Establishment of national human rights institutions in compliance with the Paris Principles

A Workshop for Portuguese speaking countries

<table>
<thead>
<tr>
<th>Objective</th>
<th>To develop and strengthen the national human rights protection system in Portuguese speaking states with the long term goal of developing their own model(s) of Paris Principles compliance national human rights institutions, and strengthening the capacity of the existing ones.</th>
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</thead>
<tbody>
<tr>
<td>States involved</td>
<td>Angola, Brazil, Cape Verde, Timor-Leste, Guinea Bissau, Mozambique, Portugal, Sao Tome and Principe.</td>
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<td>Partners</td>
<td>OHCHR (Geneva), the Portuguese Ombudsman, The Ministry of Foreign Affairs Portugal, National Assembly of Cape Verde, the Ministry of Foreign Affairs Cape Verde.</td>
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<td>Venue</td>
<td>Praia, Cape Verde⁴</td>
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<td>Dates</td>
<td>15-19 October 2012</td>
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</tbody>
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1. Background

In recent years, many countries have established independent, legally constituted bodies to promote and protect human rights, known generally as National Human Rights Institutions (NHRIs). NHRIs are key institutions in the protection and promotion of human rights in every state, given the fact that they contribute to addressing critical human rights gaps and promoting the rule of law. NHRIs are increasingly recognized nationally and internationally as essential mechanisms to Promote respect for the effective implementation of international human rights standards at the national level.

The “Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights” of 1993 (herein after “the Paris Principles”) are the main normative source for these bodies. The Paris Principles set the minimum standards that such mechanisms/structures should comply with in order to function effectively; including independence, pluralism, a broad mandate to protect and promote human rights, accessibility, functional and structural autonomy, interaction with civil society, and ideally, powers to handle cases of human rights violations.

There are over 100 NHRI bodies established worldwide; 69 of which have been recognized as fully in compliance with the Paris Principles by the International Coordinating Committee of NHRIs (ICC). The majority of these institutions are interacting closely with the ICC and regional networks of NHRIs. These networks, together with the Office for the High Commissioner for Human Rights (OHCHR)

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⁴ The meeting will take place in the National Assembly of Cape Verde.
support the establishment and strengthening of NHRIs through ongoing capacity building mechanisms at the international, regional and national levels.

The content of the Paris Principles is illustrated by the fact that they do not advocate any particular institutional model, allowing flexibility for States to develop their own specific mechanism based on the key international standards in consideration of national specificities and contexts. Paris Principles mechanisms encompass human rights commissions, ombudsmen, and specialized agencies. For this reason, the Paris Principles can indeed be a useful and malleable framework of reference for the establishment of human rights mechanisms/structures in Portuguese speaking countries, in order to ensure that these enjoy legitimacy and effectiveness.

One of the key objectives of OHCHR is to support the establishment and strengthening of national protection systems. OHCHR works through National Institutions and Regional Mechanisms Section (NIRMS) and its field offices specifically to provide capacity support to NHRIs, in order to ensure there are established in compliance with the Paris Principles. OHCHR works in cooperation with other partners such as UNDP. OHCHR is also the secretariat the ICC and its subcommittee on accreditation that reviews the accreditation status of NHRIs.

OHCHR has held seminars promoting the establishment of NHRIs in several countries. The most recent regional workshops were held in the Caribbean (2011), and in Southern Africa (2010) for the establishment of NHRIs in the respective regions. The High Commissioner for Human Rights indicated in her opening Speech at the ICC International Conference in 2012 that NHRIs are the key actors for practical implementation of international human rights standards at the national level.

The Portuguese Ombudsman has also taken an active role in engaging with Portuguese speaking countries in order to encourage the establishment of Paris Principles complaint NHRIs, and promoted this initiative in cooperation with OHCHR.

