

**PILOT COMPARATIVE REVIEW:**

**NATIONAL HUMAN RIGHTS INSTITUTIONS AND THEIR PRACTICES IN  
PROTECTING AND PROMOTING WOMEN’S RIGHTS AND GENDER EQUALITY**

PREPARED FOR

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The views expressed in this document are the views of the author and do not necessarily reflect the views of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) or the OSCE participating States mentioned.

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## **LIST OF ACRONYMS AND ABBREVIATIONS**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
HRC	United Nations Human Rights Council
ICC	International Coordinating Committee of National Human Rights Institutions
NGO	Non-governmental organisation
NHRI	National Human Rights Institution
NPM	National Preventive Mechanism
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OHCHR	United Nations Office of the High Commissioner for Human Rights
OSCE	Organization for Security and Co-operation in Europe
UN	United Nations

## EXECUTIVE SUMMARY

This Pilot Comparative Review (the “Review”) was prepared for the “National Human Rights Institutions and Gender Equality Project” of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). This joint initiative of the ODIHR Democratization and Human Rights Departments seeks to strengthen the capacity of national human rights institutions (NHRIs) in the OSCE region to protect and promote women's rights and gender equality.

The Review intends to identify institutional features, good practices and areas of challenge for national human rights institutions (NHRIs) with respect to their work on women's rights and gender equality. Seventeen NHRIs from across the OSCE region participated in the questionnaire phase of the Review, including institutions from the Balkans, Eastern Europe, South Caucasus, and Central Asia. In addition, the United Nations Office of the High Commissioner for Human Rights (OHCHR) and a specialised institution, the Lithuanian Equal Opportunities Ombudsperson, participated in a workshop held in Prague in March 2011.

Summarising the main observations, most participating NHRIs demonstrated a good grasp of the key issues that affect women in their respective societies and are authorized to receive individual complaints. Looking at mandates and structures of NHRIs, it appears that no particular institutional model can be associated with a higher level of activities on women's rights and gender equality. However, combinations of certain features did seem to result in a higher degree of activity in this area, for example establishing an organizational entity dedicated to women's rights, having strong leadership promoting women's rights, and ensuring a gender balance among staff, especially senior levels and professionals. More specialized institutions with a mandate limited to non-discrimination and equality, as opposed to the full or broad range of human rights, seem to have more long-term systemic initiatives targeting women's rights.

States and NHRIs share three major thematic areas of priority and challenge: violence against women, women's participation in political and public life, and discrimination against women.<sup>1</sup> However, several institutions noted that they receive few complaints from women. This was not understood to mean that gender equality has been achieved, but rather, that there needs to be a strategic approach to improving women's awareness of and trust in the work of NHRIs.

In terms of activities, most institutions reviewed, use the standard combination of protection and promotion activities related to women's rights and gender equality, but do not, as a rule, use systemic approaches widely, especially on the protection side of their mandate. NHRIs are seeking to meet many competing demands, with limited resources.

Long-term, strategic partnerships are needed with international actors, civil society and government to address violence against women. This was seen as an embedded and complex social problem; certain practices cannot be eradicated through complaints alone. Similarly, systematic efforts to promote women's participation in political and public life were seen as requiring strengthening and development of capacities.

NHRIs identified a need for additional resources and capacity-building opportunities, organisational and strategic planning, regional outreach, networking with other institutions, exchange of good practices, as well as “how-to” techniques for specialised approaches to women's rights and gender equality programming.

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<sup>1</sup> It should be emphasized that the national priorities identified are based on the NHRIs' perceptions stated in the NHRI questionnaire responses, and not a ranking undertaken by the participating State itself.

## INTRODUCTION

This Review was prepared for the “National Human Rights Institutions and Gender Equality Project” under the auspices of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). It is a joint initiative of the ODIHR Democratization and Human Rights Departments, seeking to strengthen the capacity of national human rights institutions (NHRIs) in the OSCE region to protect and promote women's rights and gender equality.

The ODIHR's decision to support research and discussion on this topic is opportune: the policy context and the OSCE commitments to gender equality which apply to all participating States are generating pressure to improve gender equality outcomes in the OSCE region as well as to strengthen the capacities of national mechanisms to advance this cause. In particular, the 2004 OSCE Action Plan for the Promotion of Gender Equality emphasizes the importance of building national mechanisms for the advancement of women, and tasks “ODIHR (to) continue to provide know-how and support for the building-up of democratic institutions for advancing gender equality, such as Ombudsman's offices at local and national levels, as appropriate.”<sup>2</sup>

However, there is some data suggesting that although women's rights and gender equality may be considered as priorities at the national level, the actual attention given to this area within some institutions is not commensurate with the level of priority. In 2009, for example, the United Nations Office of the High Commissioner for Human Rights (OHCHR) conducted a global survey of NHRIs, analysing the most important human rights issues they face and address.<sup>3</sup> The European respondents were the only ones that did not identify women's issues as a priority. While there may be a number of reasons for this, including the relative level of development of the Western European region, NHRIs from the Americas did identify women's issues as a priority.<sup>4</sup>

It is true that NHRIs face many demands, from core protection issues to children's and disability rights, to name a few. In addition, NHRIs are frequently designated as the national mechanisms within States to meet their obligations under new human rights instruments. For example, many NHRIs are now designated as National Preventive Mechanisms under the Optional Protocol to the Convention against Torture or the designated mechanisms under the Convention on the Rights of Persons with Disabilities. Such new duties create pressures on organizations that are often already overburdened, underfunded and understaffed.

One of the key objectives of this Review will therefore be to identify those organisational features and institutional practices that appear to offer strategic assistance to NHRIs to help them focus or re-focus, as the case may be, on women's rights and to advance with protecting and promoting women's rights and gender equality. Additional objectives of the Review are to identify relevant challenges to NHRIs as well as possible areas of ODIHR support, as to strengthen NHRIs capacities to protect and promote women's rights and gender equality.

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<sup>2</sup> OSCE Ministerial Council Decision No. 14/04, [OSCE Action Plan for the Promotion of Gender Equality](#), p. 14.

<sup>3</sup> OHCHR, [Survey on National Human Rights Institutions](#) (2009).

<sup>4</sup> Ibid. Among the European respondents, the most frequently identified areas of priority were: conditions of detention and prevention of torture (11); the rights of migrants, refugees and asylum seekers (9); the administration of justice and access to justice (8); the rights of minority groups; economic, social and cultural rights (7); privacy (5); children's rights (5); and the rights of people with a disability (5). OHCHR, *Survey on National Human Rights Institutions* (2009).

## 1. Project Rationale

A number of OSCE participating States have requested ODIHR assistance in strengthening their national independent human rights mechanisms to effectively protect and promote women's rights and gender equality. In turn, this Review undertakes an examination of organizational features and good practices that can assist NHRIs to achieve this objective and to translate their gender-related mandates into practice.

The overall objective of this Review is to develop resources to support NHRIs in their future work and to help the ODIHR to better determine what practices are actually being undertaken in the field, so as to improve its own engagement with NHRIs.

The Review is one of the first OSCE-wide initiatives to strengthen the capacities of NHRIs to protect women's rights and gender equality in particular; this issue has so far not received sufficient attention in the OSCE region.

## 2. Terminology

Several terms are used in this Review that may be unfamiliar to some readers. These include "institutional model", "human rights commission", "ombudsperson institution", "hybrid model" and "specialized institution."

There is a variety of acceptable nomenclatures and models of NHRIs.<sup>5</sup> Instead of attempting to create definitive categories, it should be noted that no single terminology or nomenclature is generally accepted as definitive, and the proliferation of institutions with a wide range of mandates and institutional models has made this more rather than less complex over the years.

Given the rapid evolution in the development of institutions, and in the nature and function of different types of institutions with different mandates, the distinction between established models like human rights commissions and ombudsperson institutions is no longer tenable or a major dividing line. Today, institutions can be distinguished according to their general structure and competence, in particular:

- Can the institution receive complaints?
- Is the institution limited to making recommendations, or can it seek to enforce its decisions?
- Is the NHRI responsible for the concerns of a single category of vulnerable persons, in which case it is a specialized institution, or does it have a broad mandate?
- Is the institution headed by a single individual as is typical in ombudsperson institutions, or by a larger and representative body of members, as typically in human rights commissions?

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<sup>5</sup> Several models appear in this Review, all existing on a continuum. For example, the Austrian Ombudsman Board is a classic ombudsperson institution without explicit human rights jurisdiction in its law. Further along the continuum, the Czech NHRI also follows a classic ombudsperson model, but with additional human rights jurisdiction in the area of discrimination. The Portuguese NHRI addresses maladministration and controls the constitutionality of government action, while also protecting a wide range of rights and freedoms in a hybrid NHRI model. The Canadian NHRI is a commission and not an ombudsperson institution.

- Is the NHRI focused primarily and explicitly on human rights issues, or does it deal with other mandates as well, such as maladministration or anti-corruption? Or it is a mix or hybrid of these features?

Ultimately, the key issue for understanding NHRIs is that there is a set of minimum standards, namely the Principles relating to the Status of National Institutions (“Paris Principles”)<sup>6</sup> that govern the mandate, authority and independence of NHRIs, as discussed in Section I below and as specified in Annex 6.

