NHRI PARTICIPATION
IN THE UN HUMAN RIGHTS SYSTEM

ICC POSITION PAPER
ABOUT THE ICC

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) is the international association for national human rights institutions from all parts of the globe. Established in 1993, the ICC promotes and strengthens national human rights institutions (NHRIs) to be in accordance with the Paris Principles, and provides leadership in the promotion and protection of human rights.

The ICC coordinates at an international level the activities of NHRIs established in conformity with the Paris Principles and promotes the establishment and strengthening of NHRIs in conformity with the Paris Principles in order to strengthen human rights domestically. It undertakes accreditation of NHRIs under the auspices of the Office of the United Nations High Commissioner for Human Rights, and holds an annual meeting and international conferences to strengthen cooperation and share good practice between NHRIs.

The current ICC Chairperson is Adv. Lawrence Mabedle Mushwana, Chairperson of the South African Human Rights Commission. The current ICC Secretary is Prof. Alan Miller, Chairperson of the Scottish Human Rights Commission.

ABOUT THIS PAPER

In this paper the ICC sets out its views about strengthening NHRI participation in relevant United Nations human rights mechanisms and processes. The paper is structured as follows:

- Introduction
- Evolution of NHRIs and their participation at an international level
- Current participation
- Strengthening NHRI participation in relevant UN human rights mechanisms and processes
- Conclusions
- Recommendations
INTRODUCTION

National human rights institutions (NHRIs) in compliance with the Paris Principles are increasingly being recognised as important and unique actors in the advancement of human rights.

Though relatively new actors in the field having been formally recognised internationally in 1993, there is a common understanding that within each State, there is a need to establish an independent mechanism that would serve the primary purpose of advancing the promotion and protection of human rights in every aspect of society and in line with international human rights norms and standards.

As independent institutions of the state with a broad human rights mandate and powers, NHRIs work to bridge the gap between international and national human rights protect systems, to strengthen human rights domestically.

NHRIs are uniquely positioned to provide the UN with independent, authoritative and evidence-based information on national situations, and can in turn promote implementation of UN norms and standards in-country.

Effective engagement by NHRIs with UN mechanisms helps increase the impact the UN can have on national situations, to a level and extent that has to date been unprecedented.

UN member states - individually and collectively at General Assembly and Human Rights Council level - have acknowledged and further encouraged the positive contributions of Paris Principles compliant national human rights institutions across the work of the UN.

In line with this welcome recognition, NHRIs in all regions are increasingly making use of opportunities to engage with and through UN human rights mechanisms and processes.

NHRIs enjoy participation rights with a number of UN bodies, whilst in other relevant bodies suitable and acceptable modalities for NHRIs participation remain to be determined.

In resolution 68/171 of December 2013, the General Assembly has requested the Secretary-General to focus in his next report on the current participation of Paris Principles compliant NHRIs in the work of the Assembly and related processes, with a view to

- Exploring the feasibility of enabling national human rights institutions compliant with the Paris Principles to participate independently in relevant United Nations mechanisms and processes in accordance with their respective mandates
- Based on practices and arrangements agreed upon in Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2 and 16/21 and Commission on Human Rights resolution 2005/74
- While ensuring their most effective contribution.¹

As global association of NHRIs across the world, the ICC welcomes the General Assembly's initiative as a historic opportunity as the UN celebrates its 70th anniversary to send another clear indication that NHRIs are welcome to contribute in those areas of UN work that would benefit from their specific independent human rights expertise.

In this paper, the ICC sets outs why Paris Principles compliant NHRIs are uniquely positioned to participate in relevant UN mechanisms, the current practices for their engagement at the UN, and the provisions the ICC believes are required to ensure that NHRIs can most effectively do so.

The paper also sets out conclusions and recommendations.

The General Assembly consideration of Paris Principles compliant NHRIs and their relation to the United Nations in resolution 68/171 of December 2013 reflects the important developments which have marked the unique relationship between the UN and NHRIs in the last decades.

Development of NHRIs

With the formal recognition at the Vienna World Conference in 1993 of the critical role of NHRIs in the human rights protection system, and the adoption of the Principles relating to the Status of National Institutions by the General Assembly in resolution 48/134 (Paris Principles) later that year, the number of NHRIs has steadily grown in all regions of the world. Whilst in 1993 there was no more than a handful of NHRIs, at June 2015 more than 100 NHRIs exist worldwide of which 72 are in full compliance with the Paris Principles.

NHRIs are independent institutions established by States with a constitutionally or legally entrenched broad mandate to protect and promote human rights.

Their establishment and operations are guided by the Paris Principles. The Paris Principles provide the international community, including Member States, UN and NHRIs themselves, with the minimum requirements for the establishment and functioning of NHRIs. These requirements, and the protection associated with it, help ensure that NHRIs can make most effective contributions to advance human rights domestically.

In order for NHRIs to effectively fulfill this mandate, the Paris Principles require that NHRIs have a diverse set of statutorily functions including:

At the domestic level

- Monitoring and investigating the human rights situation at national and local levels, which may include complaints handling;
- Advising the State, including on domestication of international human rights norms and standards, and engaging with rights-holders, communities and civil society;
- Reporting to UN mechanisms and processes, on progress made in the implementation of human rights treaties; and
- Cooperating with the United Nations and any other organisation in the United Nations system that are competent in the areas of the promotion and protection of human rights

Their establishment at the national level by the State based on internationally agreed principles positions NHRIs uniquely within both the national and international human rights protection systems.

NHRIs are distinct from NGOs and other civil society organisations, as NHRIs are mandated by the State and protected through constitutional or legislative norms. This, in addition to NHRIs’ required compliance with the Paris Principles, provides NHRIs a particular legitimacy to advise the State on implementation of international human rights norms and standards and in turn report at UN levels on progress made. However, NHRIs and civil society organisations work closely together, and NHRIs are required to cooperate constructively and consult with civil society organisations, in order to comply with the Paris Principles.

At the regional and global level, NHRIs are increasingly organized through their four coordinating committees and through the ICC. The ICC and regional coordinating bodies provide support to

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4 The Regional Coordinating Committees have been established to represent and support NHRIs at the regional level. There
NHRIs and serve as an important platform to share experiences and best practices on how NHRIs with their unique mandates and functions can enhance their work to protect and promote human rights, including through engagement with the United Nations at an international level.

The ICC is also mandated to review and accredit NHRIs in compliance with the Paris Principles. This process is supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR) as a permanent observer and serves as its secretariat.\(^5\)

Accreditation ensures independence, pluralism, accountability and impartiality of NHRIs, in line with the requirements of the Paris Principles. Accreditation confers national, regional and international recognition, and protection, of the NHRI and its independence.

