Introduction

1. The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), as the global network of national human rights institutions (NHRIs), welcomes the opportunity to comment on the United Nations Office of the High Commissioner for Human Rights (OHCHR) draft Thematic Strategies 2014-17.

2. The ICC welcomed the opportunity to attend and participate in the meeting with civil society on 10 October 2013 where the UN High Commissioner, Navi Pillay presented the draft Thematic Strategies. The ICC understands that this meeting was part of a broader OHCHR Strategic Planning process to identify how best the OHCHR can promote and protect human rights throughout the world.

3. The ICC welcomes the broad consultation process that OHCHR conducted with United Nations member states and civil society organisations respectively during the strategic planning process. The ICC notes, however, that invitations for consultation and inputs were not extended to NHRIs, their regional coordinating committees, or the ICC.

4. The OHCHR strategic planning process is an important opportunity to identify and maximize potential opportunities to work with and support NHRIs. The ICC would welcome engaging further with the OHCHR to ensure that in future the participation of the ICC, its regional coordinating committees and NHRIs be included in the OHCHR Strategic Planning process.

5. In preparing these comments, the ICC has consulted with its members through its regional coordinating committees.

Comments on OHCHR's draft thematic priorities for the period 2014-2017

General Comments
6. Paris Principles compliant NHRIs work to bridge the gap between international and national human rights systems. They can provide the United Nations human rights system with independent and authoritative information on national situations, can monitor implementation and promote follow up on United Nations recommendations in country. As such, NHRIs can be important implementing partners of the United Nations and of the OHCHR in particular.

7. In turn, NHRIs’ formal recognition by the United Nations system assists them in maintaining their independent status at a domestic level. In this way, the OHCHR can play a potentially important role in upholding the independence of an NHRI when it is under threat. The recognition of NHRIs by the UN at an international level as a key human rights stakeholder and partner contributes towards increasing their impact at a domestic level.

8. In their respective resolutions on NHRIs, while commending OHCHR’s work on NHRIs, the General Assembly and the Human Rights Council have continuously encouraged OHCHR to

“ensure that appropriate arrangements are made and budgetary resources provided to continue and further extend the activities in support of national human rights institutions, including supporting the activities of the International Coordinating Committee and its regional coordinating committees”.¹

9. The ICC supports the General Assembly’s and Human Rights Council’s call for OHCHR’s continued and extended support for NHRIs and their international and regional coordinating committees. Further, the ICC encourages OHCHR to consider extending its activities in support of NHRIs as the Office develops its next strategic plan, while ensuring that appropriate arrangements are made and budgetary resources provided to this end.

10. Given their broad mandates under the Paris Principles, the ICC considers that NHRIs are uniquely placed to work with OHCHR in all six draft thematic priorities. Whilst noticing that there are different levels of NHRI mainstreaming within the draft Strategic Priorities, the ICC welcomes the references to NHRIs in all six draft thematic priorities. The ICC encourages the OHCHR to continue the process of mainstreaming and integrating NHRIs into all aspects of overall work and priority setting.

11. There is a lack of a consistent approach in terminology that is used when referring to NHRIs throughout the various draft Thematic Strategies. In some places reference is made to NHRIs and in others reference is made to national institutions or NIs. It would be important that the final document contains consistent terminology throughout.

¹ Human Rights Council resolution 23/17, adopted without vote on 7 June 2013.
Comments on draft Thematic Strategies