### 3. Selection of Participating NHRIs

Seventeen NHRIs participated in the Project, selected using ODIHR criteria such as geographical diversity within the OSCE region and diversity of NHRI models and mandates.<sup>7</sup>

**Table 1: Participating NHRIs**

OSCE participating State	NHRI	Abbreviation
Albania	People's Advocate of the Republic of Albania	ALB
Armenia	Human Rights Defender of the Republic of Armenia	ARM
Austria	Austrian Ombudsman Board	AUT
Bosnia and Herzegovina	Human Rights Ombudsman of Bosnia and Herzegovina	BiH
Canada	Canadian Human Rights Commission	CAN
Czech Republic	Public Defender of Rights	CZE
Georgia	Public Defender	GEO
Kazakhstan	Commissioner for Human Rights	KAZ
Kyrgyzstan	Ombudsman	KGZ
Moldova	Center for Human Rights	MDA
Montenegro	Protector of Human Rights and Freedoms	MNE
Poland	Human Rights Defender of the Republic of Poland	POL
Portugal	Ombudsman ( <i>Provedor de Justiça</i> )	PRT
Spain	Ombudsman ( <i>Defensor del Pueblo</i> )	ESP
Sweden	Equality Ombudsman	SWE
Tajikistan	Human Rights Commissioner (Ombudsman)	TJK
Ukraine	Parliamentary Commissioner for Human Rights	UKR

In addition, an institution with a specialised mandate, the Lithuanian Equal Opportunities Ombudsperson, contributed to the Project by sharing its expertise and practices in promoting gender equality.

<sup>6</sup> Principles relating to the Status of National Institutions ([The Paris Principles](#)), UN General Assembly Resolution 48/134 of 20 December 1993.

<sup>7</sup> The list of criteria for selecting NHRIs is set out in Appendix 1.

## 4. Methodology

Online literature was reviewed to ascertain the activities and structural features of NHRIs that appear to be relevant to women's rights and gender equality, including materials on the accreditation of particular NHRIs. Results were developed into a questionnaire that sought to identify good practices and areas of challenge. The questionnaire was circulated to participating NHRIs. Questionnaire results are described in this Review using the terms set out in the legend key to the right.

LEGEND Key	
<b>Some:</b>	Less than 25% of respondents
<b>Many:</b>	25-50% of respondents
<b>Majority:</b>	50%-75% of respondents
<b>Most:</b>	75%-100% of respondents

A query was posted on HuriTALK,<sup>8</sup> a virtual UN Human Rights Policy Network, seeking information on NHRIs' practices relating to women's rights and gender equality, with cross postings to relevant communities of practice.<sup>9</sup>

In addition, telephone interviews were conducted with staff in the OHCHR's National Institutions and Regional Mechanisms Unit, who generously provided documentation, including recent annual reports and information in relation to the submissions to the International Coordinating Committee of NHRIs (ICC) of NHRIs from participating States.

In Phase 2, a questionnaire on NHRIs and women's rights and gender equality was developed and distributed to participating NHRIs. A copy of this questionnaire is attached as Appendix 2. The results were analysed and tabulated, and are described in Sections I and II.

The selected NHRIs convened in Prague on 28-29 March 2011 at a workshop organised by the ODIHR. The initial findings from the questionnaire results were presented and discussed. Identified areas of good practices and challenges were shared. The combined questionnaire responses and workshop findings were used to develop this Review.

*It is important to note that this Report does not assess the effectiveness of any particular NHRI, nor is it an evaluation of the quality of activities or levels of commitment to gender issues of any given institution.* In addition, most of the results were derived primarily from the institutions themselves and therefore do not purport to constitute an assessment of the institution or its compliance with the Paris Principles or any other set of norms.

<sup>8</sup> [HuriTALK](#) is a UN-wide virtual knowledge network on human rights policy, connecting more than 1200 development practitioners from over more than 12 UN agencies and programs. The network focuses on the exchange of information, good practices and lessons learned.

<sup>9</sup> These included the Gender Group, the Governance Network and the Justice Network. A copy of the original query, along with the responses and relevant resources received are attached as Appendix 5.



## 5. Is Gender a Priority?

The research for this Review compared relative national priorities of the participating States<sup>10</sup> examined with NHRI's programmatic priorities on women's rights and gender equality, as per NHRI questionnaire responses. There is a moderate alignment between the State and NHRIs in terms of stated priorities in the area of gender equality.

States and NHRIs share three major areas of priority: violence against women, women's participation in political and public life, and discrimination against women.

**Table 2: National and NHRIs Priorities on Gender**

Priorities	For State	For NHRI
Violence against women	16	12
Women's participation in politics and in the public sector	12	8
Discrimination in employment, services, education	8	12
Human trafficking	8	5
Women's health (including maternal health)	3	5
Inequality in the law (e.g., contracts, private property, successions)	1	2

## 6. Structure of Report

This report is divided into two main sections.

Section I identifies key elements of NHRIs' institutional mandate and structure in relation to women's rights and gender equality.

Section II examines good practices and challenges in the area of women's rights and gender equality, drawing from both the NHRI questionnaire and research about the participating NHRIs.

<sup>10</sup> It should be emphasized that the national priorities identified are based on the NHRIs' perceptions stated in the NHRI questionnaire responses, and not a ranking undertaken by the participating State itself.

## I NHRI MANDATE AND STRUCTURE

This section examines key aspects or features of the NHRI mandate and institutional structure.

The Paris Principles<sup>11</sup>, combined with the rapidly evolving literature on NHRIs, point to a core group of factors that determine the character of an NHRI and may influence the NHRI's capacity to protect women's rights, namely the mandate, institutional structure and NHRI activities related to women's rights and gender equality.

In terms of **mandate**, the Paris Principles require that NHRIs have a broad mandate that extends to all human rights. NHRIs are required to both protect and promote human rights and the breadth of mandate can be expressed in relation to the types of human rights that are covered by the institution, as well as the areas or actors that are subject to the jurisdiction of the NHRI.

In terms of **structure**, as noted earlier, there is no ideal or requisite structure beyond the minimum requirements of the Paris Principles, as described in the paragraph above and in Appendix 6. However, the Review examines the institutional character or model of the NHRI, i.e., whether it is (1) limited to human rights, (2) a "classic" ombudsperson model focused on maladministration (but not precluding complaints related to human rights) or (3) a hybrid of the two.<sup>12</sup>

In addition, this section examines the internal structural or organisational features that may have implications for gender equality programming, such as leadership, human resources policies, representation of women among staff, and whether the NHRI has established units, sections or departments to address women's rights and gender equality.

### 1. Mandate

#### *Breadth of subject mandate (jurisdiction)*

According to the Paris Principles, the NHRI mandate should be as broad as possible. A broad mandate means that the institution possesses authority to address or handle complaints relating to the violation of all human rights under international human rights instruments, including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).<sup>13</sup>

Most NHRIs surveyed were able to deal with the full range of human rights. It is striking that, even for NHRIs with broad mandates in participating States experiencing political and civil rights violations or unrest, some NHRIs still devote energy and resources to women's rights. The Public Defender of Georgia, for example, is operating in a State that has confronted a number of recent political and civil challenges, but nonetheless devotes resources to promoting gender equality.

The Public Defender of Georgia has adopted a proactive approach to supporting women's rights and gender equality, including establishing a Centre of Child and Women's Rights, providing specialised training for staff on gender sensitivity issues (including sexual harassment), and applying a gender mainstreaming approach when developing projects to ensure that gender impacts are considered. In addition, the Office offers equal access to services, for example, by adjusting office hours or providing childcare in the Office.

<sup>11</sup> Principles relating to the Status of National Institutions (The Paris Principles), op. cit. see footnote 6, *supra*, and accompanying text.

<sup>12</sup> Please see the "terminology" section in the Introduction for more information on the nomenclature of NHRIs.

<sup>13</sup> [Convention on the Elimination of all Forms of Discrimination against Women \(CEDAW\)](#).

Two institutions have narrower mandates, limited specifically to equality rights and anti-discrimination. The Canadian Human Rights Commission can only accept complaints based on discrimination in specified social areas. The Swedish NHRI, for example, is a result of a 2009 merger of four previous anti-discrimination ombudsperson institutions, yet its' mandate remains restricted to discrimination and equality rights.<sup>14</sup> In addition, the Public Defender of Rights of Czech Republic is to perform his/her mandate in relation to the right to equal treatment and protection against discrimination.

It should be noted that a broad or more restricted mandate does not appear to have an effect on or any correlation to the extent of an NHRI's activities on women's rights and gender equality. One exception, however, was in the area of systemic and preventive initiatives, which are more prevalent among institutions that focus on anti-discrimination work. For example, the type of preventive gender audit work undertaken by the Swedish institution and by the Canadian Human Rights Commission is less prevalent in institutions that have a generic and broad mandate.

### *Breadth of object mandate (jurisdiction)*

International human rights obligations bind the State and do not directly engage private actors such as private companies or non-profit organisations. All of the NHRIs surveyed report that they can receive and investigate human rights complaints against public authorities. However, the application of human rights obligations to the private sector is also significant for women's rights because discrimination occurs in both the public and private sectors, including private and non-governmental entities as well as private sector employers and service providers. Employment, education, health services, and housing are critical for women's equality and these areas engage, at least to some extent, the private sector.

One third of NHRIs surveyed report that they have direct jurisdiction over the private sector. This means that one third of the NHRIs surveyed can accept complaints where the respondent is in the private sector. For example, the Swedish Equality Ombudsman and the Canadian Human Rights Commission have jurisdiction over the private sector. The Bosnia and Herzegovina and the Tajik NHRIs are among the few "full mandate" NHRIs that cover the private sector as well.<sup>15</sup> Nonetheless, the majority of institutions with jurisdiction over the private sector appear to have narrower mandates, such as equality or anti-discrimination NHRIs.