In granting A status accreditation which implies full compliance with the Paris Principles NHRIs also receive the right to participate in the work and decision-making of the ICC. The A status also grants the NHRI the right to address the Human Rights Council and other UN mechanisms including the treaty bodies.\(^6\)

Speaking at the opening of the ICC 28th General Meeting on 12 March 2015, United Nations High Commissioner Zeid Raad Al Hussein noted that

“The Paris Principles are the basis for the credibility of NHRIs – in their country, their regions, and within the international human rights system. And the accreditation process is one of the major achievements of the ICC. Outcome recommendations have had real impact, leading many States to make legal and institutional reforms, and increase funding, to strengthen the capacity and effectiveness of NHRIs”.

Similarly, the Secretary-General in his reports to the General Assembly and the Human Rights Council (Council) has continuously welcomed the role and activities of the ICC in reviewing and accrediting NHRIs in compliance with the Paris Principles and has supported the ICC's efforts in ensuring a rigorous, transparent and fair process.\(^7\) By reporting regularly to the General Assembly and the Council, the Secretary-General provides the international community with a detailed and transparent account of the ICC accreditation process and the current status of accreditation of NHRIs.\(^8\)

The General Assembly and the Human Rights Council, in their resolutions on NHRIs, have welcomed and recognised the importance of the accreditation process and have encouraged NHRIs and other bodies to seek accreditation status through the ICC.\(^9\) They have further noted with satisfaction the strengthening of the accreditation process and the continued assistance of OHCHR in this regard.\(^10\)

In its resolution 68/171 of December 2013, the General Assembly

“Welcomes the important role played by the International Coordinating Committee, in close

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\(^5\) For more information on the accreditation process see http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Pages/default.aspx


\(^10\) Ibidem.
cooperation with the Office of the High Commissioner, in assisting Governments, when requested, in the establishment and strengthening of national human rights institutions in accordance with the Paris Principles, in assessing the conformity of national human rights institutions with the Paris Principles and in providing technical assistance to strengthen national human rights institutions, upon request, with a view to enhancing their compliance with the Paris Principles, and calls upon Member States and other stakeholders, including United Nations agencies, to follow up on the recommendations of the Subcommittee on Accreditation of the International Coordinating Committee, with a view to enabling national human rights institutions to fully comply with the Paris Principles in both law and practice" and further

"Encourages national institutions, including ombudsman and mediator institutions, to seek accreditation status through the International Coordinating Committee."

Assessed based on universally agreed principles – the Paris Principles – in an independent process hosted at the UN's heart of human rights system – the OHCHR – which provides status and legitimacy at UN level, NHRI are arguably the most scrutinised actors that engage at an international level.

NHRI participation at an international level

The Paris Principles specifically require NHRI to engage with the international human rights system, requiring that NHRI: “… 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”. 11

Paris Principles compliant NHRI are critical actors in the human rights framework and within the UN system. They are unique bodies, due to their broad state mandate to apply the full range of international human rights norms and standards; and their international accreditation system, to ensure independence, pluralism, accountability and impartiality.

NHRI serve an important bridging role between the UN and the country level. As expert bodies at national level, they provide the local application of international human rights norms and standards, with full understanding of the local context. They are trusted and legitimate partners to report, in their independent capacity next to States and other stakeholders, to UN bodies the human rights situation on the ground.

The combination of this two way exchange provides a mutually reinforcing flow of information and action, to promote and implement international human rights norms and standards and recommendations in-country. Paris Principles NHRI participation in, and contributions to, the UN level therefore not only helps the UN and its mechanisms understand the human rights situation on the ground. It also helps to achieve the implementation of international human rights norms and standards at the national and local level.

Addressing the ICC 28th General Meeting on 12 March 2015 in Geneva, Human Rights Council President Joachim Ruecker noted that

"Looking at the interaction between NHRI and the Human Rights Council, NHRI can indeed help to translate our work at the Council into real action. NHRI support us not only by being a unique source of information, ensuring that we have a better understanding of national human rights situations but also – and primarily – by taking our work from Room XX back home. They help us to make our work public, to create domestic space for our discussions, to contribute to translating our recommendations into policies at the national level. All in all, NHRI contribute to both, the strengthening of human rights at the national and international level. And for me, as President of the Human Rights Council, it is therefore

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only logical to see that the Human Rights Council continues to call for an active role of NHRIs in its work”

He further concluded that

“The more NHRIs and the ICC work with the Council, the more fruitful our work will be, the more effective it will be.”

Over the past decades the United Nations has seen a substantive growth in the participation of, and contributions from, Paris Principles NHRIs, their regional coordinating committees and the ICC to the United Nations mechanisms and processes.

The Secretary-General has regularly documented and reported to Member States these developments in his annual and biannual reports on NHRIs and the ICC accreditation process respectively, both at Council and General Assembly levels. These figures demonstrate not only an increase in the participation of NHRIs in a variety of activities of the UN, but are also illustrative of the importance and value that NHRIs themselves attach to engaging at UN levels.

NHRIs contribute to the work of the UN in a number of ways.

They report to the UN credible, independent and evidence-based information about the local application of international human rights norms and standards. In doing so, they provide the UN with authoritative indication about where progress has been made and implementation challenges remain.

In turn, this information assists the UN to assess the national situation based on which it can develop targeted and detailed recommendations, which are meaningful and relevant to the specificities of each national situation.

The engagement of NHRIs in the Human Rights Council’s Universal Periodic Review (UPR) is an illustrative example. NHRIs enjoy the right to provide the UPR with specific information on the national situation, which is used as a source of information for Council’s UPR Working Group to formulate responses and recommendations to the Member State under review. The General Assembly and the Human Rights Council have both specifically welcomed these important contributions of NHRIs to the UPR.

NHRIs also work to increase awareness of and involvement by national-level institutions and actors of the work of the UN, thereby helping to make the UN more relevant to the national and grassroots level, including rights-holders themselves.

As an example, the German Institute for Human Rights undertook to summarize and translate into German the key findings and recommendations in the report of the Human Rights Council’s Special Rapporteur on Freedom of Religion and Belief to the 28th Council’s session. This initiative has assisted in bringing the report findings and recommendations closer to the broader German public and to rights-holders, as well as to promote consideration in-country of follow-up to the reports’ recommendations.

NHRIs advise the state on implementation of international human rights norms and standards and recommendations resulting from UN bodies. This includes advice on

ratification of international human rights treaties and their domestication into national laws and policies.

As an example, the Defensoria of Peru, Peru's Paris Principles compliant NHRI, has used its statutory powers of legislative initiative to develop and present in Congress a draft Law on indigenous peoples' rights to free, prior and informed consent. The draft Law was elaborated by the NHRI in close consultations with a number of actors including indigenous peoples on the basis of the provisions outlined in the United Nations Declaration on Indigenous Peoples and the work of the Human Rights Council’s Special Rapporteur on the Situation of Indigenous Peoples. The draft was approved by Congress in August 2011 as first of its kind. Once adopted, the NHRI of Peru informed the Council that it would share experiences and lessons learned.

