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IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”

Report of the Secretary-General on national institutions for the promotion and protection of human rights*

Summary

The present report, covering the period January to December 2006, contains information on activities undertaken by the Office of the United Nations High Commissioner for Human Rights to establish and strengthen national human rights institutions (NHRIs), the measures taken by Governments and NHRIs in this regard and cooperation between NHRIs and international mechanisms to promote and protect human rights. Information regarding the work of NHRIs in respect of specific thematic issues is also included. Documents dealing with the events noted in the present report may be found on the website relating to NHRIs (www.nhri.net). Additional information on initiatives and assistance provided to NHRIs may be found in the thematic and country reports of the special procedures mandate holders of the Human Rights Council, as well as the Secretary-General's report on advisory services and technical cooperation in the field of human rights (E/CN.4/2006/104) and the Secretary-General's report (E/CN.4/2006/102).

* In order to comply with the General Assembly rules on page limitation, the annex is being circulated as received, in English, French and Spanish only.

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I. INTRODUCTION

1. The present report is submitted pursuant to Human Rights Council decision 2/102 of 6 October 2006, requesting the High Commissioner for Human Rights to “continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies”. The present update outlines the progress achieved since the last report to the Commission on Human Rights (E/CN.4/2006/101).

II. NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

2. The Office of the United Nations High Commissioner for Human Rights (OHCHR) accords priority to the establishment and strengthening of national human rights institutions (NHRIs) with due regard to the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134 of 20 December 1993, annex). OHCHR also works for the improvement of United Nations system-wide coordination in the work of NHRIs, and supports increased participation by NHRIs in appropriate United Nations human rights and other international forums. OHCHR also encourages the sharing of best practices among NHRIs, supports the strengthening of their regional networks and facilitates their access to relevant information, round tables, seminars, workshops and training activities.

3. During the reporting period, January-December 2006, OHCHR has sought, through a wide range of activities, to heighten its commitment to supporting the Secretary-General within the Action 2 Initiative in the building of strong NHRIs at the country level through the National Institutions Unit (the NI Unit), located within the Capacity-Building and Field Operations Branch of OHCHR. The Unit has been moderately strengthened with new staff members during 2006 to address the rapidly increasing number of NHRIs, which are expanding their sphere of activities at the national, regional and international levels.

4. NHRIs are seen not only as institutions to which assistance may be provided, but also as partners that can provide important human rights knowledge and experience. They are increasingly recognized by the international community as mechanisms that are essential to ensuring respect for the effective implementation of international human rights standards at the national level.

A. Advisory services

5. OHCHR has undertaken to strengthen the role of NHRIs at the global, regional and country levels through the work of the NI Unit, working in consultation with the geographic units and field offices. At their request, tailored advice is provided to a growing number of countries on an appropriate constitutional or legislative framework regarding new NHRIs and on the nature, functions, powers and responsibilities of such institutions. Comparative analyses, technical cooperation needs assessments, project formulation and evaluation missions are also undertaken. Training activities are addressed by OHCHR colleagues, regional representatives

United Nations country teams (UNCTs), United Nations specialized agencies and programmes, non-governmental organizations (NGOs) and other OHCHR partners, which are in turn able to address a number of NHRI-specific issues within various countries and regions.

6. During the reporting period, OHCHR has provided advice and information on activities and issues, including in relation to constitutional provisions, enabling legislation, advisory missions and rules and regulations relating to institutions in Angola, Burundi, Cambodia, Chile, the Comoros, Côte d'Ivoire, France, Italy, Iraq, the Maldives, Lesotho, Nepal, Nigeria, Pakistan, Serbia, Sierra Leone, Sri Lanka, the Sudan, Tajikistan, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland (regarding Scotland), Uruguay and Zimbabwe. This support has often been provided in collaboration with the United Nations Development Programme (UNDP) and United Nations missions.

B. Support to international initiatives

1. International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and its Subcommittee on Accreditation

7. The Unit, in its capacity as the secretariat of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and its Subcommittee on Accreditation, provided substantive support to, and facilitated the holding of the seventeenth session of ICC in Geneva (12-13 April 2006) and the eighteenth session of ICC in Santa Cruz, Bolivia (26-27 October 2006).

8. The seventeenth session was attended by representatives of institutions from 48 countries. The meeting considered the existing ICC accreditation process in light of guidelines for NHRIs wishing to access the Human Rights Council and adopted a mechanism for periodic review of accreditation through a five-yearly re-accreditation process. Working groups were established on the role of NHRIs in the Human Rights Council, the treaty body process and the ICC accreditation process. In addition, a thematic discussion was held on appointment procedures within NHRIs, calling for open, transparent and participatory appointment processes for NHRI Chairs and members. Support was also provided to parallel meetings of other groups of NHRIs and to the work of the Subcommittee on Accreditation (14 applications were reviewed with substantive summaries provided for each).

9. The eighteenth session was attended by representatives of institutions from 55 countries. Working groups delivered papers on the role of NHRIs in the Human Rights Council, the role of NHRIs in the United Nations treaty body system and the ICC accreditation process. Discussions were held on NHRIs and early warning mechanisms and on the eighth session of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities. Support was also provided to parallel meetings of regional groups of NHRIs and to the work of the Subcommittee on Accreditation (which reviewed nine applications of NHRIs for re-accreditation, eight applications for new accreditation and one review application pursuant to paragraph 3 (g) of the ICC rules of procedure).

10. To date, ICC has accredited 60 NHRIs deemed by it to be in compliance with the Paris Principles, with the number increasing annually (1999: 15; 2000: 26; 2001: 32; 2002: 40; 2003: 45; 2004: 50; 2005: 51). The NI Unit, as secretariat of ICC, has worked closely with ICC to strengthen its accreditation procedures and will assist in undertaking a systematic and thorough review of the accreditation status of the accredited NHRIs to ascertain their conformity with the Paris Principles (see A/HRC/4/92).

2. Eighth International Conference of National Human Rights Institutions

11. OHCHR, the Defensoría del Pueblo de Bolivia and ICC organized the Eighth International Conference of National Human Rights Institutions held in Santa Cruz, Bolivia, from 23 to 27 October 2006. The theme of the conference, in which over 140 participants took part, was "Migration: The Role of NHRIs". The Conference was hosted by the Defensoría del Pueblo de Bolivia.