However, even those NHRIs with a mandate limited to public actors are nonetheless able to achieve results in the private sector by advocating for legislative changes. For example, the Spanish NHRI does not have jurisdiction over private entities, but it does make submissions on legislative reforms that have an impact on the rights of women in the private sphere.

<sup>14</sup> The Equality Ombudsman merged the four previous anti-discrimination agencies, namely, the Equal Opportunities Ombudsman, the Ombudsman against Ethnic Discrimination, the Disability Ombudsman, and the Ombudsman against Discrimination because of Sexual Orientation.

<sup>15</sup> [Law of Amendments to the Law on Ombudsman for Human Rights of Bosnia and Herzegovina \(2006\)](#), Article 1(2)(2); and [Law of the Republic of Tajikistan on the Human Rights Commissioner for Human Rights in the Republic of Tajikistan \(2009\)](#), Article 14.

### *Enforcement (powers)*

It is a basic principle of law that rights violations should be accompanied by remedies. However, a majority of the institutions in this Review are restricted to making recommendations, although many use “good offices” to intervene informally with government authorities in order to seek an amicable resolution of cases. Institutions like this generally do not possess the ability to intervene before judicial authorities or administrative law bodies.

Enforcement capacity is relatively weak across this group of surveyed NHRIs: Most institutions are legally limited to making recommendations, and have no ability to bring cases to the courts or to administrative law bodies. Notable exceptions include the Polish and Ukrainian NHRIs that are extremely active before the courts.

Based on an analysis of the questionnaire results, there does not seem to be any correlation between enforcement powers and the extent or level of NHRI activity in the area of women's rights and gender equality.

### *Gender equality and the legal mandate*

All of the NHRIs surveyed had jurisdiction over women's rights and gender equality either implicitly because of their general mandate or specifically because they are given the particular authority to address discrimination against women.

The majority of NHRIs enforce laws other than their constituting or organic legislation, such as equal treatment laws or laws on access to information.<sup>16</sup> For example, NHRIs are given the authority to undertake certain actions, such as investigating human rights complaints, commenting on legislation, undertaking public inquiries, and other actions that are authorized in specific statutes. Normally, these powers are granted in the context of the NHRI's constituting or organic legislation, but many of the NHRI's surveyed also have powers that are given in other statutes. However, in the absence of specific powers to investigate and remedy discrimination, the representatives of some institutions felt that specific legislative authority was necessary over and above the general authority to promote and protect human rights in order to address discrimination complaints.

Institutions with a broad mandate did not appear to be more or less likely to engage in gender equality work or activities (see Table 3). However, institutions that are more narrowly focused on equality rights report more concrete programs that are systemic in nature, such as gender audit programs, employment equity, and analyses of gender representation in the political and public sector (see Table 4).

## **2. Structure**

### *Institutional model*

Because there is no ideal type of NHRI (at least not beyond the standards set out in the Paris Principles), States tend to establish institutional models that best suit their own legal systems and public administration cultures, and the result is a wide diversity of models.

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<sup>16</sup> For example, the Czech NHRI has the legal responsibility to enforce the *Anti-Discrimination Act* (198/2009 Coll., 23 April 2008).

As discussed in the introduction, several different terms are used to describe NHRIs. One standard type of institution is the classic “ombudsperson institution” that has a general maladministration mandate but no specific human rights mandate. There is an ongoing debate as to whether an institution with a general maladministration mandate meets the standards set out in the Paris Principles. It is beyond the scope of this paper to enter into this debate, and only a small number of NHRIs in this category participated in the Review. However, it should be noted that, while the Paris Principles do provide certain minimum standards for NHRIs, all the institutions discussed in this document are either accredited by the ICC, or are working towards accreditation as human rights institutions, whatever their other functions might be. As the Austrian respondent stated: “human rights and anti-discrimination are the legitimate business of the [ombudsperson institution].”

In terms of the institutional model of NHRIs surveyed, the following findings were noted:

- The majority of NHRIs characterise themselves as human rights institutions with a specific human rights mandate;
- Approximately a third of NHRIs identify themselves as “hybrid” institutions, that is, with a combined human rights and maladministration mandate;
- Only a small number of NHRIs among the participating institutions are classical ombudsperson institutions, i.e., focused on maladministration and abuse of public power, with no specific mention of human rights in their enabling law.

There is little or no correlation between the type of institutional model and the extent of activities related to gender equality. If one looks at the number of activities linked to women's rights and gender equality based on annual reports, special reports, applications for ICC accreditation and the like, it appears that NHRIs which possess an explicit human rights mandate have more activities in this area. However, when one looks at the self-assessed (and perhaps more detailed and current) activities, as identified in questionnaire responses, these differences disappear, showing very little discrepancy between the level of activity on gender equality and the particular mandate of an NHRI.

### *Leadership*

Leadership is seen as a critical factor by all participating NHRIs. Strong leadership can be discerned from the extent of overall organisational focus on women's rights, for example, or by the extent of gender equality-focused strategies and programs, and through the extent of resources allocated to women's rights and gender equality.

NHRIs affirmed that a leader with a strong and demonstrated commitment to gender equality – regardless of the office-holder's own sex – is important both internally in terms of modelling equality within the organization, as well as externally in terms of the institution's programmatic initiatives in the area of women's rights and gender equality.

There was some discussion as to whether the gender of the institutional leader is inherently significant. The participants felt that it was not, because a female leader is not automatically more focused on or committed to women's rights and gender equality. On the other hand, it was also felt strongly that representation of women among senior levels and decision-making levels was essential. Gender balance is also consistent with the Paris Principles, because pluralism and diversity are requirements: women should be equally represented across the organisation,

including in the ranks of senior officials and management. Given that women comprise about half the population, one might expect that women would also comprise an equivalent proportion of the leadership in a truly pluralistic and representative society and its institutions.

Most NHRIs report having a single head of the organisation, although many are aided by deputies. About one third of NHRIs have a woman head or deputy head. About two-thirds have one or more current members who are women or whose immediate predecessor was a woman.

### *Structural features*

Three institutions report having a **department, division, unit or centre** on women's rights, namely the Centre of Child and Women's Rights at the Public Defender's Office of Georgia, the Sector for Protection from Domestic Violence and Gender Discrimination at the Kyrgyz Ombudsman, and the Division of Children's Rights and Gender Equality of Women and Men at the Parliamentary Commissioner for Human Rights of Ukraine.

Four NHRIs report that **senior officials** are responsible for women's issues and/or gender equality, namely Austria, Moldova, Montenegro and Portugal, although in the last case, this was to compensate for the fact that the gender component of a dedicated unit had been disbanded and then mainstreamed.

About half of the NHRIs report some form of internal **focal point** or staff-level responsibility for gender issues.

Several NHRIs report **other types of institutional mechanisms** that are not specifically gender focused, but that deal with either discrimination, or economic, social and cultural rights:

- Bosnia and Herzegovina: Department for Elimination of all Forms of Discrimination addresses gender issues;
- Canada: A senior-level Systemic Discrimination Committee covers gender-based discrimination;
- Poland: A special Anti-Discrimination Law Unit is to be established soon, which will be the focal point on gender-based discrimination.

### *Human resources policies*

Human resources policies have an impact on mainstreaming a gender perspective into internal procedures, policies and programmes of NHRIs and are, therefore, important to assess. Human resources policies can be examined in terms of staff training, recruitment, and benefits.

Questionnaire results show that five NHRIs provide specialised training for staff on gender sensitivity, namely the NHRIs of Bosnia and Herzegovina, Georgia, Montenegro, Sweden, and Ukraine. Most NHRIs have more women than men among their staff, while only three have more men than women, namely Albania, Tajikistan, and Ukraine. Eight NHRIs have more female than male managers. A majority of NHRIs have more women than men as professional/programmatic staff.

In terms of staff benefits, almost all NHRIs offer parental leave and/or maternity leave and offer the same or equivalent position upon return. Armenia reports not offering parental leave/benefits to men, but offering it to women. Kyrgyzstan reports that it does not offer paid leave.

Thirteen NHRIs reported on the percentage of salary paid during parental/maternity leave:



- Ten offer 70% or more of salary;
- One offers 30% of salary;
- Two offer under 10% of salary.

A summary of the principal features related to the NHRIs' model, mandate, and structure is provided in tabular format in Appendix 3.

## II GENDER-FOCUSED PRACTICES AND CHALLENGES

### 1. Gender-Focused Activities

For the purposes of this Review, NHRI activities on women's rights and gender equality are clustered under the five following categories: Data collection; Public education and awareness-raising; Capacity building; Specific reporting; and Advocacy and engagement with government authorities, as described below. A breakdown of the types of activities which are undertaken by specific NHRIs is set out in Table 3 below.

#### *Data collection*

Most NHRIs collect gender-disaggregated data in some form. The majority report that they collected data from their own complaints process, although many restrict this to complaints filed by women as distinct from the type of grounds of complaint.

In particular:

- A majority of NHRIs disaggregate data about complaints, mostly based on whether they are filed by men or women;
- About half collect and/or analyse national data on the status of women in their State;
- A majority collect and/or analyse data on women's rights and gender equality from other sources;
- Almost all NHRIs report that they disseminate data publicly, mostly through annual reports, but also through specialised reports.

The [Canadian Human Rights Commission](#) has developed a *Framework for Documenting Equality Rights*. The Framework shows readers how to find and use Canada's national statistical data in order to reveal data that are relevant for equality issues, including a framework for disaggregating gender statistics across all major areas of social and economic well-being.