Based on their monitoring and reporting mandates, NHRI s monitor the implementation of international human rights norms and standards and their States’ commitments. Many NHRI s use their annual reports, which are public and regularly submitted to Government and Parliament, or special thematic reports to inform about progress made in the implementation.

The Australian Human Rights Commission has adopted the practice of including in its annual reports to Parliament, UPR and treaty body recommendations addressed to Australia with an update on status of implementation from the Commission's perspective. This practice provides not only for a standing national-level mechanism to periodically assess progress made in implementation of recommendations but also engages an important other implementation actor, Parliament. The information is also used to report to the Human Rights Council progress made by Australia in implementation of UPR recommendations.

Importantly, cooperation between NHRI s and the UN also helps strengthen NHRI s’ work in-country.

The then Special Rapporteur on the right to health Paul Hunt visited Uganda in 2007 and recommended Uganda a human rights-based approach to tackling neglected tropical diseases. To this end, he recommended in his report to the Council that the Uganda Human Rights Commission, as independent human rights institution, establishes a special health unit for neglected diseases, with a monitoring mandate and a mandate to report to and advise Parliament. The unit was subsequently established with the support of and advice from the Special Rapporteur and donors. It has a strong investigative, monitoring and reporting mandate, and provides critical advice to State agencies. Following the establishment of the unit, the Uganda Human Rights Commission reported back to the Human Rights Council.

Individually and collectively through the ICC and their regional coordinating networks, NHRI s have played an important role in supporting the UN’s work in developing international human rights treaties and other norms and standards.

One of the historic accolades of this role was the inclusion of NHRI s during the drafting of the Convention on the Rights of Persons with Disabilities (CRPD). NHRI s were formally recognised in the work of the Ad Hoc Committee established by the General Assembly to develop the Convention.

21 NHRI participation to the work of the Ad Hoc Committee was based on GA resolution 56/168, by which the General Assembly “Decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers of the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.” (Emphasis added).
Working through the ICC, NHRI had their own speaking slot under each agenda item and contributed to each stage of the drafting process. Their advice, as independent expert bodies, was called upon by Disabled Peoples Organisations, States and the Chair of the Ad Hoc Committee.

The General Assembly particularly welcomed the contributions made by NHRI to the work of the Ad Hoc Committee, by

“Stressing the importance of the active participation of inter-governmental and non-governmental organisations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities”. (Emphasis added)

and by

“Welcoming the valuable contributions made by inter-governmental and non-governmental organizations and national human rights institutions to the work of the Ad Hoc Committee”.\(^2\) (Emphasis added).

Effective NHRI participation thus helps ensure the UN is connected to the realities at national and local levels. It means receiving knowledge from a unique and trusted source of information about the local implementation of States' international commitments and indications where human rights challenges remain.

NHRI participation also helps the UN maximise the effectiveness of its responses to national situations and challenges, for independent and credible information is essential for decision-making and NHRI are often the holders of this information.

Participation of NHRI supports greater awareness about human rights violations globally and is an effective means of holding States accountable for their actions, at global and national level.

NHRI are responsible for the promotion and protection of human rights in-country and what takes place within the UN is closely monitored. Where matters impact on human rights and whether these emanate from the Human Rights Council or other UN bodies, NHRI are duty-bound to create awareness, conduct advocacy and carry out follow-up if these actions will support the promotion and protection of human rights.

Overall, effective NHRI participation helps bridge the critical “implementation gap” between global commitments made by States and their realisation for rights-holders at the national and local level. Effective NHRI participation thus also means an effective UN, ensuring its continued relevance, and impact on the lives of peoples everywhere.

**UN support to NHRI and their participation at the UN**

The establishment of NHRI in-country and their participation internationally has been continuously supported and further encouraged by the United Nations including its Secretary-General and Member States at General Assembly and Human Rights Council levels.

In its most recent resolution on NHRI of January 2014, the General Assembly

“welcom(ed) the rapidly growing interest throughout the world in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights”,

whilst

“recognizing the important role of the United Nations, in particular the Office of the High

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\(^2\) General Assembly resolution 61/106 of 24 January 2007.
Commissioner for Human Rights, in assisting the development of independent and effective national human rights institutions, guided by the Paris Principles,

and recognizing also in this regard the potential for strengthened and complementary cooperation among the United Nations, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and those national institutions in the promotion and protection of human rights."

The General Assembly further welcomed

"the contribution of national human rights institutions compliant with the Paris Principles to the work of the United Nations"

whilst further encouraging

"national human rights institutions compliant with the Paris Principles to continue to participate in and contribute to deliberations in all relevant United Nations mechanisms and processes in accordance with their respective mandates"\(^2\)

At the operational level, engagement between the United Nations and NHRIs has also undergone vast qualitative and quantitative changes in recent years. As the strengths of NHRIs and the potential for their complementary with the United Nations grew more evident, they have become indispensable partners in all operative areas of the United Nations' work.

This has become particularly visible through the establishment of a Tripartite Partnership Agreement between the ICC, United Nations Development Programme (UNDP) and the OHCHR which was concluded in March 2010. The partnership aims at increasing cooperation among the parties towards better coordinating and leveraging of knowledge, expertise and capacity aimed at strengthening the effectiveness of national human rights institutions (NHRIs) and has been welcomed by the Secretary-General and the General Assembly.\(^2\) As a result, annual Partnership Meetings take place in June in New York and the 5\(^{th}\) such meeting was concluded in June 2015. The Partnership has evolved and increasingly the benefits to all parties are being realised.

The United Nations Inter-Agency Support Group on Indigenous Issues (IASG), established to support and promote the mandate of the UN Permanent Forum on Indigenous Issues within the United Nations system, at its last meeting in December 2014 met with the ICC to discuss opportunities to further promote the roles of NHRIs in relation to indigenous issues across the work of the United Nations. The IASG report was presented to and discussed at the 14\(^{th}\) session of the Permanent Forum on Indigenous Issues in April-May 2014.\(^2\)

NHRIs enjoy relationships with a number of UN agencies that report annually to the General Assembly such as UNICEF (United Nations Children’s Fund); UNDP (United Nations Development Programme); UNFPA (United Nations Population Fund); UNHCR (United Nations High Commissioner for Refugees); OCHA (Office for the Coordination of Humanitarian Affairs).

NHRIs also work with inter-governmental organisations such as IOM (International Organisation for Migration).