12. The purpose of the Conference was to develop and strengthen cooperation between NHRIs with regard to migration as a human rights issue; promote the adoption of strategies with regard to migration and human rights; establish guidelines for NHRIs in dealing with migrant issues; and adopt a forward-looking declaration on the role of NHRIs in dealing with migration and human rights.

13. The Conference began with an NGO Forum, at which some 50 international, regional and national NGOs discussed strategic partnerships between NHRIs and NGOs in dealing with migration. Their conclusions fed into the main part of the Conference, where participants from 68 countries discussed how best to ensure and implement mechanisms for the protection of migrants' rights. Participants outlined their commitment to increase the positive aspects of migration and better address its negative consequences through the adoption of a human rights-based approach to migration highlighted in the Santa Cruz Declaration and Guidelines adopted by the Conference (see annex for full text).

14. In order to implement the Declaration, NHRIs agreed to establish a working group at the next session of ICC; develop and implement within their institutions a strategy to address migration; and develop plans of action among NHRIs of relevant sending, transit and receiving States in cooperation with partners, including civil society. They also agreed to request OHCHR to prepare a study which could also include NHRIs' best practices in relation to migration; to encourage their States to support the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Special Rapporteur on the human rights of migrants; and call for ratification, and implementation, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. NHRIs furthermore agreed to report back to the next session of ICC on concrete measures taken in this regard.

3. United Nations bodies

Human Rights Council

15. To date, NHRIs accredited by ICC as being in compliance with the Paris Principles may participate and address the Council in an independent capacity. In addition, the International

Coordinating Committee of NHRIs, as the global coordinating body of NHRIs, is able to participate in the Council in the same manner as accredited NHRIs. It is important that the principle that only those national institutions deemed to be in compliance with the Paris Principles are able to address the Council be upheld. The upcoming ICC annual meeting will include as one of its agenda items the issue of participation of regional coordinating committees in the Human Rights Council.

16. OHCHR, in its capacity as secretariat to the Human Rights Council, has been supporting an enhanced role for NHRIs in the work of the Human Rights Council in discussions with Member States and the Presidency of the Council. During the first session of the Council, a representative of ICC delivered an introductory speech that was very well received by the members of the Council. Additional interventions were made by the NHRIs of India (right to development) and Morocco (enforced disappearances) and the NHRIs of India, Morocco and Mexico (universal periodic review mechanism).

4. Information and training activities

17. Training modules and materials are being finalized with OHCHR partners. These include a compilation on CD-ROM of NHRI legislation, constitutional provisions and annual reports; a CD-ROM-based training module for UNCTs on NHRIs; and an update of the publication, *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights (Professional Training Series No. 4)*.

18. Other materials have been finalized, such as the CD-ROMs of the Actors for Change project (see section V.H below), a handbook on the role of NHRIs in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination (see section V.G), and the Handbook on Economic, Social and Cultural Rights for NHRIs. Based on consultations with NHRIs, OHCHR also finalized, in cooperation with the International Council on Human Rights Policy, the publication *Assessing the Effectiveness of NHRIs*, on measurement indicators regarding the effectiveness of NHRIs and their compliance with the Paris Principles.

19. Since 2003, OHCHR maintains, in cooperation with the Danish Institute for Human Rights, a website on NHRIs (www.nhri.net). The site, linked to all existing NHRI websites and to the OHCHR main web page, includes information on country and thematic issues of interest to NHRIs. Furthermore, a database of comparative analysis for procedures and methods of complaints-handling by NHRIs and a news alert, sent by e-mail to all interested parties, were launched in 2004.

C. Support to regional initiatives

20. OHCHR provides financial and substantive support to the regional secretariats and networks of NHRIs.

1. The Americas and the Caribbean

Network of National Human Rights Institutions of the Americas

21. OHCHR participated in the Fifth General Assembly of the Network of NHRIs of the Americas (Buenos Aires, 28 November 2006). During the meeting, its secretariat informed participants about the main activities undertaken during the period 2005-2006 and presented a work plan for 2007-2008. The plan contains five priority themes - right to education, rights of persons with disabilities, right to a healthy environment, rights of indigenous peoples and prevention of torture - which are to be supported by activities at the regional level. OHCHR, in collaboration with the Network and other United Nations funds and programmes, will support some of these activities.

22. Members of the Network are those institutions which are accredited by ICC as being in compliance with the Paris Principles. At present, the Network's members include institutions from the following countries: Argentina, Bolivia, Canada, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela.

23. OHCHR has strengthened its collaboration with the Special Fund for Ombudsman and National Institutions of Latin America and the Caribbean. The Special Fund is a tool that connects resources and best practices in Latin America and the Caribbean and Europe. It is a flexible structure to help establish new NHRIs in the region and strengthen the capacities of existing ones. The Special Fund has provided support, including for the holding of the workshop on irregular migrants held in Mexico (9-11 March 2005), the Eighth International Conference of NHRIs and the Fifth General Assembly of the Network of the Americas, which included a seminar on economic, social and cultural rights.

24. At the international seminar "The right to education and NHRIs" held on 22 and 23 September 2005 in Honduras organized by the Network, OHCHR and the United Nations Educational, Scientific and Cultural Organization (UNESCO), participants identified the major obstacles and challenges to implementing the right to education in the region. They established a three-phase plan of action for NHRIs. The same partners organized a seminar in Ecuador (24-26 May 2006) as a second phase of the plan of action aimed at adopting concrete actions and strategies to promote and protect the right to education based on the "4-A scheme" (affordability, accessibility, acceptability and adaptability) described by the previous Special Rapporteur on the right to education (see E/CN.4/2002/60, note 27). The third phase was the signing of the plan of action by the heads of NHRIs in the region at a ceremony held in Mexico City on 19 June 2006. The Network's programme of work for the period 2007-2008 contains follow-up activities as reflected in the plan of action. OHCHR will continue to support these activities.

Workshops, training courses and advisory missions

25. OHCHR supported the International Human Rights Training Programme, which was provided by the NGO EQUITAS in Montreal, Canada, from 11 to 30 June 2006, by sponsoring the participation of three NHRIs and one NGO.

