



Deutsches Institut
für Menschenrechte

Conclusions of the International Roundtable on the Role of National Human Rights Institutions and Treaty Bodies

Participants from National Human Rights Institutions (NHRIs), treaty bodies and civil society met in Berlin, Germany on 23 and 24 November 2006 to discuss the interaction between NHRIs and treaty bodies. They welcomed the organisation of the International Roundtable on the Role of National Human Rights Institutions in the Treaty Body Process by the German Institute for Human Rights, the Danish Institute for Human Rights and the Office of the United Nations High Commissioner for Human Rights. Particular appreciation was extended to their German hosts for the preparation of the Roundtable and the warm reception offered by them. Participants adopted a draft harmonised approach for treaty body engagement with NHRIs to be submitted for the consideration of the next Inter-Committee meeting of treaty bodies (Annex I). NHRIs also committed to the following action points to be undertaken within their own respective mandates:

Reporting:

- 1) NHRIs should endeavour to provide information to treaty bodies used in the drafting of the list of issues.
- 2) NHRIs should become familiar with, and assist government in understanding, the new treaty body reporting guidelines.
- 3) NHRIs should contribute in an appropriate manner in the preparation of State party reports in accordance with the Paris Principles, including through consultation or commenting on the State party report.
- 4) NHRIs should seek opportunities to make oral presentations in the pre-sessional working groups of treaty bodies, in addition to providing written information, prior to the formal examination of a State party report.

Petitions, enquiry procedure:

- 5) NHRIs should consider facilitating or assisting victims' petitions to treaty bodies in accordance with the procedures of the treaty bodies.
- 6) NHRIs should lobby their States to assent to the respective individual complaint mechanisms of the treaty bodies.
- 7) NHRIs should follow up to treaty bodies' assessments of complaints to monitor State party action undertaken in relation to it.

- 8) NHRI should follow up on interim orders of treaty bodies given to State parties in relation to complaints where irreparable harm is envisaged.
- 9) NHRI should engage with treaty body enquiry procedures, in an appropriate manner, including through briefings and the provision of information.

Follow up:

- 10) NHRI should monitor state dissemination of information to all relevant actors on concluding observations and recommendations of treaty bodies and support public awareness thereon.
- 11) NHRI should support and host follow up meetings to concluding observations and recommendations of treaty bodies with the participation of Parliament, Ministries and public authorities, NGOs and other relevant actors of civil society.
- 12) NHRI should monitor the effective implementation of the concluding observations and recommendations of treaty bodies and provide guidance on possible courses of action.
- 13) NHRI shall engage with members of Parliament and Ministries and other public authorities regarding the implementation of concluding observations and recommendations.

International Human Rights Instruments:

- 14) NHRI should, in accordance with the Paris Principles, encourage ratification of international human rights instruments and accession to these instruments.
- 15) NHRI should publicise and disseminate information concerning the respective international human rights instruments and undertake advocacy and educational campaigns.
- 16) NHRI should assist governments and other stakeholders in understanding, conceptualising and contextualising international instruments.
- 17) NHRI should inform Parliaments about State party obligations regarding international human rights instruments.
- 18) NHRI should encourage the removal of State party reservations to the respective treaties including through public awareness campaigns.

Thematic engagement

- 19) NHRI should through their thematic work proactively engage treaty bodies and call for thematic discussions with them including in relation to General Comments and Recommendations.

Training

- 20) NHRIs should support the capacity building of state officials regarding reporting procedures, collection of data for reports and other relevant issues relating to the reporting process.

Adopted in Berlin
24 November 2006

ANNEX I

DRAFT HARMONIZED APPROACH TO NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIs) ENGAGEMENT WITH TREATY BODY PROCESSES

Enhancing engagement with the treaty bodies - a common approach:

The purpose of this document is to propose a common approach of engagement for National Human Rights Institutions (NHRIs), established in accordance with the Paris Principles, to work with treaty bodies.

NHRIs and United Nations (UN) human rights treaty bodies are close partners in the common pursuit of the promotion and protection of human rights.

NHRIs have increasingly been recognized by the international community as mechanisms, which are integral to ensuring respect for, and effective implementation of, international human rights standards at the national level. They play an important role in encouraging States to ratify treaties, submit reports to treaty bodies as well as monitor the effective and full implementation of concluding observations and recommendations. The establishment of well-functioning and independent NHRIs, in accordance with the Paris Principles, has been encouraged by treaty bodies.

Treaty bodies may consider the following proposals with regard to the process:

NHRIs accorded independent status:

- 1) Treaty bodies should recognise the independent standing of NHRIs in their consideration of State party reports, distinct from Government and civil society.

Reporting:

- 2) Treaty bodies should encourage State parties to consult NHRIs in the preparation of the State party reports and/or accept supplementary reports prepared by NHRIs.
- 3) Treaty bodies should provide NHRIs with a specific opportunity to make oral presentations in the pre-sessional working groups, where applicable in addition to accepting other written information, prior to the formal examination of a State party report.
- 4) Treaty bodies should invite NHRIs to provide information for their use in the drafting of the list of issues.
- 5) Treaty bodies should adopt a harmonised procedure ensuring formal interaction with NHRIs during the examination of the State party report.

Petitions and enquiry:

- 6) Treaty bodies should seek, and include information from NHRIs in their enquiry procedures and follow up activities and encourage them to submit reports on the same.

Follow up:

- 7) Treaty bodies should consider establishing follow up procedures which include NHRI information on the implementation of relevant issues and adjudicated cases; and consider their joint participation in *in situ* visits.
- 8) Treaty bodies should involve NHRIs in follow up meetings to treaty concluding observations and recommendations of treaty bodies and encourage NHRIs to submit documentation on the same.

Thematic engagement:

- 9) Treaty bodies should consider engaging with NHRIs on thematic issues, such as the elaboration of General Comments drawing on their experience in applying international human rights norms at the national level.
- 10) Treaty bodies should encourage State parties to invite NHRIs to contribute to, and participate in, the implementation of concluding observations and recommendations and views of treaty bodies as provided for in the Paris Principles.

Protection Capacity:

- 11) Treaty bodies should support NHRIs in relation to threats against them, including constraints on mandatory activities, budgetary pressure and threats against members and staff.
- 12) Treaty bodies should under early warning and urgent procedures initiated by the treaty bodies, take NHRI information into consideration.

Inter-Committee Meetings of treaty bodies:

- 13) Treaty bodies should encourage that further development of harmonized procedures relevant to NHRIs are discussed on a regular basis with NHRIs and include NHRI issues as a standing agenda item.