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CURRENT PARTICIPATION

To respond to the increase in numbers of NHRIIs in-country, and their developing recognition and participation at an international level, a number of United Nations mechanisms and processes have developed practices and arrangements to enable Paris Principles compliant NHRIIs to participate independently in their work, albeit to varying degrees. The level of space and support UN mechanisms and processes have provided to NHRI participation has directly impacted on the level of NHRIIs' most effective participation.

United Nations Human Rights Council

At the United Nations Human Rights Council (Council), a subsidiary body of the General Assembly, Paris Principles compliant NHRIIs, their regional coordinating networks and the ICC enjoy a broad range of participation opportunities.

NHRIIs accredited by the ICC as being in compliance with the Paris Principles, their regional coordinating networks as well as the ICC may attend regular and special sessions of the Council, at which they have allocated seating and to which they may host side-events. They may make oral interventions and submit written information under each of the Council's agenda items. NHRIIs, their regional coordinating networks and the ICC have also participated in intergovernmental consultations to inform the development of draft Council resolutions. The same participation opportunities extend to the Council's mechanisms and bodies, including the Expert Mechanism on the Rights of Indigenous Peoples, the Council's Advisory Committee, the Forum for Business and Human Rights, and the newly established Forum on the Rule of Law and Democracy.

These contribution opportunities originated at the former Commission on Human Rights, a functional Commission under the United Nations Economic and Social Council. When the General Assembly replaced the Commission on Human Rights with the Council, it decided that the Council would work in close cooperation with NHRIIs, based on the same practices and arrangements observed by the Commission on Human Rights, while also seeking to ensuring the most effective contribution of NHRIIs to the Council's work.

In 2011, the Council decided to examine the first five years of its operation. A key outcome of the review was the strengthening of opportunities for Paris Principles compliant NHRIIs to contribute to the Council's work. The Council furthermore granted Paris Principles compliant NHRIIs the opportunity of addressing the Council via pre-recorded video-statements. In its subsequent resolutions on NHRIIs, the General Assembly welcomed the extension of NHRI participation

opportunities and continuously encouraged NHRIs to make use of them.\textsuperscript{37}

The Office of the High Commissioner for Human Rights is also mandated to confirm with the Council the credentials for Paris Principles compliant NHRIs to the Council, based on the outcomes of the ICC accreditation process.\textsuperscript{38}

The Office of the High Commissioner for Human Rights in close cooperation with the ICC also assists Paris Principles compliant NHRIs as they engage with the Council and its mechanisms.\textsuperscript{39}

This includes sharing Human Rights Council documentation and reports, providing timely information to NHRIs about contribution opportunities and facilitating the submission of NHRI contribution including video-statements and NHRI accreditation to the Council.\textsuperscript{40} An OHCHR-developed NHRI information note setting out NHRI participation opportunities and logistical details is provided to the ICC and NHRIs in advance of each Council regular session and focal points for NHRI engagement are established at the Council.\textsuperscript{41} The OHCHR makes regular use of the ICC to disseminate Council-specific information to NHRIs and coordinate their engagement.

The combination of clear and broad participation rights for Paris Principles’ compliant NHRIs and the level of practical support they receive from OHCHR in close cooperation with the ICC has directly contributed to ensuring NHRIs’ increasing and most effective participation in the work of the Council, in line with the vision of General Assembly resolution 60/151.

**Figure 1: Oral statements of NHRIs, Regional Networks, and ICC at the Human Rights Council, March session 2011 – June session 2015.**

![Bar chart showing oral statements by NHRIs, Regional Networks, and ICC from March 2011 to June 2015.]

From the perspective of NHRIs the provision of delivering pre-recorded video-statements to Council sessions has further facilitated NHRI effective participation to hitherto unprecedented levels.


\textsuperscript{39} See the Report of the Secretary-General entitled National Institutions for the Promotion and Protection of Human Rights to the Human Rights Council A/HRC/20/9, para. 88-71.

\textsuperscript{40} Ibidem.

\textsuperscript{41} See [http://www.ohchr.org/EN/HRBodies/HRC/Pages/NHRIParticipation.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/NHRIParticipation.aspx).
United Nations Treaty Bodies

Similarly, NHRIs enjoy a broad range of participation rights in their independent capacity at all stages of the proceedings of United Nations human rights treaty bodies, including reporting, review and follow up. The treaty bodies are established to monitor the implementation by States parties of international human rights treaties which have been adopted by the General Assembly.

A number of treaty bodies have developed General Comments or formal position papers on their working relationship with NHRIs. These include the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination Against Women, the Committee on the Rights of the Child, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on Enforced Disappearances.

Following a historic meeting between the Committee on the Rights of Persons with Disabilities (Committee) and the ICC in September 2014, which was co-sponsored by the United Nations Office in Geneva and the International Telecommunications Union, the Committee decided to develop similar guidelines to guide its engagement with NHRIs.

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42 Figures provided at the Secretary-General reports to the Human Rights Council and from the ICC.
43 General recommendation XVII on the establishment of national institutions to facilitate the implementation of the Convention, Forty-second session (1993).
49 Outcome of the meeting between the Committee and national human rights institutions and independent monitoring mechanisms, CRPD/C/12/2, Annex V.
Whilst the practices may vary from one treaty body to another, NHRIIs generally have the opportunity to submit written information in advance of the States' examination; meet formally in public or closed meetings with the Committee; meet privately with the Committee; and contribute with information about implementation of recommendations to treaty bodies' follow-up procedure. The Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities have adopted the practice of inviting NHRIIs to address the Committee's public meeting during the examination of the State Party.\textsuperscript{50}

At both public and private meetings, as well as when addressing the Committee, NHRIIs are provided separate seating and speaking slots.

The OHCHR in its function as secretariat to UN treaty bodies provides information to NHRIIs about their engagement opportunities in the reporting and follow-up procedures, as well as in special events such as Days of General Discussion. Similarly to the Council's practices, the OHCHR develops information notes for NHRI participation in each treaty body session. It also directly engages in close cooperation with the ICC with individual NHRIIs to facilitate their contributions to the work of the treaty bodies and has developed the use of IT services such as video-conferencing with a view to further facilitating NHRIIs' most effective contributions.

The combination of clear and broad participation rights for Paris Principles' compliant NHRIIs and the level of practical support they receive from OHCHR in close cooperation with the ICC has directly contributed to ensuring NHRIIs' increasing and most effective participation throughout the work of treaty bodies.

The Secretary-General has documented the increase in both number and quality of NHRI participation in the work of treaty bodies.

Figure 3: Contributions of NHRIIs to the Treaty Bodies, from 2012 to 2014.

