SPs has been already acknowledged in several fora. The Annex to this paper lists areas for strengthened cooperation building on existing practices.

¹ The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights has an accreditation procedure through which NHRIs are examined on their compliance with the international standards for NHRIs, the Paris Principles. Those NHRIs deemed to be in full compliance with the Paris Principles receive an A-status accreditation.

² NHRIs in this document refer to those national institutions with a constitutional or legislative mandate to protect and/or promote human rights.

ANNEX

Proposals for the interaction between NHRIs and SPs

Country visits: standing invitations and visit requests:

- 1) NHRIs can encourage the Government to extend a standing invitation to all thematic SPs.
- 2) NHRI can bring specific human rights developments to the attention of the relevant SPs, and when warranted encourage them to request a country visit to the Government.

Preparation of a country visit:

- 3) NHRIs are encouraged to propose reliable and relevant interlocutors, as well as provide SPs with relevant background information/materials, including relevant annual or thematic human rights reports.

During a country visit:

- 4) SPs are encouraged to routinely include in their schedule a meeting with the NHRI.
- 5) NHRIs might be requested to assist in the organization of the “unofficial” part of the agenda.

Recommendations after a country visit:

- 6) SPs are encouraged when feasible to involve NHRIs in the process of formulating the recommendations, so as to sharpen their focus and specificity.
- 7) SPs could include in their recommendations that an NHRI in full compliance with the Paris Principles be set up, that an existing NHRI be strengthened so that it fully complies with the Paris Principles, that adequate resources be provided to NHRIs, that an NHRI seeks accreditation through the ICC, etc.
- 8) If an SP mandate holder issues a press release or public statement after the country visit, NHRIs are encouraged to widely publicize the statement at the national level.

Follow-up to a country visit:

- 9) SPs are encouraged to approach NHRIs to widely disseminate and translate the country visit report to their national contact network, including selected Government officials, Members of Parliament or NGOs and civil society groups.
- 10) SPs might wish to recommend in their country visits report that NHRIs actively monitor the follow-up of SP recommendations.
- 11) SPs are encouraged to actively request information from the NHRI in order to assess the status of implementation of the recommendations made following a country visit, for example through a questionnaire. NHRIs are also encouraged to regularly provide

information to mandate-holders on the implementation of their recommendations (or lack thereof).

- 12) NHRIs are encouraged to take relevant SPs' recommendations into account when submitting opinions, recommendations, proposals and reports to the Government, Parliament or other public body.
- 13) NHRIs can act as reliable partners at the national level for the monitoring of any retaliatory action against sources of information that have cooperated with a SP during a country visit. NHRIs are encouraged to promptly inform OHCHR of such events, for the attention of the SP mandate holder.
- 14) NHRIs could organize follow-up seminars, either at the request of SPs or at their own initiative, including all the human rights stakeholders as well as the SP mandate holder.
- 15) NHRIs are encouraged to take relevant SPs' recommendations into account when preparing their work-plan and when assisting in the formulation of National Human Rights Action Plans and in other human rights related programming activities.

Communications

- 16) The SP can make use of an NHRI as (1) a reliable and available source of information; (2) a potentially good partner to verify the accurateness of information obtained from other sources; and (3) an effective intermediary to obtain information from third parties.
- 17) In case of an anticipated or ongoing human rights violation, NHRIs can act as an important link for early warning and may bring such situations to the attention of the SP for their action.
- 18) Because of their mandate regarding existing or draft legislation, NHRIs are optimally placed to flag relevant (draft) laws to the SP, who may act upon this information.

Protection capacity:

- 19) Whenever an NHRI is under threat, relevant SPs could act to protect it through communications or other measures.
- 20) SPs could make effective use of regional networks of NHRIs to mobilize public opinion to address particular human rights issues.

Thematic studies:

- 21) NHRIs could bring a specific situation to the attention of the relevant SP and suggest specific issues be the subject of, or be included in a thematic study. NHRIs can also be approached with a further request for information or the dissemination of a questionnaire among the national contacts of the NHRI for the preparation of thematic studies.
- 22) NHRIs can organize thematic conferences or seminars and invite the relevant SP mandate holders to attend.
- 23) Thematic studies should be more systematically shared with NHRIs, so that their conclusions may be taken into account by NHRIs when formulating legislative proposals.

International meetings

- 24) Those NHRIs which are in compliance with the Paris Principles (having received an A-status by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights) could attend sessions of the Human Rights Council and make an oral statement during the interactive dialogue after the presentation by the relevant SP mandate holder.

- 25) The 14th Annual Meeting of SPs could recommend that interaction between SPs and NHRIs be discussed on a regular basis during the Annual Meeting. When feasible, NHRIs should have a regular interaction with SPs at their Annual Meeting. This would provide for a venue to discuss and identify best practices and lessons learned.