#### *Public education and awareness-raising*

Two-thirds of institutions report that they conduct public education and awareness-raising activities for women's rights and gender equality.

When presenting its work as a specialized institution, the Lithuanian Equal Opportunities Ombudsperson noted that the threat of negative publicity following the investigation of a human rights complaint is a powerful tool. It was noted, though, that this form of awareness-raising should be pursued with caution, as media attention can be intimidating for victims who may be required to expose their personal data and circumstances in the public domain.

A number of public education and awareness-raising initiatives were reported, including, *inter alia*, discussions and round tables, poster/flyer campaigns, education in schools, TV shows, exchanges with NGOs and counselling facilities, among others. NHRIs also reported the use of

websites to publicise information, and provide online links to key reports and publications, such as annual reports.

Television was seen as a powerful tool for advancing women's rights and gender equality. The Austrian Ombudsperson appears on a 45-minute television show every Saturday evening, discussing cases of interest and relevance to the public. A number of gender-based discrimination cases have been presented on the show, raising awareness about gender equality. The Georgian representative noted that the Georgian NHRI also conducts TV spots. The Swedish Equality Ombudsman reported on its awareness-raising campaign, dubbed the "Stroller Campaign." It addressed the treatment of employees in connection with parental leave issues.

Almost all NHRIs use annual reports as a primary communication vehicle to report on current issues of importance, including gender equality issues. No information was available, however, on the extent to which these reports are read and the actual impact they make on raising awareness about women's issues.

NHRIs report using the opportunities offered by internationally-recognised days, such as March 8, International Women's Day, to raise awareness including through mass media campaigning.

### *Capacity building*

Six institutions report capacity building activities on women's rights and gender equality. For example, the Austrian NHRI reports that its staff act as international experts and participate in twinning projects with other ombudsperson institutions. It also reports leading a conference on "Double Discrimination against Women". The Swedish NHRI reports that it supports employers, unions, school leaders and other groups, in training and counselling on preventing discrimination and harassment, and on gender equality.

### *Specific or thematic reporting*

Eight NHRIs report that they publish specialised reports in the area of women's rights and gender equality, as follows:

- Austria: The NHRI published a Guideline on "How to Handle Discrimination Cases".
- Canada: The NHRI is partnering with the federal government organisation Status of Women Canada to publish a statistical report on the status of women in Canada. The CHRC has also developed a special report on federally-sentenced women.
- Moldova: The NHRI has produced two publications, *Guidelines for Equal Opportunities* and *Aspects of Gender Equality*.
- Portugal: The NHRI produces a general publication on women's rights.

The Swedish NHRI has a systemic strategy to prevent discrimination of women in employment.

All employers with more than 25 employees are required to collect information and develop a gender action plan addressing working conditions, sexual harassment, recruitment, and pay gaps. These plans have proven more effective than complaints structures in raising awareness and tackling pay gaps. Companies are not obliged to submit their gender action plans to the NHRI, but the NHRI monitors some hundred plans per year. A helpline has been established to assist companies with preparing the gender action plans.

The NHRI of Bosnia and Herzegovina has published a *Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions of Bosnia and Herzegovina 2009*.



- Spain: The NHRI publishes special reports on domestic violence against women.
- Ukraine: The NHRI monitors the rights of women in public offices and provides a submission to the Prime Minister.

In terms of reports to Treaty bodies, many NHRIs state that they either prepare their own independent reports on a regular basis,<sup>17</sup> which is especially relevant with respect to CEDAW. In addition, some NHRIs support the government in preparing the state report.

The practice of translating individual complaints into special reports based on specific complaints received was also commended. This type of practice can enable the NHRI to identify broader patterns in society.

### *Advocacy and engagement with government authorities*

The most significant area of activity in this category was providing advice to the government on new legislation or legislative reforms.

In terms of legislative activity, all NHRIs report that they initiate, comment on, and/or promote legislative improvements to gender equality laws in some form. Most are focused on legislation directly and expressly dealing with women's rights and gender equality. One NHRI, namely Spain, reports that a new comprehensive law against domestic violence was adopted in 2004, incorporating all the recommendations of the NHRI. The legislative review process could be improved if it were not limited to laws that are explicitly gender focused, but were extended to more general laws that may nonetheless have an impact on women, such as legislation on health standards or access to community services that may affect women and families.

As for preventive work and gender audits, two institutions, Canada and Sweden, report that they have long-term projects to monitor and/or audit equitable gender representation in the workplace. Such projects require employers – both public and private – to submit gender action or employment equity plans that are then monitored by the NHRI.

It has been noted that women's representation in all policy-related working groups can facilitate systemic participation of women in the policy development. The Georgian institution, for example, reports succeeding in ensuring women's participation in one such group. NHRIs see themselves having an important role to play in advocating for women's participation in such groups, as this ensures the inclusion of a gender perspective into overall state policies and programmes.

The Lithuanian Equal Opportunities Ombudsperson implemented in partnership with an NGO a project dedicated to women's participation in political and public life in Lithuania: *The Arithmetic of Power*. The report shows the representation of women and men in political and public offices in Lithuania, including in the Parliament, political parties, and among the heads of institutions accountable to the Parliament.

In terms of promoting women's participation in political and public life, a small number of institutions are actively involved in such programs. While few institutions had proactive or major initiatives in this area, eight out of ten expressed interest in it.

<sup>17</sup> The term "independent reports" is used to describe the type of report prepared by arm's-length or independent institutions that are part of the State. This term is used in contrast to "shadow reports" which are commonly referred to in the context of reports to Treaty bodies prepared by NGOs.

### *Tabular overview of gender-focused activities undertaken by NHRIs*

The following table summarises each NHRI's programmatic activities in relation to women's rights and gender equality. The information was prepared based on responses provided by NHRIs to the questionnaire (See Appendix 2).

**Table 3: Questionnaire Responses: Gender-Focused Activities Undertaken by NHRIs**

AREA	ALB	ARM	AUT	BIH	CAN	CZE	GEO	KAZ	KGZ	MDA	MNE	POL	PRT	ESP	SWE	TJK	UKR
Disaggregated data	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Public education	√	√	√				√	√		√	√			√	√	√	√
Research/publications <sup>18</sup>			√		√				√	√			√	√	√		
Financial resources			√ <sup>19</sup>														
Training/capacity building			√					√		√	√				√		√
Advising government <sup>20</sup>																	
Initiate/support national HR plans			√				√	√		√						√	√
Monitoring implementation			√	√	√		√	√			√	√		√	√		√
Legislative review	√		√	√	√			√		√	√			√	√		√
Gender budgeting <sup>21</sup>																	√
Meeting with government officials			√				√			√	√						√
Gender mainstreaming	√		√	√	√	√	√	√	√	√	√		√		√	√	√
Accessibility of services (e.g., child care)			√				√	√		√	√		√		√	√	√
International liaison																	
Preparing/contributing to international reports	√			√	√	√				√				√		√	√
Advocating ratification/removal of reservations							√									√	√
NHRI Cooperation	√		√	√	√		√	√	√	√	√	√	√	√	√		√

<sup>18</sup> This refers to actual publications produced specifically on women's issues, as distinct from having the legal authority to publish reports, such as annual reports, that cover women's issues. Annual reports are subsumed under Public education and awareness.

<sup>19</sup> "Ombudspersons and staff members attend conferences; give training on gender issues..." (This response was considered affirmative by the Respondent, but it should be noted that most NHRIs undertook such activities.)

<sup>20</sup> Note that answers were only captured in the affirmative (√) if the NHRI specified that it actually undertook the activity as opposed to being empowered to do so.

<sup>21</sup> See Appendix 5.

In addition to the information in the above Table 3, other areas of activity were identified through a literature search based on the institution's annual reports, online materials and accreditation materials. The additional information is summarized in Table 4 below. Although Table 4 does not purport to be exhaustive, it offers a broader perspective on the types of activities on women's rights and gender equality. The information contained in Table 4 supplements Table 3.

**Table 4: Supplementary Gender-Focused Activities and Practices**

NHRI	Gender-Focused Practices and Activities
<b>ALB</b>  People's Advocate of the Republic of Albania	<p><b>Women's political participation:</b> Actively supports measures to improve women's participation in political and public life, including a 30% target for elected representatives.</p> <p><b>Stakeholder / civil society engagement:</b> Works cooperatively with women's NGOs and other organisations in the field of protection of women's rights.</p> <p><b>Other:</b> Annual reports identify sustained concern about discrimination against women and human trafficking.</p>
<b>ARM</b> Human Rights Defender's Institution of the Republic of Armenia	<p><b>Complaints:</b> Annual reports track how many women file complaints regardless of ground or area.</p> <p><b>Women's political participation:</b> Annual reports identify challenges regarding women's participation in political and public life, and failure to respect quotas.</p> <p><b>Stakeholder / civil society engagement:</b> Works cooperatively with women's NGOs and other organisations in the field of protection of women's rights and gender equality.</p> <p><b>Violence against women:</b> Promotes legislative measures to combat violence against women.</p> <p><b>Other:</b> Annual reports identify sustained concern about discrimination against women and human trafficking as well as about women's health (especially maternal) and issues relating to women prisoners.</p>
<b>AUT</b> Austrian Ombudsman Board	<p><b>Complaints:</b> Gender issues addresses are complaints driven, i.e., are brought up through complaints on a case-by-case basis.</p>
<b>BiH</b> Human Rights Ombudsman of Bosnia and Herzegovina	<p><b>Complaints:</b> Statistics are reported regarding complaints based on women's rights.</p> <p><b>Discrimination:</b> Particular focus on employment discrimination against women, especially pregnant women, e.g., Special Report on Violation of Human Right to Remuneration at the Time of Maternity Leave in Joint Institutions of Bosnia and Herzegovina 2009.</p> <p><b>Public education and awareness:</b> Use of media to publicise specific topics, including women's issues. NHRI reports on media interest by category and according to subject areas, including women's issues.</p> <p><b>Stakeholder / civil society engagement:</b> Works cooperatively with women's NGOs and other organisations in the field of protection of women's rights.</p> <p><b>Violence against women:</b> Annual reports address violence against women, particularly domestic violence.</p> <p><b>Other:</b> Annual reports identify concern about discrimination against women and human trafficking, and the need to amend the gender equality laws.</p>
<b>CAN</b> Canadian Human Rights Commission (CHRC)	<p><b>Complaints:</b> Reports systematically disaggregate complaints data by grounds, including sex.</p> <p><b>Special measures:</b> Annual employment equity reports track targets for designated groups in federally-regulated employers.</p> <p><b>Strategic planning:</b> CHRC has recently established gender as a strategic priority.</p> <p><b>Other:</b> Aboriginal (indigenous) women and federally-sentenced women are recent areas of focus.</p>
<b>CZE</b> Public Defender of Rights	<p>Section in Annual report addresses discrimination, mentions some cases related to employment, and lists a housing discrimination case by a woman.</p>