The Council and the General Assembly have regularly recognised the important role that NHRIIs play within the treaty body processes.\textsuperscript{51}

\textsuperscript{50} Committee on the elimination of racial discrimination, Rules of Procedure, Rule 40, para.2; and the Information Note for NHRIIs of the Committee on the Rights of Persons with Disabilities, available at http://www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonNHRIParticipation.aspx

\textsuperscript{51} NHRI resolutions and TB strengthening process. See General Assembly Resolution A/RES/68/171, adopted on 18 December
International Conferences under the auspices of the General Assembly

NHRIs have also enjoyed independent participation rights in all major human rights-focused International Conferences in the past decades hosted under the auspices of the General Assembly.

A historic precedent for the participation of NHRIs was the Vienna World Conference in 1993, at which the General Assembly decided to formally recognise NHRIs as observers to both the Conference and its preparatory process.52

Building on this precedent, the General Assembly granted NHRIs independent participation rights at the World Conference Against Racism in 200153, the Durban Review Conference in 200954 and most recently the High-Level Plenary Meeting of the sixty-ninth session of the General Assembly, to be known as the World Conference on Indigenous Peoples in 2014.55 Their respective outcome documents specifically acknowledge the roles and contributions of NHRIs.56

The Durban Review Conference's rules of procedure allowed for the participation of NHRIs in both the Conference and its preparatory process based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005, while ensuring their most effective contributions.57

The ICC as well as individual NHRIs actively participated in the meetings of the Preparatory Committee and contributed to the Durban Review Conference with formal oral and written statements and held an NHRI side event co-hosted by the OHCHR and the ICC.58 NHRIs participation and activities were supported and facilitated by the OHCHR working in close cooperation with the ICC.59 This included dissemination of information and documentation, facilitation of their accreditation as NHRIs and allocation of separate seating.

The active and effective participation of NHRIs was welcomed by all actors, and the final Durban Review Conference outcome document points out specific NHRI contributions to the fight against racism, racial discrimination, xenophobia and related intolerance.60

Working Groups and other processes established by the General Assembly

The General Assembly has regularly extended participation opportunities to Paris Principles compliant NHRIs in the work of inter-governmental working groups and processes established by the General Assembly to develop international human rights treaties and other related processes.

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2013, OP. 12 and 14; and General Assembly Resolution 66/268, Strengthening and enhancing the effective functioning of the human rights treaty body system, adopted on 9 April 2014, PP 19 and 23.
58 See for example Report of the Secretary-General A/64/320 paras 78-80.
59 Ibid.
As illustrated above a historic precedent of NHRI contributions to the development of international human rights treaties is the drafting of the Convention on the Rights of Persons with Disabilities (CRPD). NHRI were formally recognised in the work of the Ad Hoc Committee established by the General Assembly to develop the Convention.61

Working through the ICC, NHRI had their own speaking slot under each agenda item and contributed to each stage of the drafting process. Their advice, as independent expert bodies, was called upon by Disabled Peoples Organisations, States and the Chair of the Ad Hoc Committee.

Building on this precedent, the General Assembly has regularly granted participation rights to NHRI in other inter-governmental processes relating to the development of international human rights treaties and similar processes.

NHRI individually and collectively through the ICC have contributed to the development of all major recent international human rights treaties, including the Optional Protocol to the Convention Against Torture, the Optional Protocol on the International Covenant on Economic Social and Cultural Rights62, and the Third Optional Protocol to the Convention on the Rights of the Child,63 and their contributions to these processes have been acknowledged repeatedly by the General Assembly and the Human Rights Council.

NHRI also enjoyed participation throughout the inter-governmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system.64

Collectively through the ICC, they contributed at all stages of the process with oral and written contributions. On 16 July 2012, at the invitation of the President of the General Assembly, the then ICC Chairperson addressed the opening of the meeting of the inter-governmental process, with a statement on behalf of all Paris Principles compliant NHRI, next to the President of the General Assembly, the United Nations High Commissioner for Human Rights, and the Chairperson of the 24th Annual Meeting of Chairpersons of Treaty Bodies.

To facilitate NHRI participation, the Conference Secretariat has introduced a section on its webpage to inform NHRI about participation modalities and relevant practical information. The webpage also includes the OHCHR Chart of Accredited National Human Rights Institutions.

In 2015, NHRI and ICC representatives participated in the Conference. The ICC delivered a

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61 NHRI participation to the work of the Ad Hoc Committee was based on GA resolution 56/168, by which the General Assembly “Decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers of the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities”. (Emphasis added).
statement and hosted a side event with the participation of the Vice-Chairperson of the CRPD Committee on the roles of NHRIs in promoting implementation of the Convention.

Both the General Assembly and the Human Rights Council have regularly welcomed NHRIs’ contributions to the Conference of State Parties and encouraged NHRIs to continue to interact with and advocate for independent participation rights therein.65

Whilst NHRI participation is based on ad hoc arrangements pending final confirmation by the Conference, the practical support and information-services provided by the Conference Secretariat in close cooperation with the ICC has provided for an important level of NHRI contributions to the Conference’s work.

Permanent Forum on Indigenous Issues

Paris Principles compliant NHRIs also enjoy participation rights at the sessions of the Permanent Forum on Indigenous Issues, an advisory New York-based body under the United Nations Economic and Social Council.

In 2010, a special category for registration was created for NHRIs, which mirror the arrangements at the Human Rights Council. NHRIs in compliance with the Paris Principles, the ICC as the representative body of NHRIs globally, and regional coordinating committees of NHRIs, speaking on behalf of member institutions may attend and participate in the sessions of the Permanent Forum, including by contributing with written and oral statements.66

Attendance at the Permanent Forum's sessions provides valuable opportunities for NHRIs to develop relationships with indigenous peoples' organizations from their country and their region. The sessions also provide an important source of current information on the broad range of issues confronting indigenous peoples.

General Assembly and other related UN mechanisms and processes

i) The UN Charter provides for participation in the General Assembly and its subsidiary organs to Member States and non-Member States, entities, intergovernmental organizations, agencies and other entities having received permanent observer status with the General Assembly. The General Assembly itself and its main Committees do not provide for formal participation of Paris Principles compliant NHRIs.

Occasionally, Paris Principles compliant NHRIs have been invited to participate in the General Assembly's high level events. One example of such participation is the General Assembly's 10th anniversary celebration of the Durban Declaration and Program of Action. The General Assembly's meeting commemorating the 10th anniversary was a one-day event at the level of Heads of State and Government taking the form of a plenary session and a series of round table discussions. The arrangements for this anniversary meeting were handled by the President of the General Assembly, assisted by the Permanent Representatives of Cameroon and Monaco.

Upon the ICC's request, the President of the General Assembly formally invited the ICC and its representative to attend the event as well as the thematic roundtables. Consequently, on 22 September 2011 the ICC presented a statement during the event, which was welcomed by States and NGOs alike.