26. As follow-up to the October 2005 OHCHR mission to support the establishment of an NHRI in Uruguay and responding to the requests of the Government, UNDP and civil society,

OHCHR and UNDP Uruguay provided legal and financial assistance to support the activities of a working group composed of representatives of the Government, parliament, academia and civil society. The aim of the working group is to prepare a draft law establishing an NHRI in Uruguay that could be adopted by the legislature.

27. As follow-up to the OHCHR mission to Chile to support the establishment of an NHRI (October 2005), the NI Unit provided advice to the Government concerning compliance with the Paris Principles by any future institution. Its regional representative has held several meetings at senior levels of Government to underline the need to have a national institution which is independent in Chile. OHCHR stands ready to provide additional support as requested.

2. Africa

Network of African National Human Rights Institutions

28. OHCHR has supported the establishment of the Network of African National Human Rights Institutions. The Constitution of the Network was adopted by the African Group of NHRIs in Santa Cruz during a meeting following the Eighth International Conference of NHRIs. The main purpose of the Network is to encourage the establishment of NHRIs in Africa in conformity with the Paris Principles, to strengthen the effectiveness of NHRIs in Africa and to encourage cooperation among NHRIs in Africa. Members of the Network are those NHRIs which are accredited by ICC as being in compliance with the Paris Principles. At present there are 17 members from the following countries: Algeria, Egypt, Ghana, Kenya, Malawi, Mauritius, Morocco, Namibia, Niger, Nigeria, Rwanda, Senegal, South Africa, Togo, Uganda, United Republic of Tanzania and Zambia.

Permanent Secretariat

29. The Constitution of the Network of African NHRIs provides that a Permanent Secretariat of the Network shall be established in Nairobi. The Permanent Secretariat will focus on strengthening collaboration and networking among NHRIs through information-sharing, exchange programmes, training and capacity-building. OHCHR has provided funding for one year to recruit an Executive Director and an assistant and support for initial operating costs. The Executive Director shall be responsible for the day-to-day running of the Permanent Secretariat under the general direction of the Network's Steering Committee. OHCHR has encouraged other potential donors to support the Secretariat once a plan of action and programme of activities are defined.

Network of National Human Rights Institutions in West Africa

30. OHCHR participated in two consultative meetings of NHRIs in West Africa held from 4 to 7 July 2006 in Accra and from 8 to 11 November 2006 in Banjul, respectively. Other partner institutions such as the African Union, the African Commission on Human and Peoples' Rights, the Commonwealth Secretariat, the West African Bar Association and leading civil society actors and academics on human rights in West Africa also participated.

31. As a result of the consultation process, OHCHR worked with the Economic Community of West African States (ECOWAS) to establish a network of NHRIs of West African States.

This development is in line with the ECOWAS Supplementary Protocol on Democracy and Good Governance of 2001, which stipulates that ECOWAS member States should create independent NHRIs and that the ECOWAS Secretariat should strengthen its capacity in that regard. The purpose of the Network, which was established on 10 November 2006, is to serve as a platform for strengthening the capacity of NHRIs to protect and promote human rights in West Africa. The Network is composed of all the West African NHRIs, both those deemed to be in compliance with the Paris Principles by the International Coordinating Committee of NHRIs and those which are not (the members are the institutions of Benin, Burkina Faso, Cape Verde, Côte d'Ivoire, Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo).

32. The ECOWAS Executive Secretariat shall serve as a facilitator to the Network for an initial period of two to three years. After this start-up phase, it will continue to provide backstopping to the Network, which will have an independent secretariat.

Workshops, training courses and advisory missions

33. OHCHR, with the human rights section of the United Nations Mission in the Sudan (UNMIS), is supporting the establishment of two human rights commissions: one based in Khartoum and entrenched in the Interim National Constitution of the Republic of the Sudan of 2005, and one for Southern Sudan, with its headquarters in Juba and incorporated in the Southern Sudan Interim Constitution.

34. OHCHR organized a consultation workshop on 8 May 2006, in cooperation with the Advisory Council for Human Rights and UNMIS, on the "Draft Bill of the National Human Rights Commission Act". Attended by 56 representatives of civil society groups, lawyers, academics, parliamentarians, journalists and diplomatic missions, the objective of the workshop was to achieve broader consensus on the draft bill and provide an opportunity for a sharing of ideas.

35. OHCHR has assisted the Government with respect to the process of advising on the enabling legislation. An induction programme for the members of the Southern Sudan Human Rights Commission was organized in Juba, from 8 to 11 August 2006, with technical support from OHCHR. OHCHR, in cooperation with UNMIS, is in the process of facilitating a study tour in Uganda and South Africa for the newly appointed members of the Southern Sudan Human Rights Commission.

36. OHCHR, in cooperation with the United Nations Integrated Office in Sierra Leone (UNIOSIL), has been supporting the Government of Sierra Leone in the process of establishing its Human Rights Commission with respect to the provision of advisory services including the drafting of enabling legislation and the appointments process for the commissioners. The Human Rights Commission of Sierra Leone Capacity Development Project is being elaborated in cooperation with UNIOSIL and aims at building the various capacities of the Human Rights Commission, namely: (i) to strengthen the structural and management capacity of the Commission; (ii) to develop and support the operational capacity of the Commission to deliver its services; and (iii) to support the implementation of the mandated functions of the Commission.

37. OHCHR is actively engaged, through OHCHR headquarters and its presence in Angola, in supporting the newly established Office of the Provedor de Justiça (Ombudsman). From 11 to 13 October 2006, a workshop on the mandate and functions of the Provedor de Justiça was organized in Luanda, co-hosted by OHCHR and the Provedor. The Ombudsmen from South Africa, Namibia and Portugal and a representative of the Office of the Prosecutor General of Brazil were the international guests of the workshop. Some of the recommendations of the workshop are already being implemented, such as the establishment of regional offices of the Provedor in other Angolan provinces, and promoting a closer working relationship with the media.

38. With a view to enabling the establishment of an independent NHRI in Lesotho, a stakeholder consultation workshop was organized on 20 and 21 July 2006. A similar initiative for Zimbabwe was held in Kariba from 21 to 24 September 2006 by the UNDP office with the support of the OHCHR Regional Office in South Africa.