2. Establishment of NHRIs in Portuguese speaking countries.

In the Community of Portuguese speaking countries, Portugal and Timor-Leste are the only two countries that have NHRIs that have been accredited by the ICC as in compliance with the Paris Principles. In those States, these NHRIs have their foundations in the National Constitution and have their own statute.

1. Rationale

Paris Principles mechanisms can play an important role in advancing the rule of law and protecting human rights at the national level, while giving a unique local expression to international human rights standards. Therefore developing the capacity of Lusophone States to build on existing human rights frameworks, with the long term goal of developing their own model(s) of Paris Principles institutions, is a priority for OHCHR.

In December 2008, the UN General Assembly adopted the resolution 63/169 on the Role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights. This resolution encouraged the creation and strengthening of independent and autonomous Ombudsman, mediator and other national human rights institution. In addition, resolution 65/2007 encourages NHRIs, where they exist to operate in accordance
with the Paris Principles in order to strengthen their independence and autonomy and assist members states in the promotion and protection of human rights.

The General Assembly in its resolution 64/161 on National Institutions for the promotion and protection of human rights, underlined the importance of the autonomy and independence of Ombudsman institutions, encouraged increased cooperation between national human rights institutions and regional and international associations of Ombudsmen and also encouraged Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms,

The Secretary-General in his report A/65/340 to the General Assembly on the Role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights, encouraged those institutions to cooperate with a view to strengthening their capacities to promote and protect human rights.

In this context, bearing in mind the relevance of NHRIs as institutional mechanisms that can contribute to the promotion of democracy, Rule of Law and Human Rights, and following the efforts of Portuguese-speaking countries to tighten their laces of cooperation and integration, the present workshop might be an extremely useful tool for achieving those goals.

Considering that the Constitutive Declaration of the Community of Portuguese-speaking Countries created in 1996 establishes, among its objectives, the cooperation, particularly in the economical, social, cultural, and legal domains and determines among its guiding principles, the primacy of peace, democracy, Rule of Law, Human Rights and social justice, the creation and the strengthening of NHRIs and a permanent forum for dialogue can help reinforce these objectives.

As part of the joint efforts made by the Portuguese-speaking countries in the field of human rights, the "Seminar on Human Rights of People with Disabilities within the CPSC", took place in Brasilia, from the 25th to 27th October 2011. Another effort is the Maputo Declaration, signed on July 20, 2012 declaring the observance of human rights as a precondition for peace and for creating favorable conditions for countries of the CPSC.

In this sense, a common framework for creating and strengthening NHRIs in these countries can be a powerful tool for achieving the CPSC’s goals related to Human Rights.

This way, OHCHR joins the efforts made by these countries so that, apart from a common language and historical heritage, they may deepen the institutional dialogue that leads to the creation of NHRIs and, as a corollary, to the deepening of democracy, Human Rights and solidarity between Portuguese-speaking countries.

2. Objectives

The overall objective of the Workshop is to contribute to the dialogue on human rights in the Portuguese Speaking countries by engaging government representatives, parliamentarians, civil society and existing NHRIs on the issues relating to the establishment of Paris Principle mechanisms. Representatives
from these States will be invited to discuss next steps for developing or adapting existing human rights institutions in their countries within the framework of the Paris Principles.

**Specifically, the Regional Workshop seeks to:**

- Provide participants with the relevant resources and methodological tools developed by the United Nations for establishing human rights institutions (i.e. the Paris Principles);
- Share lessons learned and best practices on the Paris Principles;
- Create a forum for discussion on implementing the Paris Principles in the various countries;
- Discuss possible road maps and concrete proposals to establish Paris Principle compliant mechanisms/structures in those countries without a Paris Principles complaint NHRI.

