



International Covenant on Civil and Political Rights

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Human Rights Committee

Paper on the relationship of the Human Rights Committee with national human rights institutions, adopted by the Committee at its 106th session (15 October–2 November 2012)

A. General observations

1. The Human Rights Committee considers that close cooperation between the Committee and national human rights institutions is important for the promotion and implementation of the International Covenant on Civil and Political Rights and its Optional Protocols at the domestic level.

2. The Committee recognizes the important role that national human rights institutions have in bridging the gap between international and national human rights systems. It observes that the international community has recognized the roles of national human rights institutions and has provided such institutions with increasing opportunities to contribute to the promotion and protection of human rights at the international level.¹

3. The Committee notes that, to fulfil their roles effectively, national human rights institutions should be established, and where necessary strengthened, in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), and be duly accredited as such by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The Committee has recommended, and will continue to

¹ See most recently the reports of the Secretary-General on national human rights institutions (A/HRC/20/9 and A/HRC/20/10); General Assembly resolution 66/169 of 19 December 2011; Human Rights Council resolutions 17/9 of 16 June 2011 and 20/14 of 5 July 2012; and treaty body general comments and statements on national human rights institutions (Committee on the Elimination of Racial Discrimination, general recommendation No. 17 (1993) on the establishment of national institutions to facilitate implementation of the Convention; Committee on Economic, Social and Cultural Rights, general comment No. 10 (1998) on the role of national human rights institutions in the protection of economic, social and cultural rights; Committee on the Elimination of Discrimination against Women, statement on its relationship with national human rights institutions, adopted at its forty-fifth session (*Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 38 (A/65/38, annex V)*); as well as the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, which require States to establish effective national monitoring or preventive mechanisms taking into due consideration the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

recommend, as appropriate, that all States establish and strengthen national human rights institutions in full compliance with the Paris Principles.

4. ICC-accredited national human rights institutions are important national partners of the Committee. At that level, national human rights institutions may promote human rights education, awareness of the Covenant rights, the communications procedure and the Committee's work; and monitor, and advise the State on, legislative and policy compliance with the Covenant provisions. At the international level, national human rights institutions encourage and assist the State party to meet its reporting obligations; provide the Committee with independent information on the national implementation of the Covenant; and work on follow-up to, and monitor implementation of, the Committee's concluding observations, Views and other decisions. In States that are not party to the Covenant or the Optional Protocols, national human rights institutions may encourage their ratification.

5. The Committee is committed to making its work more accessible to national human rights institutions. Accordingly, the Committee's secretariat provides national human rights institutions with information in a timely manner and advises on opportunities to engage with the Committee's work. Further, the Committee's secretariat liaises with the ICC Geneva Representative Office, which aims at encouraging the national human rights institutions to be more effective in their collaboration with the Committee's work, including by sharing information, publishing the Committee's work and advising such institutions about opportunities to contribute.

6. The Committee welcomes the representation of national human rights institutions at its sessions and meetings. It also welcomes the use of new technology to enhance contributions from national human rights institutions from all regions during its sessions, such as video or telephone conference links and webcasting.

B. The independent role of national human rights institutions

7. The Committee recognizes that, by virtue of their mandates under the Paris Principles, national human rights institutions have an independent and distinct relationship with the Committee. The relationship is different from, yet complementary to, those of State parties, civil society, non-governmental organizations and other actors. Accordingly, the Committee provides ICC-accredited national human rights institutions with opportunities to engage with it that are distinct from those of other actors.

C. Role of national human rights institution in the reporting procedure.

8. The Committee recognizes that Paris Principles-compliant national human rights institutions can contribute to all stages of the reporting process under the Covenant, including by providing information for the preparation of the list of issues (as well as lists of issues prior to reporting) and with regard to follow-up to concluding observations.

1. State reporting requirements under the Covenant

9. The Committee considers that national human rights institutions have an important role in encouraging their respective States to meet their reporting obligations.

10. The Committee encourages national human rights institutions to conduct human rights education and awareness programmes, with a view to informing and sensitizing State officials and other stakeholders, including non-governmental organizations, about the reporting obligations of States under the Covenant.

2. Consultations and inputs to the State party report

11. The Committee recognizes the value of States parties organizing broad national consultations when drafting their reports under the Covenant. In this regard, the Committee also recognizes the value of States making their reports available in advance to national human rights institutions and to all sectors of civil society, and inviting all stakeholders for consultations thereon.

3. Contributions to the development of the list of issues

12. Receiving information from national human rights institutions at an early stage of the reporting process is critical for the Committee's work. Accordingly, the Committee invites national human rights institutions to submit written contributions to the development of the list of issues (including lists of issues prior to reporting). Further, the Committee welcomes the opportunity to meet with the national human rights institutions concerned prior to the adoption of the list of issues.

13. To facilitate the timely submission of national human rights institution reports, the Committee's secretariat provides the institution concerned with advance notice of reporting schedules and advice on opportunities to contribute thereto.

4. Contributions to and during the Committee sessions

14. The Committee welcomes the submission of alternative reports and oral presentations by national human rights institutions and the presence of such institutions during the examination of the State party's report.

15. Since the 103rd session of the Committee, national human rights institutions have the possibility of addressing the Committee in formal private and closed meetings with interpretation. The meetings allow for interactive discussions and sharing of updated additional information between the Committee and national human rights institutions.

5. Contributions in follow-up to concluding observations

16. Under the Paris Principles, national human rights institutions have a specific mandate to monitor and report on the compliance of their respective State with international human rights instruments, including compliance with recommendations resulting from international human rights bodies. National human rights institutions can provide the Committee with written information, including an evaluation of the measures taken by the State party to implement the concluding observations. These contributions should be submitted to the Committee when the follow-up report of the State party is due or once the report is made public.

17. The Committee welcomes and supports the important role of national human rights institutions with respect to supporting the follow-up of the Committee's concluding observations in the country, while always recalling that the duty to implement the Covenant rests with States themselves. National human rights institutions can support implementation in a number of ways, which include the following: broadly disseminating the concluding observations to all stakeholders; organizing follow-up consultations involving Government and non-governmental organizations, as well as parliament and other bodies; and advising their respective States to mainstream concluding observations throughout national planning and legislative review processes. Further, the Committee encourages national human rights institutions to use their annual reports to monitor implementation of the Committee's concluding observations.

18. To ensure the most effective involvement of national human rights institutions in the Committee's follow-up procedure, the Committee's secretariat provides those institutions

concerned with advance notice of follow-up procedure schedules as well as advice on opportunities to contribute thereto.

6. Contributions under the review procedure (examination in the absence of a State report)

19. The Committee encourages national human rights institutions to submit alternative reports in cases in which the Committee has decided to prepare a list of issues and examine a State party in the absence of a State report. National human rights institutions will be provided with the same contribution opportunities as under the regular reporting procedure.

D. The role of national human rights institutions in relation to the individual communications procedure under the Optional Protocol

20. National human rights institutions have an important role in relation to the individual communications procedure under the Optional Protocol. This role includes: raising awareness about the communications procedure at the national level; following up on the Committee's Views and monitoring State party's implementation action; and submitting follow-up information about the implementation of the Committee's Views.

E. Input on the drafting and use of the Committee's general comments

21. The Committee encourages national human rights institutions to provide input on general comments under consideration, including during days of general discussion organized by the Committee. National human rights institutions are encouraged to make use of the Committee's general comments in their advocacy efforts.

22. To ensure the most effective contributions of national human rights institutions in the drafting of general comments, the Committee's secretariat will inform such institutions in a timely manner about opportunities for them to contribute.