NHRI	Gender-Focused Practices and Activities
<b>GEO</b> Public Defender's Office	<p><b>Public education:</b> "Pocketbook for Police Officers on the Issues of Family Violence" was developed with the involvement of the Centre of Child and Women's Rights.</p> <p><b>Discrimination:</b> Has promoted the establishment of a law to prevent discrimination.</p> <p><b>Education:</b> Addresses women's rights in schools, in partnership with NGOs and ethnic and religious minorities.</p> <p><b>Violence against women:</b> In 2010, the Public Defender's Office, with the support of the UN Development Fund for Women, worked to protect women's rights, supervised the protection of victims of family violence, and worked closely with community organisations.</p> <p><b>Other:</b> Has taken an active interest in the treatment of women prisoners, and has supported the government in the development of the Georgia National Human Rights Plan.</p>
<b>KAZ</b> Commissioner for Human Rights	<p><b>Women's political participation:</b> NHRI advocates for continued measures to improve women's participation in political and public life.</p>
<b>KYZ</b> Ombudsman	<p><b>Women's political participation:</b> NHRI advocates for continued measures to improve women's participation in political and public life (Note significant progress in women's representation in the Parliament<sup>22</sup>).</p>
<b>MDA</b> Center for Human Rights	<p><b>Public education:</b> "Informative Juridical Bulletin" addresses legal issues faced by Moldovan women, including labour legislation, land and dwelling laws, economic rights, consumer and family rights.</p> <p><b>Other:</b> NHRI issues public statements on women's issues, particularly regarding human trafficking as an area of concern.</p>
<b>MNE</b> Protector of Human Rights and Freedoms	<p><b>Approach to gender issues:</b> Functional and systemic approach to gender analysis and implications for women's equality.</p> <p><b>Complaints:</b> Disaggregates data and provides the data online, with an analysis of both the number of complaints and types of complaints filed by women.</p> <p><b>Gender representation in public sector:</b> Innovative strategy to analyse gender representation in the institutions of the public system of Montenegro during the reporting year. Protector has requested a report from all ministries, the Supreme Court of Montenegro, the Supreme State Prosecutor of Montenegro and from all municipalities of Montenegro.</p> <p><b>Other:</b> NHRI provided strong support for anti-discrimination law.</p>
<b>POL</b> Human Rights Defender of the Republic of Poland	<p><b>Women's political participation:</b> NHRI advocates for continued measures to improve women's participation in political and public life.</p> <p><b>Complaints:</b> Very high caseload. No statistics on complaints filed on the grounds of sex and no disaggregated data by gender in reports.</p> <p><b>Discrimination:</b> Annual report used to highlight significant concerns about employment discrimination and treatment of women military recruits.</p> <p><b>Women and health:</b> Health services to pregnant women identified as an area of concern. Annual report used to highlight lack of access to abortion services.</p>
<b>PRT</b> Ombudsman (Provedor de Justiça)	<p><b>Specialised study:</b> The situation of women.</p> <p>There was a unit addressing gender issues but due to small number of complaints and queries, women's issues have been mainstreamed.</p>
<b>ESP</b> Ombudsman (Defensor del Pueblo)	<p><b>Complaints:</b> Annual reports break down the number of complaints by men vs. women (complaints by men are about 30% higher in number). There is a practice of translating individual complaints into special reports based on specific complaints received.</p> <p><b>Discrimination:</b> Annual report states that, as a result of marital abuse, women renounce their right to seek compensatory alimony; the Ombudsman has requested an additional report from the State Secretariat for Social Security regarding specific cases considered when drafting the provisions that were expected to be in future reforms of legislation, in line with case law.</p> <p><b>Monitoring:</b> Organic Law 1/2004 of 28 December, on Comprehensive Safeguards against Gender Violence, addresses the impact of responsibility for omissions by various public authorities, State security forces and corps, judges, prosecutors and lawyers.</p>

<sup>22</sup> In 2005, Kyrgyzstan had no women represented in its Parliament. At present, there are 23.3% women in the Kyrgyz Parliament, due to special legal measures introduced in 2007.

NHRI	Gender-Focused Practices and Activities
	<p><b>Violence against women:</b> Has advocated for standardised regulations for certain services, such as the establishment of family meeting points and for the running of women's shelters, and has sought to improve judicial mechanisms to clarify specialised jurisdiction of domestic violence tribunals.</p> <p><b>Other:</b> Recommendations regarding legal mechanisms for cases of foreign women victims of human trafficking.</p>
<p><b>SWE</b> Equality Ombudsman</p>	<p><b>Complaints:</b> Has jurisdiction to bring complaints to administrative law bodies. Complaints function linked to the courts. Has received about 1,000 complaints since 2009: about 10 per cent are gender based.</p> <p><b>Discrimination:</b> Strong focus on maternity benefits, access to sick leave, parental leave, pay equity, and return to work programs.</p> <p><b>Women in employment: systemic strategy:</b> All employers with 25 or more employees are required to collect information and write a gender action plan on issues such as working conditions, sexual harassment, recruitment, and pay gaps. These plans have proven to be more effective than complaints structures to raise awareness and tackle pay gaps. Companies are not obliged to send in their gender action plans to the NHRI, but the NHRI monitors some hundred gender action plans per year. A telephone helpline has been established for companies to call in to get guidance on how to create a gender action plan.</p> <p><b>Human trafficking:</b> Has established "Safe Trip", an information campaign aimed at women victims of human trafficking or who are at risk of being trafficked to or within Sweden. The campaign has been developed in partnership with the 24-hour national telephone support line for women subjected to threats and violence.</p>
<p><b>TAJ</b> Human Rights Commissioner (Ombudsman)</p>	<p><b>Strategic planning:</b> The 2011-13 Plan sets out areas of activity related to public education and knowledge dissemination focused on women's issues.</p> <p><b>Training:</b> Work plan indicates planned training for staff on gender equality.</p> <p><b>Other:</b> Public statements by Ombudsman regarding issues of violence against women and promoting the ratification of human rights instruments.</p>
<p><b>UKR</b> Parliamentary Commissioner Human Rights</p>	<p><b>Complaints:</b> Large numbers of complaints received from citizens. Some observers express concern that complaints are not addressed from a trends or systemic perspective.</p> <p><b>Other:</b> Ombudsman has expressed concerns regarding high unemployment of women as well as issues related to human trafficking of women in particular.</p>

## 2. Gender-Focused Challenges

The questionnaire responses and workshop discussions identified a number of areas of challenge for NHRIs with respect to women's rights and gender equality, as follows:

### *Lack of clarity with respect to the NHRI mandate to address discrimination complaints*

All of the institutions surveyed had a mandate to address inequality, either directly or implicitly. In some cases, the authority originates from the organic law and in others the legislature has conferred upon the NHRI a specific and separate anti-discrimination mandate. However, some of the NHRIs in the first group were of the view that a general mandate alone was inadequate to address discrimination complaints. Technically, of course, the legal authority exists, but the trend of adding specific legal powers raises questions as to the practical capacity of general-mandate institutions to undertake protection work in discrimination.

### *Few complaints*

Some NHRIs report that, despite widespread gender stereotyping and discrimination against women, relatively few complaints were brought forward. Several factors may be at play, including unwillingness of victims to come forward - for cultural reasons or because of lack of trust in government institutions - fear of reprisal or lack of awareness. It was also noted that the ability to file human rights complaints must be understood in context and tends to favour groups that are educated, vocal, and capable of engaging with State institutions.

### *Few systemic initiatives*

Although women's rights and gender equality require long-term approaches and significant shifts in attitudes and stereotypes, only a minority of NHRIs report that they undertake strategic, long-term, and systemic initiatives to address women's rights and gender equality. NHRIs are faced with constant challenges to do more with reduced budgets: some form of internal and targeted program within the NHRI structures may be required to build institutional will and organisational capacity (as opposed to individual skills) to make further progress.

Competing pressures can make it difficult to address women's rights and gender equality systematically, especially when NHRIs have a wide range of mandates, and are often given additional and new duties under international human rights instruments. It is therefore also important that the participating States identify women's rights and gender equality as a priority, utilising their national strategies and budgets as means of strengthening the capacities of NHRIs to advance the status of women.