4. **Expected outcome**

**Short term**

- A report of on the workshop, putting forward concrete proposals in relation to strengthening and establishing NHRI in the region
- Awareness raised of governments on the establishment of NHRI, and a commitments made to that effect;
- Encouraging and supporting national consensus/ownership for creating and strengthening NHRI;
- Documentation of best practices on how to strengthen NHRI and their role in promoting and protecting human rights;
- Greater engagement of UNCTs (especially UNDP) to support Governments’ action on national institutions in the concerned countries; Coordination of a broad range of mechanisms (UN, bilateral cooperation, etc.) to support States’ action on the establishment Paris Principles mechanisms/structures
- Advice on accreditation to the ICC;
- Establish links for NHRI with the Regional Secretariats and Networks of NHRI. Advancing the dialogue on the implementation of the Paris Principles in the Portuguese Speaking countries.

**Long term:**

(a) Establishment of NHRI which comply with the Paris Principles;
(b) Development of a comprehensive strategy for each state to establish/strengthen an NHRI.

4. **Strategy**

The Workshop will be hosted by the Cape Verde. It will be co-organized by OHCHR (Geneva) and the Portuguese Ombudsman with the support of the National Assembly and the Ministry of Justice Cape Verde. Other interested partners will be invited to play an active role in this initiative.

Through a robust partnership, the OHCHR will work to consolidate regional capacity building efforts to assisting the States in establishing Paris Principle compliant institutions.
5. Methodology

Participants

The Workshop will bring together about 40 participants, primarily focusing on representatives from NHRIs, governments, parliaments, and civil society of the 8 Portuguese Speaking states including Angola, Brazil, Cape Verde, Timor Leste, Guinea Bissau, Mozambique Portugal, Sao Tome and Principe. UN Country teams from each represented country will also be invited.

Presenters/Resource persons

Representatives of the NHRIs with A-status, including Timor-Leste and Portugal and other Ombudsman and Commissions to be identified by the organizers. Experts from the UN and other regional mechanisms could be considered depending on the area of expertise. OHCHR representatives and experts will facilitate the discussions.

Content

The overarching theme of the Workshop will be contextualizing international standards with particular focus on the Paris Principles. Prior to the Regional Workshop, background materials will be provided to the participants. During the workshop, the core functions of Paris Principles mechanisms (including human rights promotion and protection, investigating and documenting human rights violations, handling individual complaints, advisory services, legislative review, and human rights education), working methods, operational procedures and major functions played at the national, regional and international levels will be discussed.

Agenda

DAY 1 will focus on the general framework of the Paris Principles with a country specific focus, looking and the different types of NHRIs; the core functions, activities and methods of operation of Paris Principles compliant institutions/mechanisms will be discussed. The promotional role of Paris Principles mechanisms, including advisory services, advocacy and outreach and human rights education; and the NHRI protection role, including monitoring, investigating and documenting human rights violations, as well as handling individual complaints will be discussed. DAY 2 It will focus on the interaction of Paris Principles institutions with actors at the national, regional and international levels. Day 3 Will focus on strengthening the mature NHRI. At the end of the workshop the participants will be requested to mention the possible actions that can be undertaken in their countries to strengthen and establish NHRIs and a Declaration will be adopted.

Format/structure of workshop

The duration of the Workshop will be three working days. It will consist of an opening and closing and working sessions organized as indicated below. The
Workshop will be highly interactive. Short, presentations, by panel practitioners (i.e. national institutions and OHCHR) will kick off discussions and engage participants in them. The discussions will regularly look at relevant benchmarks, indicators and examples of best practices drawn from different institutions. A chair/moderator will oversee each session and facilitate the discussion. This will give the opportunity to discuss in greater detail, as and where necessary, aspects such as legislative requirements, development of operational framework strategies; selection/appointment process; staffing; approval of by laws and strategic plan; national consultation; resource mobilization; international support, etc. The main goal of the discussions will be to elaborate strategies and recommendations for further engagement.

Language

The working language shall be Portuguese and English. OHCHR and the Portuguese Ombudsman will prepare a final report in English, and the Portuguese Ombudsman will prepare the Portuguese version of the report.