39. An OHCHR advisory mission was undertaken to the Comoros from 31 October to 3 November 2006 to assist the Parliament of the Comoros in the final review of the enabling legislation for an NHRI.

40. In Côte d'Ivoire, legislation to establish an NHRI, the National Human Rights Commission, was adopted by the Government on 9 August 2006.

41. Nigeria is presently amending its legislation relating to the NHRI and OHCHR is reviewing its compliance with international standards.

42. OHCHR has engaged with its Subregional Centre for Human Rights and Democracy in Central Africa and with the United Nations Operation in Burundi (UNOB) with a view to providing legal and policy advice to the Government of Burundi for the establishment of an independent NHRI. It is working with the focal point within UNOB.

3. Asia and the Pacific

Eleventh Annual Meeting of the Asia Pacific Forum of National Institutions

43. As in previous years, the NI Unit and the Asia Pacific Unit co-funded the eleventh Annual Meeting of the Asia Pacific Forum (Fiji, 31 July - 3 August 2006), supporting the participation of a large number of Forum members.

44. During the meeting, participants discussed initiatives for the establishment of domestic and regional human rights mechanisms in the Pacific; initiatives of the Fiji Human Rights Commission to work in the Pacific on the right to a safe and healthy environment; and considered the role of specific ILO conventions and recommendations in the protection and promotion functions of NHRIs. The meeting also focused on the rights of human rights defenders and the right to education. On the latter, it considered a report of the Advisory Council of Jurists and expressed appreciation for its comprehensive scope.

Workshops, training courses and advisory missions

45. OHCHR organized a seminar in cooperation with the United Nations Assistance Mission for Iraq (UNAMI) (Cyprus, 8-10 March 2006) on the establishment of a national human rights commission for Iraq. As a result of the seminar, which brought together Iraqi stakeholders, a working group was established with OHCHR providing substantive support regarding draft legislation, to ensure that the NHRI complies with the Paris Principles. Legal advice has been provided and a draft umbrella project has been designed to support the establishment of an NHRI. From 7 to 11 August 2006, OHCHR, in cooperation with UNAMI and the Inter-Parliamentary Union, held a follow-on workshop for parliamentarians in Geneva. Subsequently, another workshop co-organized by UNAMI and OHCHR with civil society and government representatives and parliamentarians was held in Amman from 17 to 18 October. Draft legislation for a human rights commission was the focus of the discussions.
46. From 25 to 27 September 2006, OHCHR participated in a workshop in Cambodia, organized in part by the Working Group for an ASEAN Mechanism, concerning the possible establishment of a national human rights commission.
47. Advice was provided by OHCHR concerning revised legislation relating to the Human Rights Commission in the Maldives. In the process, there was close liaison with the Commonwealth Secretariat.
48. Through the OHCHR Human Rights Adviser in Sri Lanka, the NI Unit provided advice and support concerning appointment procedures regarding the Human Rights Commission of Sri Lanka.
49. OHCHR, the Human Rights Adviser in Pakistan and the Parliamentarians Commission for Human Rights of Pakistan organized a workshop on the establishment of a national human rights commission in Pakistan (Islamabad, 12-13 September 2006). Additional expertise was provided by the NHRIs of Afghanistan, India and Northern Ireland (United Kingdom), as well as other stakeholders such as parliamentarians, civil society groups and government officials in Pakistan, in discussions on the establishment of an NHRI in compliance with the Paris Principles.
50. The NI Unit has worked closely with the OHCHR mission in Nepal and the geographic desk in supporting the Nepal Human Rights Commission and in trying to ensure its efficiency and compliance with the Paris Principles.
51. From 24 March to 1 April 2006, the NI Unit undertook a mission to Timor-Leste at the request of the Ombudsman (Provedor for Human Rights and Justice). The mission's objective was to provide advice on the organizational structure of the recently established Office of the Provedor, on a strategic plan and on future support requirements for the Office. A three-year capacity-building project has been jointly developed and a project document has been signed by the Provedor, UNDP and OHCHR with implementation scheduled to begin in January 2007. It will serve as an umbrella for donor and government assistance to the Office. OHCHR is supporting the drafting of the Provedor's Strategic Plan.

4. Europe

European Coordinating Committee of National Human Rights Institutions

52. The European Coordinating Committee of the European Group of NHRIs met on 2 February 2006 in Copenhagen, convened an ad hoc meeting on 23 March 2006 in Paris, met during the annual meeting of the European Group (Geneva, 11 April 2006), and met on 19 December 2006 in Dublin. The purpose of the various meetings was, inter alia, to contribute to the ICC debate on the reform of the accreditation procedures for NHRIs, NHRIs' participation within the Human Rights Council, regional cooperation concerning NHRIs and the JOIN project (see below), and to hold substantial discussions on issues of common concern.

53. The European Group is composed of 14 full members (NHRIs which have been accredited by the ICC of NHRIs) and 6 observers (NHRIs which have not been recognized by the ICC as being in full compliance with the Paris Principles).

Fourth Round Table of European National Institutions for the Promotion and the Protection of Human Rights

54. The fourth Round Table of European National Institutions for the Promotion and the Protection of Human Rights was held on 27 and 28 September 2006 in Athens. It was organized principally by the Council of Europe, with the active participation of the Commissioner for Human Rights of the Council, Mr. Thomas Hammarberg, and the Greek National Human Rights Commission. The Round Table discussed issues such as new institutional opportunities for NHRIs at the European level; counter-terrorism practices and legislation; the question of rendition flights raised in the Council of Europe and the European Union; and the role of NHRIs regarding violations of the right to privacy.

Sixth meeting of the European Group of National Human Rights Institutions

55. The sixth meeting of the European Group of NHRIs took place on 28 and 29 September 2006 in Athens. The event was co-organized by the French National Advisory Commission for Human Rights (the then chair of the European Group of NHRIs) and by the Greek National Commission for Human Rights, as host of the meeting. The NI Unit participated and specifically addressed issues in relation to the participation of NHRIs in the Human Rights Council, treaty bodies, the process of re-accrediting NHRIs, capacity-building of NHRIs (in particular the Actors for Change project), the Eighth International Conference of NHRIs, and mutual cooperation with the Council of Europe, the European Group and the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

Council of Europe

56. On 1 December 2005, a meeting was held in Paris of representatives of European NHRIs, the NI Unit and the Council of Europe. At that meeting, a technical assistance pilot project for the creation, strengthening and defence of NHRIs was adopted, called JOIN (Joint Operations for Independent National Institutions for the Promotion and Protection of Human Rights). The final

mandate of JOIN was adopted during a meeting of the European Coordinating Committee of the European Group of NHRIs (Copenhagen, 2 February 2006), with the NHRIs of Europe, OHCHR and the Council of Europe as partners.