Overall, NHRI participation in the General Assembly and its Committees has however remained minimal.

ii) Despite the practices highlighted above of NHRIs’ independent participation in various UN open-

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ended working groups, as at June 2015 suitable modalities for Paris Principles compliant NHRIs’ independent participation in the Open-ended Working Group on the human rights of older persons (open-ended working group) remain to be determined.67

The open-ended working group has invited NHRIs and their regional coordinating bodies and the ICC to participate as panelists to each of its sessions, thereby allowing the open-ended working group to draw, to some extent, on NHRIs' expertise.

At the same time, the General Assembly, in all its subsequent resolutions relating to the work of the open-ended working group, sent an unequivocal message of the value of Paris Principles compliant NHRIs’ contributions in their independent capacity by

“Not(ing) with appreciation the work of the open-ended working group on Ageing, established by the General Assembly in paragraph 28 of its resolution 65/182, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations, inter-governmental and relevant non-governmental organizations, national human rights institutions, and invited panelists, during the four working sessions of the working group” (Emphasis added)

and

“Noting with appreciation the work of the Working Group, and recognizes the positive contributions of Member States, as well as relevant bodies and organizations of the United Nations system, intergovernmental and relevant non-governmental organizations, national human rights institutions and invited panelists, during the first five working sessions of the Working Group”.68 (Emphasis added).

Furthermore, in its NHRI-related resolutions, the General Assembly has

“welcomed the contributions of Paris Principles compliant NHRIs to the work of the United Nations, including (...) the work of the Open-Ended Working Group on Ageing”

(Emphasis added)

and

“encouraged national human rights institutions compliant with the Paris Principles to continue to participate in and to contribute to the deliberation in all relevant United Nations mechanisms and related processes”.69

However the process is only the poorer for not inviting NHRIs to participate in their independent capacity as experts in the area of human rights and ageing. The process would undoubtedly benefit from receiving expert independent human rights information from NHRIs.

iii) The Commission on the Status of Women (CSW) is the principal global inter-governmental body exclusively dedicated to the promotion of gender equality and the empowerment of women. Established in 1946, the CSW is a functional Commission of the Economic and Social Council (ECOSOC).

CSW at present does not provide for formal independent participation of Paris Principles compliant NHRIs in their independent capacity.

67 Resolution adopted by the General Assembly, entitled Follow up to the World Assembly on Ageing, A/RES/65/182, dated 4 February 2011. Operational Paragraph 30 reads: “Invites States and relevant bodies and organizations of the United Nations system, including relevant human rights mandate holders and treaty bodies and the regional commissions, as well as inter-governmental and relevant non-governmental organizations with an interest in the matter, to make contributions to the work entrusted to the open-ended working group, as appropriate.”
68 General Assembly resolution A/RES/68/134 OP 44; and General Assembly resolution A/RES/69/146 OP 46.
In the absence of NHRI-specific participation arrangements, some NHRIIs have sought to participate in the work of CSW as part of their respective Government or an NGO delegation, whilst other NHRIIs in light of NHRIIs’ status as independent state institutions have felt it would not be appropriate to be associated with either the official Government or NGO delegations.

As a result, the CSW’s ability to draw on the unique expertise NHRIIs can offer to its work has been limited.

This in turn also appears to be in contrast to both the practice of other UN bodies and mechanisms which allow for NHRIIs’ independent participation as well as to the calls from the Secretary-General, the General Assembly, the ICC and CSW itself towards greater roles for NHRIIs in the work of CSW.

In a joint statement to the 54th session of CSW, 11 NHRIIs encouraged Member States to support a resolution enabling the independent participation of NHRIIs in the work of CSW, and in doing so to draw on existing practice in other UN bodies in including the Human Rights Council.70

In the Amman Declaration and Program of Action, adopted at the 11th International Conference of NHRIIs in 2012, NHRIIs from all regions in the world requested the ICC to

“Continue its advocacy for the independent participation of A-status NHRIIs at the UN CSW, as encouraged by UN Human Rights Council Resolution 20/14, and encourage(d) the ICC, its regional NHRI coordinating committees, and NHRIIs to engage, together with their respective governments where appropriate, at the 57th session of CSW (4 to 15 March 2013) focused on the „Elimination and prevention of all forms of violence against women and girls”

whilst NHRIIs resolved to

“Monitor and encourage the implementation of the recommendations of treaty bodies and special procedures, resolutions of UN intergovernmental bodies, including the General Assembly, Human Rights Council, Commission on the Status of Women (UN CSW) and the Commission on Population and Development; and recommendations accepted by States in the context of the Universal Periodic Review (UPR)” (Emphasis added).71

Acknowledging the important role that NHRIIs can play in its work, CSW Agreed Conclusions referred to the role of NHRIIs each year CSW has adopted Agreed Conclusions.72

The Secretary-General has welcomed the engagement of NHRIIs in the work of CSW and further encouraged NHRIIs to seek for independent participation rights.73 This call was supported by Human Rights Council and the General Assembly, which in its resolution 68/171 of December 2013 welcomes

“the contribution of national human rights institutions compliant with the Paris Principles to the work of the United Nations, including of the Commission on the Status of Women...”.74

iv) The General Assembly has regularly called on NHRIIs to contribute to the post 2015 development agenda. In resolution 68/171, it has explicitly encouraged Paris Principles compliant NHRIIs “to continue to participate in and to contribute to deliberations in all relevant United Nations...”.

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70 Statement available at: http://www.asiapacificforum.net/support/issues/working-with-others/un/commission-on-the-status-of-women/
72 See CSW 2014 Agreed conclusions, para. 39 and 42. Available at: http://www.unwomen.org/~/media/headquarters/attachments/sections/csw/58/csw58_agreed_conclusions.pdf
mechanisms and processes in accordance with their respective mandates, including the discussions on the post-2015 development agenda” (Emphasis added).\textsuperscript{75}

NHRIs are uniquely placed to act as a bridge between stakeholders and ensure that national development processes and outcomes are planned, implemented and monitored in a participatory, transparent and accountable manner based on disaggregated human rights data.

The ongoing negotiations on the post-2015 development agenda provide a historic opportunity to confirm the contributions NHRIs may have to promoting implementation of the new Sustainable Development Goals by designing modalities for their participation in national, regional and global implementation and follow-up and review mechanisms, including the High Level Political Forum.