### *Inadequate gender mainstreaming*

Although almost all NHRIs surveyed report using gender mainstreaming, half of those do not actually consult their focal points or other gender specialists in a systematic manner when introducing new programmatic activities, regardless of whether the activity is gender focused or not. In such cases, the opportunities for mainstreaming gender aspects are reduced.

### *Gender budgeting*

No NHRIs report that they have an internal budget line for women's rights and gender equality issues, although Austria reports specific funding for training activities. Consideration should be given to the potential benefits of tracking such resource allocation within NHRI budgets, which better equip NHRIs to undertake gender analysis of State budgets or to encourage the State to engage in this practice.

The UN Development Fund for Women (UNIFEM/UN Women) has released [Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW](#). The report, authored by Professor Diane Elson, a leading feminist economist, makes a significant contribution to the advocacy work on the transparency of budgets. It provides arguments for increasing the accountability of government budgets to women's rights."

Most NHRIs did not work with or advise government on gender-based approaches to the national budget. Only Ukraine reports that it promoted a gender-based approach to the government's national budget.

Several NHRIs indicated an interest in obtaining further information about a gender-based approach to national budgeting. One benefit of such an approach is to ensure that when women are experiencing infringements of their rights in sectors such as health or education, these areas are actually being properly and adequately funded at the State level.

### *Institutional internal challenges*

A majority of NHRIs stated that they lacked financial resources (10) and human resources (10). By contrast, few claimed to lack capacity and skills.

No NHRIs identified a lack of materials and literature as a problem. A majority identified gender-based stereotypes as a challenge, although fewer pointed specifically to the challenge of weak political commitment.

Knowledge management appeared as a challenge for a number of NHRIs. Although most institutions surveyed use their own complaints data to disaggregate complex information, there is a limited ability to gather, analyse, and report on sex-disaggregated data from statistical sources.

There was little information on internal practices such as temporary or special measures (beyond maternity leave) to promote and train women, nor on policies to support them. A representation rate of women in senior positions lower than 50% has been identified in several NHRIs.

NHRIs requested specific assistance with respect to strategic planning, regional outreach (especially in rural and remote areas), networking and international cooperation.

### *Few specific activities on thematic challenges*

**Violence against women** is an identified priority and challenge in most of the participating States that were reviewed, especially domestic violence. Long-term, strategic partnerships are needed with both civil society and government to address violence against women. This was seen as an embedded and complex social problem; certain practices cannot be eradicated through complaints alone. Most NHRIs expressed an interest in and speak out publicly about this issue, but few have dedicated specific activities and long-term programs to address it.

**Participation in political and public life** is an identified priority and challenge. Although the public policy emphasis on women's participation in political and public life has gathered strength in recent years,<sup>23</sup> only three of the NHRIs surveyed report that they had a specific program to promote the participation of women in political and public life, while eight felt that this was a priority for them.

According to the Ukrainian delegate, the extremely low level of women represented in the Parliament and other political and public offices in Ukraine was identified as a serious challenge. Technical assistance in the form of recommendations and advice would be very much welcomed by the institution. Exchange of good practices on this issue from across the OSCE region was seen as crucial.

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<sup>23</sup> See, for example, [\*OSCE Ministerial Council Decision No. 7/09 on Women's Participation in Political and Public Life\*](#).



## CONCLUSION

NHRIs are operating in contexts where there are extensive and growing demands upon them, as well as increasingly complex governance environments where proliferating new institutions and government priorities make the human rights institutions both complex and remote for many citizens. For women, particularly those from vulnerable groups, this is the real barrier to accessing services from these institutions.

All of the institutions surveyed address the usual combination of protection and promotion activities on women's rights and gender equality, including complaints handling, public education, and advice and assistance to government authorities. Almost all use gender mainstreaming, data collection and liaison with other NHRIs. Annual reports are important communication tools for most of the institutions to identify and report on women's rights and gender equality issues.

The Review demonstrates several interesting areas of good practice. Some kind of internal structural entity such as a focal point for gender appears to be correlated with more extensive gender-focused activity for the NHRI, especially when combined with gender balance in the NHRI leadership and/or among staff. A combination of an "enabling mandate" with strong leadership and some form of structural focus appears to be relevant to the level of activity on women's rights and gender equality. Systemic strategies to prevent discrimination of women, such as legally prescribed Gender Action Plans for employers, have proven more effective than complaints structures in raising awareness and tackling gender-based discrimination. For the many institutions that are struggling to manage pressing civil, political and economic issues, and with a large number of priorities, it is important to ensure that women's equality be sustained as an overarching and integrated objective for national human rights institutions.

A large number of challenges have also been identified, that can only be met by a sustained and strategic focus on this area of human rights work. With some exceptions, there are only limited major strategic initiatives aimed at redressing inequalities at the systemic level. Internal targeted capacity strengthening may be required to build up the internal resources to make further progress in systemic initiatives, both nationally and perhaps at a regional level. Very limited systematic efforts were observed among the NHRIs in addressing the main thematic priorities: violence against women and women's participation in political and public life.

Many institutions reported small numbers of complaints on women's rights and gender equality lodged before them, and this was seen as a challenge. The causes remain unclear: low levels of awareness by women, lack of trust or simply a lack of a developed reflex of resorting to NHRIs. In any case, a low level of complaints was not seen as meaning that equality has been achieved. National and proactive initiatives are needed to increase public awareness and trust in relation to these institutions.

All NHRIs welcomed this pilot initiative of the ODIHR, emphasizing also that the major issues affecting women required long-term strategic solutions. NHRIs identified a need for additional resources and capacity-building opportunities, organisational and strategic planning, regional outreach, networking with other institutions, exchange of good practices, as well as "how-to" techniques for specialised approaches to women's rights and gender equality programming.

## **Appendix 1: Criteria for Selection**

The selection of NHRIs from participating States was based on the following four criteria provided by the ODIHR:

- Geographic diversity,
- Level of democratic governance (established vs. developing democracies),
- Availability of information, resources, contacts of NHRIs,
- Absence of NHRI's exclusive mandate on Gender Equality (i.e. Absence of Gender Equality Ombudsperson)

The ODIHR expressed a preference for NHRIs that receive individual complaints. As well, it was agreed that the NHRIs should either be accredited by the ICC or working towards this goal. Although not all the selected NHRIs are accredited by the ICC, non-accredited NHRIs are working towards this goal and several are receiving capacity-building support in this regard.

## Appendix 2: Questionnaire



JANUARY 25, 2011

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### QUESTIONNAIRE

**WOMEN'S RIGHTS, GENDER EQUALITY  
AND  
NATIONAL HUMAN RIGHTS INSTITUTIONS**

**PREPARED FOR  
OSCE OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS**

*by Pearl Eliadis\**  
*Principal, Law Office of Pearl Eliadis*  
*Practice exclusively in human rights and democratic governance*

## Introduction

This questionnaire was prepared for the OSCE ODIHR Training Program for National Human Rights Institutions in the OSCE region on Protecting Women's Rights and Promoting Gender Equality and Women's Participation.

## Goal

This questionnaire is part of the overall *project* goal of increasing the capacity of NHRIs to protect women's rights and promote gender equality.

The goal of the *questionnaire* is to solicit specific information about the mandates and practices of NHRIs and to assess whether particular features or their mandate or structure tend to be more supportive of effective NHRI activity in the area of gender equality. As well, the questionnaire seeks to identify methods, mechanisms and good practices in the area of women's rights and to use this information to assist NHRIs to translate their gender-related mandates into practice.

The resulting information will be reviewed and integrated into a comparative review that will be shared with participants. The information may also be used in subsequent publications of the OSCE ODIHR.

It should be noted that there are no "right answers" to any of the questions posed, nor is there any assessment, express or implied, of the NHRI or its performance, in the questions being asked. The OSCE ODIHR recognizes that NHRIs are faced with difficult competing priorities. Answers to this questionnaire will be used to identify ways to support more effective and creative ways to address gender equality.

## Instructions

The Questionnaire contains 22 questions. This Questionnaire should take about one hour to complete.

## Person completing the Questionnaire

The person completing the questionnaire should be duly authorized.

## Use of form

The space provided on the form is provided for convenience but is not intended to limit the answers. Respondents are encouraged to supplement their answers with additional sheets as required.

Requests for clarification

In the event that respondents require additional details or have questions, they should be directed to **Liane Adler at OSCE ODIHR**, [liane.adler@odihr.pl](mailto:liane.adler@odihr.pl)

## Questionnaire

1. Name of the NHRI : \_\_\_\_\_

### PART I: NHRI MANDATE AND STRUCTURE

2. Please circle the category that best describes your NHRI's legal mandate. (Circle only one).

- Human rights mandate. NHRI is explicitly limited to addressing issues that are based on human rights.
- Hybrid (or "ombuds plus"): NHRI is explicitly authorized to address human rights issues as well as other issues: (e.g. maladministration, abuse of power, corruption, etc.)
- Limited to Government maladministration: Our NHRI can address any act or omission by government and/or public sector officials.
- Other: (Please describe)

**3. Please circle the category that best describes your NHRI's human rights mandate as set out in its authorizing legislation. (Circle only one).**

- a) NHRI has responsibility for protecting and promoting all types of human rights without restriction.
- b) NHRI is legally restricted to certain types of human rights violations (e.g. only civil and political rights; only discrimination issues, etc.).