I. Strengthening international human rights mechanisms;
   a) This Thematic Strategy indirectly addresses one of the core areas of NHRI work that is required in terms of the Paris Principles.
   b) Also, a strategic priority of the ICC is to support NHRI’s engagement with the United Nations human rights mechanisms, with a view to strengthening human rights on the ground. To this end, the ICC helps facilitate, and where necessary advocates for, NHRI’s access to United Nations human rights mechanisms. The ICC also provides advice to NHRI’s on most effective engagement strategies with such mechanisms, for example in relation to the development of recommendations from UN mechanisms and in relation to monitoring and follow-up in country.
   c) The ICC therefore welcomes the references to NHRI’s across the draft strategic priority relating to strengthening international human rights mechanisms in the areas of training, capacity building, fellowships and workshops. The ICC looks forward to engaging further with the OHCHR when these activities are operationalized.
   d) During the operationalization of the OHCHR strategic plan the ICC anticipates that the OHCHR will give careful consideration to ensuring that effective communication with the ICC, regional coordinating committees and NHRI’s is mainstreamed throughout the OHCHR in order to ensure NHRI’s effective participation and contribution in the implementation of the OHCHR Strategic Plan.
   e) In line with the ICC campaign on UN system-wide recognition of NHRI’s, the ICC believes that accessibility of NHRI’s and other national stakeholders should be promoted UN system-wide and in all relevant UN mechanisms and processes. This should also include the harmonisation of treaty body working methods in relation to NHRI’s, to facilitate NHRI’s access to the treaty bodies system. The use of information technologies, such as videoconferencing and webcast in all UN languages, is encouraged, as is the development of an OHCHR information sharing strategy targeted specifically for NHRI’s on the same lines as existing practices with UN member states and civil society respectively.
   f) The strategic intervention concerning the “establishment of participatory national coordinating bodies” makes no mention of NHRI’s. Whilst this is understandable within the context that States bear the primary responsibility to ensure follow up and implementation of recommendations, NHRI’s have an important monitoring role. The strategic intervention should therefore identify and include the role of NHRI’s.
   g) The ICC welcomes the commitment to strengthening NHRI’s capacity for periodic reporting as well as supporting their monitoring and follow-up activities in country under the core human rights instruments. The ICC and its regional coordinating committees would welcome engagement with the OHCHR in identifying those NHRI’s that require capacity building.
   h) The ICC welcomes the commitment to the continuation of the NHRI Fellowship Programme.
   i) The ICC supports the emphasis on protection measures of human rights defenders and NHRI’s against reprisals as a result of their engagement with the United Nations.
   j) In line with the institutional cooperative relationship between OHCHR and the ICC, the ICC recommends that OHCHR consult with the ICC and NHRI regional coordinating committees,
to identify which focus and what activities may be required to provide the most effective support to NHRIs in relation to engagement with UN human rights mechanisms. The ICC further recommends that, where appropriate, implementation of activities be undertaken jointly and project-based with the ICC and NHRI regional coordinating committees, as well as with partners such as UNDP. This is in keeping with the institutional cooperative relationship between OHCHR and the ICC; as well as with the tripartite partnership between OHCHR-UNDP-ICC. This will also help promote the creation of beneficial synergies, while avoiding duplication and overlap. Finally, it will help ensure that the challenges, best practices and lessons learned be shared and be duly taken into account when developing and implementing the activities.

II. Integrating human rights in development and the economic sphere;
   a) This Thematic Priority is silent in terms of the important potential role that NHRIs can and currently do play in this area of work. Indirectly this Thematic Priority has close synergies with work in the area of the Millennium Development Goals and the overarching theme of poverty and inequality that transcends most NHRIs’ daily work.
   b) Increasingly, many NHRIs are confronted with human rights violations related to housing, evictions, exploitation of natural resources, and access to food, sanitation and water. In order for human rights to remain relevant, NHRIs require to be capacitated and supported to address these often complex issues and engage with government and local communities. NHRIs have the unique potential as independent bodies to play a facilitative role and to bring stakeholders together, giving effect to the right to participation and holding those responsible for the implementation of rights accountable.
   c) A key thematic focus of the ICC is to promote the role of NHRIs in relation to human rights and business. Several activities, including an International Conference of NHRIs and regional workshops, have helped develop NHRIs’ capacity of, and engagement on, human rights and business.
   d) The ICC therefore welcomes references under this draft thematic priority to capacity development of NHRIs in relation to access to effective remedies for business-related human rights grievances. Training and support for NHRIs to increase their expertise and capability in this area generally and in the implementation of the UN Guiding Principles on Business and Human Rights at the domestic level is still needed.
   e) In line with the potential role of NHRIs in relation to business and human rights, as also recognised by the Human Rights Council in its resolution, the ICC recommends that NHRIs be further mainstreamed under this draft thematic priority.