Already, and encouraged by the General Assembly’s call, NHRIs collectively through the ICC have sought to contribute to the post 2015 development process in a variety of ways. The ICC has submitted an open letter to the Secretary-General in support of the Secretary-General’s Synthesis Report.\textsuperscript{76} At the General Segment of the 28\textsuperscript{th} session of the Human Rights Council, the ICC presented an oral statement and submitted a contribution to the inter-governmental negotiations on Follow up and Review mechanisms, in May 2015.\textsuperscript{77}

Addressing the ICC 28\textsuperscript{th} General Meeting on 12 March 2015, Human Rights Council President Joachim Ruecker highlighted the value of NHRI contributions to the post 2015 development agenda, and beyond, noting that

“In 2005, at the World Summit, we acknowledged that peace and security, development and human rights are the three pillars of the United Nations, which are mutually reinforcing and interlinked. There will not be sustainable development without human rights, and there won’t be the realization of human rights without sustainable development. While this may seem apparent to all of us, in reality, we are still suffering from our “block” thinking. If we, however, truly strive for universality of human rights, we must start to allow common thinking and start to create synergies, where possible and where necessary. NHRIs can advocate a greater understanding, awareness and respect for interdependencies of human rights. I therefore strongly encourage the ICC and individual NHRIs to continue their work on building these synergies between human rights and development. The experience of NHRIs in contributing to the implementation of the Millennium Development Goals can be very useful in this regard.”\textsuperscript{78}

UNDP Assistant Secretary General Magdy Martinez Soliman also addressing the ICC 28\textsuperscript{th} General Meeting the same day, further noted that

“The successful implementation of the new development agenda will require a strong accountability framework at the international and national levels. National Human Rights Institutions have an essential role to play in operationalising a human rights-based approach both in the planning phase and after the adoption of the agenda, particularly in terms of promoting, protecting and monitoring the implementation of human rights across the post-2015 framework of goals and targets.”

Effective engagement by NHRIs, particularly in strengthening integration, implementation and review in the work of the High Level Political Forum after 2015 would however be maximised if NHRIs are formally recognised as critical stakeholders in the Forum, and provided with meaningful

\textsuperscript{75} Ibid. OP 15.  
\textsuperscript{78} http://nhri.ohchr.org/EN/ICC/AnnualMeeting/28/Reports%20of%20the%20UN%20Secretary-General/20150312_Speech_President_Ruecker_ICC_28_General_Meeting_Opening_Ceremony.pdf
space and support in order to effectively contribute to inform debates and monitor policy-development, at global and national levels.

**Reprisals**

Whilst the UN has continuously encouraged NHRIs to engage at an international level, the international community at large has been concerned by reported acts of reprisals or acts of intimidations against NHRIs, their members and staff as a result of their mandated activities including their engagement with international human rights mechanisms.

The General Assembly has taken a strong political stance and has condemned any form of reprisals or other acts of intimidation.

In resolution 68/171, the General Assembly

“Recognizes that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries.”

The Human Rights Council has further addressed the issue of reprisals. In resolution 27/18 of October 2014, the Council

“Stresses the importance of financial and administrative independence and the stability of national human rights institutions for the promotion and protection of human rights, and notes with satisfaction the efforts of those Member States that have provided their national human rights institutions with more autonomy and independence, including by giving them an investigative role or enhancing such a role, and encourages other Governments to consider taking similar steps;

Recognises that national human rights institutions and their respective members and staff should not face any form of reprisal or intimidation, including political pressure, physical intimidation, harassment or unjustifiable budgetary limitations, as a result of activities undertaken in accordance with their respective mandates, including when taking up individual cases or when reporting on serious or systematic violations in their countries;

Recognises the role that national human rights institutions can play in preventing and addressing cases of reprisal as part of supporting the cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to follow-up actions, as appropriate, to recommendations made by international human rights mechanisms; and

Emphasizes that any cases of alleged reprisal or intimidation against national human rights institutions and their respective members and staff or against individuals who cooperate or seek to cooperate with national human rights institutions should be promptly and thoroughly investigated, with the perpetrators brought to justice.”

In doing so, the General Assembly and Human Rights Council have made it clear that effective participation of NHRIs at UN level requires that they can operate in a safe and enabling environment, at both national and international levels.

UN treaty bodies have collectively and individually addressed the issue of reprisals, by appointing focal points on reprisals within their Committees, and have resolved to dedicate their Annual Chairperson's Meeting in June 2015 to the matter.

In implementing the above-outlined provisions of the General Assembly and Human Rights Council resolutions, it will equally be important, and a shared responsibility for the broader UN system, to
develop a common approach to most effectively address and respond to the issue of reprisals and other acts of intimidation.

Conclusion

The contribution of Paris Principles compliant NHRIs to UN human rights processes and mechanisms continues to grow as the value that they bring to these processes increases. There is not a uniform approach to the participation of NHRIs within all UN processes. NHRI participation in UN human rights processes has been incremental and to date their participation has been welcomed as valuable.

UN human rights processes outside of the Human Rights Council processes stand to benefit from the contribution of NHRIs. In line with the positive experiences of NHRI participation the UN General Assembly ought to specifically recommend relevant UN processes and mechanisms to consider and include where relevant suitable modalities for the participation of NHRIs.

While the above contributions and opportunities may differ in nature and scope, collectively they demonstrate that the UN General Assembly has demonstrated that human rights processes falling under its auspices benefit from NHRI participation.
The ICC is of the view that the General Assembly as the United Nations' principal deliberative organ has a historic opportunity to recommend NHRI participation in relevant UN mechanisms and processes that are associated with the promotion and protection of human rights.

As outlined in General Assembly resolution 68/171, this process should be guided by the following provisions:

- That Paris Principles compliant NHRIIs may participate independently in relevant United Nations mechanisms and processes in line with their mandates;
- That Paris Principles compliant NHRI participation be based on existing practices and arrangements; and
- That the Secretary-General provides support to national human rights institutions compliant with the Paris Principles as they engage with UN mechanisms and processes, with a view to ensuring their most effective contributions.

**Participation in relevant UN mechanisms and processes**

The ICC encourages the General Assembly to recommend NHRI participation in relevant UN processes and mechanisms, and in accordance with their respective mandates.

This would ensure that Paris Principles compliant NHRIIs are active participants in those UN mechanisms and processes that are associated with the promotion and protection of human rights and that would benefit from the independent information that NHRIIs can provide.

As already identified by the General Assembly and the Human Rights Council in their respective resolutions on NHRIIs, mechanisms that would benefit from NHRI participation include the Commission on the Status of Women, the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, the post-2015 development agenda and the High Level Political Forum, and the Working Group on Ageing.

NHRI participation would assist the United Nations in its efforts in further **mainstreaming human rights** as central pillar of and across the United Nations, and increase the UN's ability to respond to human rights situations in all regions.

NHRIIs can advocate a greater understanding, awareness and respect for interdependencies of human rights in all in all areas of the UN's work and help ensure that the UN's work is based on human rights.

This is not only to give practical meaning to the vision of World Leaders at the 2005 World Summit which acknowledged that human rights are central to the work of the UN, next to peace and security, and development, all of which are interrelated and mutually reinforcing.