57. JOIN is available for NHRIs, Governments and civil society within the regional scope of the Council of Europe. The three main elements of this initiative are: (i) to support the establishment of NHRIs in compliance with the Paris Principles; (ii) to strengthen existing NHRIs; and (iii) to protect NHRIs under threat, through early warning mechanisms. The first initiative under JOIN was a mission undertaken to Italy from 3 to 6 December 2006 (see paragraph 62).

Organization for Security and Cooperation in Europe

58. The Supplementary OSCE Human Dimension Meeting entitled “Human rights defenders and national human rights institutions: legislative, State and non-State aspects” was held on 30 and 31 March 2006 in Vienna. One of the outcomes of this meeting was the recommendation to establish a focal point in ODIHR to liaise with NHRIs. The Council of Europe, ODIHR and OHCHR organized a joint meeting to discuss the establishment of the ODIHR focal point (Warsaw, 5 September 2006).

Workshops, training courses and advisory missions

59. On 11 January 2006, a written assessment of draft legislation on the establishment of a human rights commission in Scotland was provided to the Parliamentary Committee dealing with the matter. It is anticipated that an NHRI will be established in Scotland.

60. At the request of the Head of the Human Rights component of the United Nations Tajikistan Office of Peace-building (UNTOP), an OHCHR delegation undertook a mission to Tajikistan from 21 to 23 February 2006 to support and participate in a seminar on the prospects for establishing an NHRI in Tajikistan. Throughout the visit the Representative of the Secretary-General strongly supported the delegation and the objective of the seminar.

61. From 16 to 19 May 2006, the NI Unit undertook a mission to Kosovo to advise on legislation concerning an Ombudsman and to support the development of an open and transparent appointment process for the Ombudsman in Kosovo. The NI Unit, working with the OHCHR Kosovo office, also provided legislative advice on a constitutional provision on the establishment of the mandate of the Ombudsman.

62. On 5 December 2006, the NI Unit and the Italian NGO Network Comitato per la Promozione e Protezione dei Diritti Umani organized a workshop in Rome on the establishment of an NHRI in Italy in accordance with the Paris Principles. The workshop, supported by the NHRIs of France and Ireland, permitted parliamentarians, government officials and civil society to discuss the different types of NHRIs, core functions, independence, best practices, as well as specific draft bills for the establishment of an NHRI in Italy. Bilateral discussions were also held with parliamentarians, Government and civil society prior to and after the workshop.

III. COOPERATION WITH HUMAN RIGHTS TREATY BODIES, SPECIAL MECHANISMS OF THE HUMAN RIGHTS COUNCIL AND NATIONAL HUMAN RIGHTS INSTITUTIONS

Treaty bodies

63. The Paris Principles highlight the importance for NHRIs to engage in the international human rights treaty body process. The NI Unit has therefore systematically engaged with treaty bodies and their members by providing expert analyses of NHRIs. The Unit has one staff member working on treaty body and NHRI issues and regularly preparing briefs for each treaty body on the NHRIs and related issues in the countries under examination.

64. Since 2003, the NI Unit and the Treaty Body Recommendations Unit of the Treaties and Council Branch have undertaken training workshops under an ongoing European Union-funded project called "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms". Representatives of the media, NGOs and the NHRIs of Albania, Argentina, Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, El Salvador, Georgia, Guatemala, Kenya, Latvia, Mauritius, Mexico, Morocco, Panama, the Russian Federation, Rwanda, Sri Lanka, Thailand, Togo, Uganda and Zambia participated in the Geneva-based workshops, as well as in the treaty body sessions reviewing the reports of their respective countries. Plans of action were also developed for each country and are being implemented.

65. Within the same project, under the complementary phase, pre-sessional workshops took place in 2006 and more are planned for 2007 to prepare participants for the Geneva-based workshops. For those that participated in previous training sessions, follow-up workshops were conducted to assess the impact of the training. As follow-up activities have revealed, the workshops have led to the strengthening of national capacity to implement human rights treaty body recommendations, with NHRIs playing a leading role.

66. Also within the framework of the project, the NI Unit and the Treaties and Council Branch organized a judicial colloquium in Kenya from 27 February to 1 March 2006. The colloquium brought together members of NHRIs, the judiciary, parliamentarians, NGOs, Government and the media to discuss implementation strategies of treaty body recommendations at the national level.

67. Since 2000, the NI Unit has prepared and regularly updated a compilation of all treaty body concluding observations and recommendations relating to NHRIs. This compilation is posted on the NHRI website (www.nhri.net). The Unit also continues to systematically and promptly send concluding observations to the NHRIs of the countries concerned, following their adoption.

Round table on the role of national human rights institutions in the treaty body process

68. A draft paper on NHRIs' participation in the treaty body process was prepared for the fifth inter-committee meeting (19-21 June 2006), in which the Chairpersons and two additional members of each treaty body participate. This culminated in the holding of a round table on NHRIs and treaty bodies in Berlin on 23 and 24 November 2006. It brought together NHRIs,

treaty body members and NGOs to discuss and further develop harmonized criteria for NHRI participation in the treaty body process in order to enhance and strengthen interaction. Organized by OHCHR, the German Institute for Human Rights and the Danish Institute for Human Rights, the round table provided a forum to discuss common ways to support the treaty body process. The findings of the round table will be submitted to the next inter-committee meeting (18-22 June 2007).

Special procedures

69. The special procedures mandate holders increasingly consult with NHRI representatives and are an important mechanism for providing support to NHRIs and encouraging their compliance with the Paris Principles. A representative of the ICC of NHRIs participated and briefed the thirteenth annual meeting of special procedures mandate holders (19-23 June 2006) on the role that NHRIs can play in the work of special procedures. The ICC representative called upon the mandate holders to actively involve NHRIs in their work.