III. Early warning and protection of human rights in situations of conflict, violence and security;
   a) There is scant mention of NHRIs within this draft Thematic Priority. This is particularly noticeable within the area of NHRIs responsibility to promote compliance of legislation with international human rights frameworks and the role that NHRIs can potentially play in legislative drafting processes.
b) The role of NHRIs within the context of promoting a human rights based approach towards the delivery of humanitarian assistance should be integrated into the strategic interventions. This area of NHRI work requires role clarification and guidance.

c) In the section on “Increased number and variety of stakeholders engaged in conflict prevention, ...”, NHRIs appear to be included in some strategic interventions and excluded in others. NHRIs could be mainstreamed into additional strategic interventions in this section.

d) This thematic priority should clearly include strategic interventions that indicate that the establishment and/or rebuilding of NHRIs as part of rebuilding in post conflict situations and that support and capacity building initiatives are required for these fragile NHRIs

e) Not all Strategic interventions have Key Deliverables.

IV. Enhancing equality and countering discrimination, in particular racial discrimination, discrimination on the grounds of sex, religion and against others who are marginalised;

a) This Thematic Priority speaks directly to the core work of NHRIs and provides many opportunities for synergy and cooperation between the OHCHR and NHRIs.

b) NHRIs are recognised and incorporated at a number of places and this should lay the basis for further engagement during the strategic planning period.

c) The ICC will welcome further engagement and discussions with the OHCHR during the development of Work plans and Projects in order to maximise the participation of NHRIs in the implementation of these strategic interventions.

d) An important departure point in working with NHRIs would be to record and disseminate the already existing examples of good practice as case studies that have been used to enhance equality and counter discrimination.

V. Widening the democratic space;

a) This Thematic Priority does not place any emphasis on the role of NHRIs in widening, holding, creating and maintaining the democratic space. It is unclear why NHRIs appear to be excluded and appear not to have a role within this area of OHCHRs work. This should be addressed in opportunities and challenges.

b) On a reading of the Thematic Priority, the OHCHR in some instances appears to take on the role of the NHRI. Whilst this may be desirable in certain situations, it is not appropriate in most situations and ought to be recognised.

c) A key strategic intervention should be the establishment and strengthening of NHRIs in order that it may play a role in widening the democratic space.

VI. Combating impunity and strengthening accountability and the rule of law.

a) The ICC welcomes the strategic intervention that makes reference to the role of NHRIs in holding business enterprises accountable for human rights abuses. Business and human rights has been one of the focus areas of the ICCs work in recent years and continues to be a relevant issue that requires focus and attention.

b) The presence and role of NHRIs within the context of torture prevention, the implementation of OPCAT, and the ratification of the OP ICESCR, is not directly recognised within the strategic interventions dealing with these matters. NHRIs are required in terms
of the Paris Principles to work in these areas and are therefore an important role player that ought to be included in this Thematic Priority.

c) The ICC welcomes the inclusion of NHRIs within the strategic intervention dealing with transitional justice. This is a much needed area of capacity building for those NHRIs that have to deal with transitional justice situations.

Conclusion

12. The ICC is currently in the process of finalising its own 3 year 2014 – 2016 Strategic Plan. This process is at an advanced stage and it is pleasing to note that, whilst neither the OHCHR nor the ICC are yet to finalise their respective thematic priorities, that there are many broad and shared synergies. This augurs well for the future relationship and cooperation between the ICC and the OHCHR.

13. The ICC is of the view that the establishment of a regular consultation process between OHCHR on the one hand and the ICC, regional coordinating committees and NHRIs on the other hand will help identify NHRIs’ challenges and needs, as well as impacts and lessons learned. In turn, this will help ensure that support provided is adequate and responsive to NHRIs’ needs on the ground. Finally, this will help coordinate efforts among partners that work to promote and strengthen NHRIs.

14. The ICC looks forward to engaging further with the OHCHR during the Implementation Phase of its Strategic Priorities.

ICC Comments, OHCHR Thematic Strategies 2014-17, 4 November 2013