**Please specify:**

- which rights the NHRI can address
- whether the restriction applies to both the protection (for example receiving complaints) and promotion (for example, public education) aspects of the mandate:
- c) Our NHRI has no specific responsibility for human rights in its legislation, but we are not prevented from addressing human rights violations.

**Please specify:**

**4. If your NHRI has responsibility for enforcing legislation other than its constituting law, please provide the name and citation of each law.**

**5. Please circle the letter that best corresponds to the correct statement.**

- a) Our NHRI is mandated to process a complaint *against* private companies, organizations, individuals, and NGOs.
- b) Our NHRI is not mandated to process a complaint against a private company, organization or NGO. (Our mandate is restricted to acts of government and/or public sector).

Comment (if any)

**6. Please circle the letter corresponding to the statement that best describes your NHRI (circle all that apply).**

- a) NHRI has no authority to issue binding orders.
- b) NHRI can issue binding orders.
- c) NHRI has the legal power to appear before the courts and/or quasi-judicial bodies.
- d) Other (Please describe):

**7. Does the NHRI law specifically provide that the institution has responsibility for gender issues, sex equality or women's rights?**

- a) Yes, the law specifically provides for the NHRI responsibility for women's rights, sex discrimination or similar protection.
- b) No (explain): (e.g., the law mentions all human rights).

**8. Does your NHRI have as part of its organizational structure a department, division or centre specifically dedicated to women's issues or women's rights? (Circle all that apply).**

- a) We have a department, division, unit or centre devoted to women's rights.

**If yes, please provide the name:**

- b) No, but a senior official is responsible for women's issues (ombudsperson or deputy ombudsperson, senior director or other senior official).
- c) No, but a staff person or agent is an internal focal point for gender issues.
- d) Other (specify)

## **PART II: LEADERSHIP AND STAFFING**

**9. Please indicate whether your NHRI has one formal head of organization (for example, the Ombudsperson) or multiple members (e.g. Deputy Ombudsperson, commissioners).**

- a) Single Head of Organization

Please specify if male or female: \_\_\_\_\_

Please specify if the previous Head of Organization was male or female: \_\_\_\_\_

- b) Multiple

Please specify how many male \_\_\_\_\_ and how many female members \_\_\_\_\_

Please specify titles and specific responsibilities, if any:

**10. Please indicate the NHRI staffing level for each of the following:**

- a) Overall number of staff currently employed: \_\_\_\_\_

Male \_\_\_\_\_, Female \_\_\_\_\_

- b) Number of management/senior staff <sup>24</sup> (for example heads of departments): \_\_\_\_\_

Male \_\_\_\_\_, Female \_\_\_\_\_

- c) Number of professional/programmatic staff (for example lawyers, spokesperson): \_\_\_\_\_

Male \_\_\_\_\_, Female \_\_\_\_\_

- d) Number of administrative/general staff (for example secretaries, drivers): \_\_\_\_\_

Male \_\_\_\_\_, Female \_\_\_\_\_

**11. Does your NHRI offer parental leave benefits to staff?**

- a) No
- b) Yes

**If yes, please specify:**

The length of leave offered (in months),

Is leave is offered for both men (paternity leave) and women (maternity leave)?

Is leave is paid? If so, to what extent, as a percentage of full salary?

Does the NHRI guarantee that persons who take parental will return to their position or equivalent after they return?

## **PART III: PRACTICES AND METHODS**

**12. When planning/programming your activities, do you incorporate a gender perspective?**

- No
- Yes

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<sup>24</sup> "Management/senior staff" refers to an individual who has supervisory authority over other staff members, and who is responsible for the performance of her or his staff.

**If yes, please specify (circle all that apply):**

- a) Integrating a women's rights or gender equality component into the general training for staff (for example, a course on gender equality, or on the CEDAW or other international instruments dealing with women's rights)
- b) Providing specialized training for staff on gender sensitivity issues, including redress for sexual harassment
- c) Consulting your gender department/division/focal point when developing projects
- d) Ensuring equal access to your services for both men and women (for example, by adjusting office hours or providing a child corner in your office)
- e) Other (please specify):

**13. Does your institution have any financial resources specifically designated for women's rights and gender equality issues?**

- a) No
- b) Yes, please specify:

**14. Please identify which of the following activities your NHRI undertakes.  
(Circle all that apply).**

- a) Disaggregate (separate, categorize) data or information about complaints filed by men and women
- b) Disaggregate data or information about complaints based on the ground of discrimination of gender or sex  
Please specify (for example, disaggregating domestic violence cases, human trafficking cases, sexual harassment cases, gender-based discrimination)
- c) Collect and/or analyze national data on the status of women in your country
- d) Collect and/or analyze data on women's rights and gender equality from other sources (for example, from civil society or media)

**15. If you collect any of the data above, do you disseminate it publically?**

**No**  
**Yes**

If yes, please specify (circle all that apply):

- a) Publish and disseminate reports on women's rights issues
- b) Report on the status of women and/or key human rights issues facing women in the annual report
- c) Other: Please describe:

**16. Has your NHRI undertaken any of the following activities in the last five (5) years?**

**If yes, circle all activities that apply and provide details.**

**If implemented jointly with other actors (for example civil society), please list partners.**

- a) Public education or awareness programs on women's rights and/or gender equality (for example poster/flier campaigns, discussions, round tables, education in schools).  
Please specify:

Partners, if any

b) Training and capacity building programs on women's rights and/or gender equality (for example, for government officials, legal practitioners, civil society)

Please specify:

Partners, if any:

c) Research and Publications

Please specify:

Partners, if any:

**17. Which activities are undertaken by your NHRI in providing advice and assistance to government on women's rights and gender equality issues? (Circle all that apply)**

a) Initiating development of National Human Rights Action Plans, Gender Equality Action Plans, Action Plans to Combat Domestic Violence or equivalent policy documents

Please specify:

b) Participating in the development of National Human Rights Action Plans, Gender Equality Action Plans, Action Plans to Combat Domestic Violence or equivalent policy documents

Please specify:

c) Monitoring implementation of policies on women's rights or gender equality issues

Please specify:

d) Initiating legislation or legislative reforms on women's rights or gender equality issues

Please specify:

e) Commenting on draft legislation on women's rights or gender equality issues

Please specify:

f) Encouraging the government to take a gender-based approach to its national budget

Please specify:

g) Meeting regularly with elected officials to discuss women's rights of gender equality issues

Please specify:

h) Other: Please describe

**18. What are the principal women's rights and gender issues in your country?**

**Please circle the three main areas of concern**

a) Violence against women

b) Human trafficking

c) Women's health (including maternal health)

d) Inequality in the law (e.g. contracts, private property, successions)

e) Discrimination in employment, services, education

f) Women's participation in politics and in the public sector

g) Other: Please specify



**19. Which of the above, if any, are operational priorities for your NHRI at this time?**

**Circle all that apply.**

- a) Violence against women
- b) Human trafficking
- c) Women's health (including maternal health)
- d) Inequality in the law (e.g. contracts, private property, successions)
- e) Discrimination in employment, services, education
- f) Women's participation in politics and in the public sector
- g) Other: Please specify

**20. Please indicate whether your NHRI participates in any of the following areas of international liaison with respect to gender issues: (Circle all that apply)**

- a) Preparing independent reports to treaty bodies
- b) Contributing to or providing commentary on official state reports
- c) Liaising with international organizations
- d) Advocating for the ratification of international human rights instruments or the removal of reservations
- e) Co-operating with other NHRIs
- f) Other: Please describe

**21. What are the main challenges your NHRI faces in protecting women's rights and promoting gender equality (circle all the apply)**

- a) Lack of financial resources
- b) Lack of human resources
- c) Lack of capacity and skill within institution
- d) Lack of appropriate materials/literature
- e) Gender-based stereotypes in society
- f) Weak political commitment
- g) Other: Please specify

**22. Please let us know if there are other issues or comments that you would like to share:**

**THANK YOU FOR YOUR TIME**

## Appendix 3: Summarized NHRI Responses on Model, Mandate, and Structure

**Table 5: Questionnaire Responses: Model, Mandate, and Structure (based on NHRI responses)**<sup>25</sup>

NHRI / Model	Mandate	Internal Structure
<b>ALB</b> People's Advocate of the Republic of Albania Hybrid model	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership:<sup>26</sup> Yes</li> <li>o Women represent at least 50% of managerial/professional staff: No</li> <li>o No specialised internal unit or section on gender, but a staff person acts as internal focal point on gender.</li> </ul>
<b>ARM</b> Human Rights Defender of the Republic of Armenia Hybrid model	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: No</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No formal department or division for gender issues, but there is a special focal point for women issues.</li> <li>o Planning to establish a gender focal point.</li> </ul>
<b>AUS</b> Austrian Ombudsman Board Limited to government maladministration	<ul style="list-style-type: none"> <li>o No specific responsibility for human rights in law.</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No specialised internal unit or section on gender, but senior official and staff person act are responsible for / act as internal focal points on gender.</li> </ul>
<b>BiH</b> Human Rights Ombudsman of Bosnia and Herzegovina Human rights	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? Yes</li> <li>o Able to accept complaints regarding private sector? Yes, but only for Anti-discrimination law.</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No specialised department on women's rights.</li> <li>o "Department for Elimination of all Forms of Discrimination."</li> </ul>

<sup>25</sup> All responses are based on self-reporting and do not reflect a substantive review of the NHRI performance or whether report activities or organisational units are actually occurring or functioning or to what extent. Where there is an apparent conflict between an NHRI response and legislative provisions, this is indicated and the legislative provisions prevail.