70. The mandate holders are regularly provided with information concerning the work of NHRIs in the preparations for their country missions. Increasingly, mandate holders look to NHRIs to assist in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged. As a standard practice, the NI Unit compiles special procedures' recommendations relating to NHRIs and makes them available to relevant NHRIs for follow-up.

IV. COOPERATION AMONG THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, UNITED NATIONS AGENCIES AND PROGRAMMES, AND INTERNATIONAL AND REGIONAL ORGANIZATIONS

71. OHCHR has strengthened and continues its cooperation with UNDP, UNESCO, UNICEF, the World Health Organization (WHO), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Division for the Advancement of Women, as well as the Agence intergouvernementale de la Francophonie, l'Association francophone des Commissions nationales des droits de l'homme, the Commonwealth Secretariat, the British Council, the Council of Europe, the Office for Democratic Institutions and Human Rights, the Ibero-American Federation of Ombudsman, the Special Fund for Ombudsman and National Institutions of Latin America and the Caribbean, the African Union, the African Commission on Human and People's Rights, and the Economic Community of West African States in its work relating to NHRIs.

72. OHCHR and the National Human Rights Committee of Qatar organized the Second Conference on National Human Rights Institutions in the Arab Region (Qatar, 4-6 March 2006). The conference, with the title "A Culture of Human Rights", was also supported by UNDP, UNESCO, the League of Arab States, the Gulf Cooperation Council and the Ministry of Foreign Affairs of Qatar. Some 120 persons participated in the conference, representing existing NHRIs in the Arab region, ministries of culture, education and human rights, parliaments, NGOs and academia.

73. The main purpose of the Qatar conference was to support regional initiatives to strengthen the role of NHRIs, and other actors, in promoting a culture of human rights in accordance with international standards. The conference adopted the Doha Declaration, which included 14 recommendations on follow-up actions. The Declaration called upon Arab States that had not yet established NHRIs to do so, while others were urged to strengthen theirs in accordance with the Paris Principles. The participants called for the holding of such conferences on an annual basis and agreed to form a follow-up committee, composed of the National Human Rights Committee of Qatar, the National Human Rights Council of Egypt, the National Consultative Council for Human Rights of Morocco and OHCHR. This follow-up committee would monitor the implementation of the recommendations of the first and second conferences.

V. ROUND TABLES OF NATIONAL HUMAN RIGHTS INSTITUTIONS AND THEMATIC ISSUES

A. Promotion and protection of economic, social and cultural rights

74. OHCHR, in cooperation with the NGO EQUITAS, the Commonwealth Secretariat, and UNDP, organized a workshop for NHRIs in the Asian-Pacific region on economic, social and cultural rights and women's rights, hosted by the Philippines Human Rights Commission (Manila, 23-27 January 2006). The purpose of the workshop was to examine the role of NHRIs in promoting and protecting women's economic, social and cultural rights and deepen participants' understanding of the consequences of perpetuating women's inequality.

75. OHCHR, through its regional representative and staff from headquarters, participated in a workshop on economic, social and cultural rights and human rights defenders organized by the Defensoría del Pueblo of Argentina in Buenos Aires (28-30 November 2006). The discussions covered the responsibility of States in the protection and promotion of these rights, the main international and regional instruments, the role of NHRIs, legal means of implementing the International Covenant on Economic, Social and Cultural Rights, challenges to the implementation of economic, social and cultural rights and the justiciability of these rights.

B. Relations between civil society and national human rights institutions

76. OHCHR, through its Regional Office for South-East Asia, participated in a regional workshop on NHRI-NGO cooperation (Bangkok, 30 November-1 December 2006). OHCHR highlighted possible areas of further cooperation between NHRIs and NGOs.

C. National human rights institutions in conflict and post-conflict situations

77. OHCHR and the Northern Ireland Human Rights Commission, through support offered by the European Commission, organized a three-day International Round Table on the role of NHRIs in conflict and post-conflict situations (Belfast, 20-22 June 2006). The Round Table was attended by 30 representatives of 19 NHRIs from Afghanistan, Bolivia, Colombia, Georgia, Guatemala, India, Ireland, Kenya, Morocco, Namibia, Nigeria, Palestine, the Philippines, the Republic of Korea, South Africa, The former Yugoslav Republic of Macedonia, Timor-Leste, Uganda and Northern Ireland (United Kingdom).

78. The outcome of the Round Table was, inter alia, the need for NHRIs: (i) to have responsibility to engage effectively with political representatives; (ii) to broadly interpret their mandates; (iii) to cooperate and monitor decisions of the judiciary; (iv) to address impunity at the earliest stage; (v) to engage in training activities; (vi) to address economic, social and cultural rights; (vii) to work with the media; (viii) to provide temporary assistance; and (ix) to recognize the importance of non-State actors in conflict and post-conflict situations. The conclusions of the Round Table can be found at www.nhri.net.

D. Gender

79. The gender component is mainstreamed throughout the activities and mandates of NHRIs. For example, within the framework of the Actors for Change project (see section H below), OHCHR is actively promoting the participation of female staff members of NHRIs in the training programmes. For each regional training programme, NHRIs are requested to select two staff members one of whom must be female.

E. Rights of persons with disabilities

80. NHRIs had engaged with the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Promotion and Protection of the Rights and Dignity of Persons with Disabilities and its Working Group to prepare a draft text of a convention. OHCHR financially and substantively supported a representative of the ICC of NHRIs to the seventh and eighth sessions of the Ad Hoc Committee.

81. It is important to highlight article 33 of the newly adopted Convention on the Rights of Persons with Disabilities, which states that “States Parties shall ... maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

F. Minorities

82. Cooperation with different branches of OHCHR dealing with minority issues has continued since 2005 with the publishing of the pamphlet on the work of NHRIs and minority issues, as requested by the Working Group on Minorities, for inclusion in the United Nations Guide for Minorities (see E/CN.4/Sub.2/AC.5/2005/3).

83. The OHCHR Minority Fellowship Programme, working in close cooperation with the NI Unit, offered the opportunity in 2006 for six Minority Fellows to assist in servicing the 2006 International Coordinating Committee meeting.

G. HIV/AIDS

84. OHCHR, in cooperation with UNAIDS, has finalized a handbook on the role of NHRIs in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination. The handbook will be published in 2007 and rolled out through a series of workshops with NHRIs at the regional level.