It is also relevant in the context of the 2013 Secretary-General's *Human Rights-up Front* initiative for the UN system which heralds a new approach of the UN. It reaffirms the importance and centrality of human rights to the UN and renews the UN's commitment to uphold the responsibilities assigned to the UN by the Charter, the Security Council and the General Assembly, whenever there is a threat of serious and large-scale violations of international humanitarian law. A central aspect of the *Human Rights up Front* Initiative is the crucial need for immediate preventive action, and the responsibility of the UN system to respond immediately to human rights violations. NHRIIs can have an effective role in supporting the UN in this important endeavour.

The inextricability of human rights from all aspects of life and thereby the work of the UN is accepted. However, this is yet to be realised in daily practice.
The space for NHRIs within the UN system will continue to grow as NHRIs are an integral part of any effort to effectively promote and protect human rights. It is however crucial to determine the most suitable and acceptable modalities for their participation within the UN system.

The proposed participation of NHRIs in relevant UN mechanisms and processes would help maximise the UN’s ability to effectively draw on the unique expertise that NHRIs can offer to all areas of the UN’s work, whilst keeping with developing UN practice of Paris Principles compliant NHRIs’ engagement with UN mechanisms and processes, which has been supported and further encouraged by the United Nations at General Assembly and Human Rights Council level.

It would allow the General Assembly to establish a more coherent approach for UN engagement with NHRIs, thus contributing to enhanced consistency, predicability and legal certainty in terms of NHRI participation.

Finally, by making the UN more accessible to Paris Principles compliant NHRIs who work to represent rights-holders within their respective jurisdictions, the UN would increase its linkages to the people at national and local levels. This would be in implementing the UN’s fundamental principle, and very raison d’être, as stipulated in the Charter itself and its opening words: “We, the peoples”.

Participation based on existing practices and arrangements

By drawing on existing practices and arrangements at the Human Rights Council, relevant UN mechanisms and processes would benefit from the extraordinary experience of its premier human rights body in engaging with NHRIs, which has been consistently welcomed by the Secretary-General, the General Assembly, and the Council, as well as States, civil society and NHRIs themselves.

These include the following principles for NHRI participation:

- That NHRIs participate in their independent capacity at NHRIs, with specific arrangements for accreditation, seating and speaking, which are distinct from those applicable to member states, NGOs and other stakeholders; and
- That NHRI participation is extended to Paris Principles compliant NHRIs (A status).

These existing practices and arrangements could inform as a matter of principle relevant UN mechanisms and processes to determine suitable modalities for NHRI participation in their work, in line with these bodies’ specific mandates and working methods.

NHRIs’ most effective contributions

By encouraging the Secretary-General to support the participation of Paris Principles compliant NHRIs, the General Assembly will help ensure NHRIs’ most effective contributions to UN mechanisms and processes.

This assistance should be manifold and, to be most effective, and may include practical arrangements by the Secretariat and through UN field offices, including facilitating NHRIs’ access to information and documentation in a timely and appropriate manner, and to promote increased awareness among Secretariat officials of NHRIs and their mandates.

It may also require developing appropriate and effective mechanisms to ensure that NHRIs, their members and staff and others who contribute to their work can operate in a safe and enabling environment free from reprisals and other acts of intimidation.
CONCLUSION

Paris Principles compliant national human rights institutions (NHRIs) are increasingly being recognised as critical and unique actors in the human rights framework and by the United Nations.

NHRIs are not adversaries of government, they are independent State institutions that are established to support States in the promotion and protection of human rights. This implicitly means that NHRIs are beholden to speak out on matters of concern and not to merely state what the State wish to hear.

NHRIs are responsible for the promotion and protection of human rights in-country and what takes place within the UN is closely monitored. Where matters impact on human rights and where these emanate from the Human Rights Council or other UN bodies, NHRIs in terms of their mandates are duty-bound to create awareness, conduct advocacy and carry out follow-up if these actions will support the promotion and protection of human rights.

Whilst the clear role that NHRIs have to play in UN processes and mechanisms that are associated with the protection and promotion of human rights has been increasingly accepted by Member States; the discussion now needs to move to the requisite modalities of their participation.

This September the General Assembly will have a monumental opportunity to send out a clear indication that NHRIs are welcome to contribute in their independent capacity as NHRIs in those areas of UN work that would benefit from their specific independent human rights expertise.

Their recognition as invaluable contributors to UN mechanisms and processes should not impinge on their status as independent institutions and should be in accordance with the various General Assembly and Human Rights Council resolutions move beyond the ad hoc nature to ensure that participation is coherent thus allowing for enhanced NHRI contributions.

Furthermore UN mechanisms and processes would largely benefit from the extensive information and expertise that NHRIs can offer on specific human rights issues beyond participation in expert panels.

Crucially, this debate will take place against the backdrop of the new Sustainable Development Goals. Whilst it is yet to be determined which modalities will apply to monitoring and follow-up, NHRIs are uniquely placed to independently monitor, at a country level, progress that is made in achieving these goals.

As NHRIs work to represent rights-holders within their respective jurisdictions, by welcoming NHRI participation in its work, the UN will increase its linkages to the people at national and local levels and make human rights more tangible for all.

The ICC recognises that given that NHRIs are distinct from Member States and NGOs, the consideration for granting participation rights will take into account this distinction and it will thus be necessary to create different modalities for participation of Paris Principles compliant NHRIs within UN mechanisms and processes.

This process should be guided by the General Assembly resolution 68/171 taking into account independent participation by Paris Principles complaint NHRIs in accordance with their mandates; which is based on existing practices and arrangements; and which will be supported by the Secretary General to ensure the most effective contributions to the relevant UN mechanisms and processes.
Recommendations

Against this background, and based on the provisions of General Assembly resolution 68/171, the ICC therefore recommends that the General Assembly in its next resolution on NHRIs:

- Decides that national human rights institutions compliant with the Paris Principles participate independently in relevant United Nations mechanisms and processes, including the Commission on the Status of Women, the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, the Open Ended Working Group on Ageing and the sustainable development process post-2015 including the High Level Political Forum, in accordance with their mandates;

- Requests relevant United Nations mechanisms and processes, including the Commission on the Status of Women, the Conference of State Parties to the Convention on the Rights of Persons with Disabilities, the Open Ended Working Group on Ageing and the sustainable development process post-2015 including the High Level Political Forum, to make arrangements to enable national human rights institutions compliant with the Paris Principles to participate independently in their work in accordance with their mandates, based on practices and arrangements agreed upon in Assembly resolution 60/251, Human Rights Council resolutions 5/1 and 5/2 and 16/21 and Commission on Human Rights resolution 2005/74; and

- Further request the Secretary-General to provide support to national human rights institutions compliant with the Paris Principles as they engage with relevant UN mechanisms and processes, with a view to ensuring their most effective contributions.