<sup>26</sup> This means that at least one of the current ombudspersons is a woman or that a previous ombudsperson was a woman.

NHRI / Model	Mandate	Internal Structure
<b>CAN</b> Canadian Human Rights Commission Human rights	<ul style="list-style-type: none"> <li>○ Restricted to anti-discrimination</li> <li>○ Additional legislative responsibilities? Yes</li> <li>○ Able to accept complaints regarding private sector? Yes</li> <li>○ Are orders enforceable / does NHRI have standing before judicial instances? Yes</li> </ul>	<ul style="list-style-type: none"> <li>○ Gender balance in leadership: Yes</li> <li>○ Women represent at least 50% of managerial/professional staff: Yes</li> <li>○ No specialised department on women's rights, but Policy Branch contains a gender focal point.</li> </ul>
<b>CZE</b> Public Defender of Rights Hybrid	<ul style="list-style-type: none"> <li>○ Restricted to anti-discrimination, persons detained and rights connected with public administration</li> <li>○ Additional legislative responsibilities? Yes</li> <li>○ Able to accept complaints regarding private sector? Yes, but only for anti-discrimination.</li> <li>○ Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>○ Gender balance in leadership: No</li> <li>○ Women represent at least 50% of managerial/professional staff: Yes</li> <li>○ No specialised department on women's rights but there is a gender focal point.</li> </ul>
<b>GEO</b> Public Defender Human rights	<ul style="list-style-type: none"> <li>○ All human rights, no restriction</li> <li>○ Additional legislative responsibilities?<sup>27</sup></li> <li>○ Able to accept complaints regarding private sector? Yes, but only for Anti-discrimination law.</li> <li>○ Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>○ Gender balance in leadership: Yes</li> <li>○ Women represent at least 50% of managerial/professional staff: Yes</li> <li>○ Specialised unit: Centre of Child and Women's Rights.</li> </ul>
<b>KAZ</b> Commissioner for Human Rights Human rights	<ul style="list-style-type: none"> <li>○ All human rights, no restriction</li> <li>○ Additional legislative responsibilities? No</li> <li>○ Able to accept complaints regarding private sector? No</li> <li>○ Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>○ Gender balance in leadership: No</li> <li>○ No response provided as to staffing levels.</li> </ul>
<b>KGZ</b> Ombudsman "Other" (protects the general exercise of rights and freedoms")	<ul style="list-style-type: none"> <li>○ All human rights, no restriction</li> <li>○ Additional legislative responsibilities? No</li> <li>○ Able to accept complaints regarding private sector? No</li> <li>○ Are orders enforceable / does NHRI have standing before judicial instances? Yes, some standing before the courts.</li> </ul>	<ul style="list-style-type: none"> <li>○ Gender balance in leadership: No</li> <li>○ Women represent at least 50% of managerial/professional staff: No</li> <li>○ "Sector for protection from domestic violence and gender discrimination".</li> </ul>

<sup>27</sup> The organic law was amended to include the Public Defender as a National Preventive Mechanism.

NHRI / Model	Mandate	Internal Structure
<b>MDA</b> Center for Human Rights Hybrid	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? Yes (forthcoming: Law on Equal Opportunities for Women and Men)</li> <li>o Able to accept complaints regarding private sector? Yes</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? Yes, standing before the courts.</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o No unit or department. Senior official responsible for women's rights and there is a staff person as internal focal point.</li> <li>o No response to questions regarding staffing.</li> </ul>
<b>MNE</b> Protector of Human Rights and Freedoms Human rights	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: No</li> <li>o Women represent at least 50% of managerial/professional staff: No</li> <li>o A deputy deals with "minority rights".</li> </ul>
<b>POL</b> Human Rights Defender of the Republic of Poland Human rights	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? Yes (equal treatment)</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No orders, but standing before the courts.</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No unit, but Antidiscrimination law unit to be established soon.</li> </ul>
<b>PRT</b> Ombudsman (Provedor de Justiça) Hybrid	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? No, unless there is a special power relationship.</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o A senior official is responsible for women's issues (a small proportion of complaints).</li> </ul>
<b>ESP</b> Ombudsman (Defensor del Pueblo) Hybrid	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No, except in limited circumstances (constitutionality, applying for habeas corpus).</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No specialised department/unit for women's rights.</li> </ul>

NHRI / Model	Mandate	Internal Structure
<b>SWE</b> Equality Ombudsman <sup>28</sup> Human rights mandate	<ul style="list-style-type: none"> <li>o Restricted to discrimination and equality rights.</li> <li>o Additional legislative responsibilities? Yes (e.g. Parental Leave Act)</li> <li>o Able to accept complaints regarding private sector? Yes</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? Yes</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o Women represent at least 50% of managerial/professional staff: Yes</li> <li>o No specialised department/unit for gender issues but there is a focal point in every department.</li> </ul>
<b>TAJ</b> Human Rights Commissioner (Ombudsman) Human rights mandate	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? No</li> <li>o Able to accept complaints regarding private sector? Yes</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? No</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: No</li> <li>o No specialised department on women's rights but there is a gender focal point.</li> <li>o Leadership is male. No staffing data provided.</li> </ul>
<b>UKR</b> Parliamentary Commissioner for Human Rights Human rights mandate	<ul style="list-style-type: none"> <li>o All human rights, no restriction</li> <li>o Additional legislative responsibilities? Yes ("Law of Ukraine on Ensuring Equal Rights and Equal Opportunities of Women and Men")</li> <li>o Able to accept complaints regarding private sector? No</li> <li>o Are orders enforceable / does NHRI have standing before judicial instances? Yes</li> </ul>	<ul style="list-style-type: none"> <li>o Gender balance in leadership: Yes</li> <li>o No staffing data regarding gender balance.</li> <li>o Division of Children's Rights and Gender Equality of Women and Men.</li> </ul>

<sup>28</sup> On 1 January 2009, the *Act Concerning the Equality Ombudsman* SFS 2008:568 came into force, merging four anti-discrimination ombudsperson offices into one. The Swedish Equality Ombudsman supervises compliance with the Act.

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## Appendix 5: HuriTALK Query

### HuriTALK Query

*“This query is in the context of the research phase of a program to develop a training and/or capacity building program for NHRIs on gender equality. The objective is to improve the capacity of NHRIs to translate principles of gender equality into practice.*

*We are in the early phases of identifying successful mechanisms and practices that have demonstrably improved NHRI capacity to protect women's rights, promote gender equality and improve women's participation. Areas of interest include but are not limited to practices and strategies like internal organisational structure, planning, gender-based programming, support to budget processes, gender-mainstreaming activities, research initiatives, public inquiries and liaison with international mechanisms.*

*Descriptions of successful strategies should include an indication of NHRI results i.e. demonstrated success in improving NHRI capacity to address women's issues, or to support improvements to State performance on women's rights, or to direct impact on women's rights through programming (recognizing of course that these are interrelated).”*

### Key responses:

“I’d suggest structuring the trainings and discussions around the CEDAW Committee’s Concluding Observations for the respective country if they exist.”

Regarding “gendering budgets” “The United Nations Development Fund for Women (UNIFEM) has released a report entitled [Budgeting for Women’s Rights: Monitoring Government Budgets for Compliance with CEDAW](#). The report, authored by Professor Diane Elson, a leading feminist economist, makes a significant contribution to the advocacy work on the transparency of budgets. It provides arguments for increasing the accountability of government budgets to women's rights.”<sup>29</sup>

### Three Strategies to Build Capacity on Gender Issues

- The first details the subject matter and the method of capacity development (trainings, discussion sessions, mentoring) we sought to undertake in relation to women's rights. Access the PDHJ [Gender and Rights Capacity Development Plan](#) 2010 it by clicking here.
- The second is a [knowledge-based assessment](#) intended as a tool to measure the level of knowledge and gaps of PDHJ. Access the PDHJ Gender and Rights Knowledge Assessment by clicking here.
- The third is a [checklist for the Project to serve as a guide for the supporting institutional gender equality](#) for the PDHJ as a NHRI.

Thanks to Antje Kraft, Gender and Governance Specialist, United Nations, Guinea Bissau and to Alison Ryan Project Manager, UNDP/OHCHR Capacity Development of the Provedoria for Human Rights and Justice, Timor Leste.

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29 UNIFEM, [Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW](#).

## **Appendix 6: Principles relating to the Status of National Institutions (The Paris Principles)<sup>30</sup>**

Adopted by General Assembly resolution 48/134 of 20 December 1993

### Competence and responsibilities

1. A national institution shall be vested with competence to promote and protect human rights.

2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

3. A national institution shall, inter alia, have the following responsibilities:

( a ) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

(i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;

(ii) Any situation of violation of human rights which it decides to take up;

(iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;

(iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;

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<sup>30</sup> Principles relating to the Status of National Institutions ([The Paris Principles](#)), op. cit. see footnote 6, *supra*

( b ) To promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;

( c ) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;

( d ) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;

( e ) To 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 protection and promotion of human rights;

( f ) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;

( g ) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

#### Composition and guarantees of independence and pluralism

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:

( a ) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;

( b ) Trends in philosophical or religious thought;

( c ) Universities and qualified experts;

( d ) Parliament;

( e ) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).

2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to

enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.

3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

#### Methods of operation

Within the framework of its operation, the national institution shall:

( a ) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner,

( b ) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

( c ) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;

( d ) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly concerned;

( e ) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;

( f ) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular, ombudsmen, mediators and similar institutions);

( g ) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of commissions with quasi-jurisdictional competence

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the

principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- ( a ) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- ( b ) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- ( c ) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- ( d ) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.