H. Conflict prevention and prevention of torture

Actors for Change project

85. The project Actors for Change: strengthening the capacity of national human rights institutions through distance and regional training, commenced in 2005 with the aim of strengthening the capacity of NHRIs to prevent torture and engage in the prevention of conflict, including early warning. Funded by the European Commission, the project is implemented by OHCHR in partnership with the United Nations System Staff College (UNSSC), the Association for the Prevention of Torture (APT) and the NGO Fahamu.

86. The project consists of two training programmes: one on the prevention of conflict (supported by UNSSC) and one on the prevention of torture (supported by APT). Programmes are run with participants from NHRIs in regional groupings and have three phases: (i) interactive CD-ROM long-distance learning, available in English, French, Spanish and Russian; (ii) a conventional workshop for reviewing the material covered in the long-distance learning period; and (iii) post-workshop mentoring for selected participants to complement what they have learned in the course, and to define national strategies.

87. The programme is incentive based with the participants having to finish all three phases in order to have fully completed the programme. NHRIs in the selected regional grouping are invited to select two staff members to participate in the training programmes as part of their regular work assignments for a period of up to 14 weeks. At least one participant per NHRI must be female.

88. The pilot project has been very successful and has resulted in: (i) the finalization of material for conducting a long-distance training programme on the prevention of torture and the prevention of conflict, including training CD-ROMs in English, French, Spanish and Russian; (ii) the training of individual resource persons on torture prevention within NHRIs in the Anglophone African, Asian-Pacific, and European and Central Asian regions, and on conflict prevention in the Asian-Pacific, European and Central Asia, Francophone African, Anglophone African and Latin American and the Caribbean regions; (iii) the establishment of new regional networks between participants in each regional programme; and (iv) in several instances, improvements in the policies and procedures of participating NHRIs. For example, as a result of the torture prevention training, the NHRI of the Republic of Korea enhanced its detention-monitoring programme, the Palestinian NHRI lobbied for the criminalization of torture, and the Finnish Ombudsman's Office strengthened the preventive aspect of its visits to detention centres.

VI. CONCLUSIONS

89. **Assistance to NHRIs is a key part of the efforts of OHCHR to engage countries in closing protection gaps. This involvement stems from the recognition of NHRIs as a central part of national protection systems and their role in ensuring that international norms are implemented at the national level. With the support of OHCHR, NHRIs now engage more actively in the Human Rights Council and with treaty bodies and special procedures mandate holders.**

90. **The NI Unit of OHCHR has responded to the consistently increasing demand from Member States and stakeholders for in-depth expertise, such as on suitable models for establishing an appropriate constitutional or legislative framework, and on the nature, functions, powers and responsibilities of NHRIs in compliance with the Paris Principles. The integration of NHRI-related activities throughout OHCHR has become a reality and the United Nations can now rely to a great extent on NHRIs as implementing partners rather than solely as beneficiaries. The establishment of new institutions, however, requires concerted effort and should not be rushed. In some instances, more national-level consultations should be held at an early stage, with particular attention to the inclusion of civil society. There is also a need to continuously review compliance by NHRIs with the Paris Principles.**

Annex**THE SANTA CRUZ DECLARATION****Eighth International Conference of National Institutions for the
Promotion and Protection of Human Rights****Santa Cruz, Bolivia, 24-26 October 2006**

1. The Eighth International Conference of National Institutions for the Promotion and Protection of Human Rights was devoted to the theme of the role of national human rights institutions (NHRIs) in dealing with migration. The Conference was organized by the Defensor del Pueblo of Bolivia from 24-26 October 2006, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Coordinating Committee (ICC) of NHRIs. The participants thanked the support of the Defensoria del Pueblo, OHCHR, Rights and Democracy, the Special Fund for Ombudsman and NHRIs in Latin America and the Caribbean, the Network of NHRIs of the Americas and the British Council.

2. NHRIs express their gratitude to the Defensoria of Bolivia for its excellent organization of the conference and warm hospitality. They also appreciate the consideration extended to them by the city of Santa Cruz. They welcomed the message of the United Nations High Commissioner for Human Rights and acknowledged the stimulating presentations by the United Nations Special Rapporteur on the human rights of migrants, the Chair of the Migrant Workers Committee and other keynote speakers as well as the fruitful discussions and deliberations. Non-governmental organizations (NGOs) from around the world made a valuable contribution at a pre-conference forum and by actively participating in the conference itself. The conference was further enriched by the participation of the President of the Republic of Bolivia and the Prefect of the State of Santa Cruz.

3. The Eighth International Conference for NHRIs hereby adopts the following Declaration:

The Eighth International Conference of NHRIs

4. *Recalling* the universal instruments agreed upon by States to safeguard human rights and fundamental freedoms, particularly the Universal Declaration of Human Rights, the International Covenant on Economic, Social, and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families, the United Nations Convention against Transnational Organized Crime and its additional protocols, the relevant International Labour Organization conventions and regional instruments, and other relevant international human rights instruments,

5. *Recognizing* that these instruments make provision for, and require States to, undertake measures to protect the rights of migrants which constitute a platform for a human rights based approach to migration,

6. *Recognizing* the unique role played by NHRIs in the implementation of international human rights standards at the national level, thereby ensuring sustainability of human rights protection,
7. *Welcoming* the guidance and jurisprudence on issues of migration provided by the human rights treaty bodies and special procedures, and in particular the Committee on Migrant Workers, the Special Rapporteur on the human rights of migrants, the Committee on the Elimination of Discrimination against Women, and the Committee on the Elimination of Racial Discrimination as well as the judgements and findings of regional organizations and mechanisms,
8. *Stressing* the particular role played by NHRIs as expressed in the Copenhagen and Seoul Declarations adopted by the Sixth and Seventh International Conferences of NHRIs, regarding migration in the context of conflict and terrorism and their commitment in this regard,
9. *Welcoming* the Recommended Principles and Guidelines on Human Rights and Human Trafficking of July 2002 and General Recommendation 30 (2004) of the Committee on the Elimination of Racial Discrimination on the rights of non-citizens,
10. *Recognizing* the linkage of international migration, economic growth and development including poverty reduction,
11. *Recalling* that, as practice shows, physical barriers, including walls, endanger fundamental rights such as the right to life,
12. *Welcoming* The Guiding Principles on Internal Displacement that were presented to the United Nations in 1998 and were recognized as an important international framework for the protection of internally displaced persons.
13. *Urging* therefore the continued enhancement of the role and participation of NHRIs in the international human rights system including in the recently established Human Rights Council,

Declares that:

14. NHRIs shall advocate for a human rights approach to migration and migration management. NHRIs underline that each State is responsible to guarantee respect for the human rights and fundamental freedoms of all persons regardless of their migration status,
15. NHRIs play an important role in ensuring efficient domestic legal protection of all migrants, including access to justice, non-discrimination and equal treatment, including full and effective protection in all areas of society,
16. NHRIs play a vital role in promoting a society dedicated to diversity as a positive potential for ensuring a cohesive and peaceful society, for innovation and growth, and building on the fundamental principles of equality and mutual respect,
17. NHRIs shall examine and raise awareness of the causes of migration, encompassing economic, political, social, cultural, historical, or other factors leading to migration,

18. NHRIs shall engage in cross-country cooperation and use their networks to communicate on migration issues - between neighbouring countries and sending, transit and receiving States. NHRIs would also benefit from strategic partnerships with civil society organizations to implement their advocacy, research, public education, media campaigns and ongoing monitoring and investigation activities,

In order to implement this declaration, NHRIs hereby agree:

19. To establish a Working Group through the ICC to define a concrete plan of action for implementation of this Declaration at the nineteenth session of the ICC and call on regional groups to do the same,

20. To develop and implement within their institutions a strategy to address the problematics of migration,

21. To develop plans of action among NHRIs of relevant sending, transit and receiving States in cooperation with partners including civil society,

22. To request OHCHR to prepare a study which could also include NHRIs best practices in relation to migration,

23. To encourage their States to support the Migrant Workers' Committee and the Special Rapporteur on the human rights of migrants and call for the ratification, and its implementation, of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and report back to the next session of the ICC on concrete measures taken in this regard.

General Guidelines

The following are a summation of the main areas whereby NHRIs may intervene to promote and protect the rights of migrants:

Operational provisions

Ratification

24. NHRIs should promote the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families through appropriate means including campaigns, policy advice, conferences and publications on the benefits and the background of the Convention,

25. Regarding the large number of Governments which are reluctant to ratify the Convention, NHRIs should analyse the reasons behind non-ratification including misconceptions and other obstacles, and work on argumentation catalogues to counter these concerns,

26. In an effort to advocate for ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, NHRIs could benefit from partnership with civil society organizations,

Implementation de jure and de facto

27. NHRIs should closely monitor the domestic administrative and legislative implementation of international instruments relevant for all migrants' application of these rights,

28. NHRIs should encourage the development of a national legal framework for upholding the rights of internally displaced persons, paying special attention to promoting and protecting the rights of internally displaced women, children, indigenous peoples and all vulnerable groups,

29. NHRIs should, where relevant, monitor, investigate and initiate complaints to protect the rights of migrant workers. As part of ongoing monitoring efforts, include a migration related section, regarding the impact on development in their annual reports. Special reports are encouraged where appropriate,

30. NHRIs should protect the rights of victims of trafficking and smuggling, especially women and children, including by providing legal assistance or taking legal action to defend the rights of smuggled and trafficked persons' rights,

31. NHRIs should protect trafficked persons, especially women and children, from harm, threats or intimidation by traffickers and associated persons,

32. NHRIs should advocate that national legislation defines the crimes of trafficking and smuggling and their various punishable elements and provide protection of smuggled and trafficked persons, including protection from summary deportation or return if this would pose a security risk to the persons and/or their families,

Cooperation

33. NHRIs should make use of the many options offered by the United Nations treaty bodies and the treaty reporting cycle to express their concerns regarding migrants in their respective countries,

34. NHRIs should use all mechanisms of the Human Rights Council, particularly its Special Procedures, to protect migrants' rights and advocate increased focus on the rights of migrant workers,

35. NHRIs should use existing regional mechanisms, conventions, regulations and courts,

36. NHRIs should work in regional networks to address the regional aspects of migration and development from a human rights perspective and coordinate joint action,

37. NHRIs should conduct research, identify and exchange best practices associated with migration and development including with respect to the creative and productive use of remittances to support development,

Policy and action oriented approach to implementation

38. NHRIs should launch public campaigns in order to counteract stereotypes of migrants and promote the knowledge and respect of their rights. In relation to the media, NHRIs should promote an understanding of migrants and migrant issues, including the positive impact of migration and diversity, and inform about the danger related to the risk of exploitation,
39. NHRIs should assist in developing guidelines and/or training for relevant State authorities and officials such as police, border guards, immigration officials and others involved in the detection, detention, reception and processing of migrants, and in the inspection of immigration detention centres.
40. NHRIs should encourage the provision of practical and legal assistance to migrants upon arrival, including by facilitating the establishment of offices in border towns. NHRIs should monitor expulsion procedures,
41. NHRIs should focus as much on the economic, social and cultural rights of migrants as on their civil and political rights. NHRIs should encourage Governments to adopt policies that regularize the status of migrants and assure their access to social services, including education and health services. They should also help to ensure that the labour rights of migrants, including decent work and full social protection, are protected,
42. Specifically, NHRIs should contribute to creating, in reception countries, the conditions for family reunification of migrant workers and the free education of the children of migrants in accordance with international human rights standards. In addition, NHRIs should pressure States to adopt emergency measures to guarantee the provision of basic services to indigenous communities and other vulnerable groups that have a lack or no access to such services,
43. NHRIs should include refugees and asylum-seekers among the groups requiring special attention. In particular, NHRIs should take an active role in implementing the goals, activities and programmes of the international Protection Agenda promoted by UNHCR and ensure its inclusion in the respective regional agendas of work and/or action plans,
44. NHRIs should conduct and encourage research on the real situation of indigenous and minority migrants and other migrants. This may include the development of disaggregated data, by sex and ethnic groups, and accurate statistics and policy suggestions to reflect diversity and enable the participation of minority groups, internally displaced persons and indigenous communities in policy and consultative processes on issues affecting them to ensure that their needs are better met.

Adopted in Santa Cruz
26 October 2006
