

## OSCE Human Dimension Seminar

# THE ROLE OF NATIONAL HUMAN RIGHTS INSTITUTIONS (NHRIS) IN PROMOTING AND PROTECTING HUMAN RIGHTS IN THE OSCE AREA

WARSAW, 1 – 3 JUNE 2015



CONSOLIDATED SUMMARY

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## OVERVIEW

National Human Rights Institutions (NHRIs) are fundamental building blocks of the human rights architecture; their importance has been recognized in OSCE commitments. In Copenhagen in 1990 participating States pledged to "... facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law...". NHRIs protect and promote human rights by handling individual complaints of human rights violations, identifying protection gaps in national human rights systems and providing recommendations on how to address them, conducting human rights education, and engaging with international human rights mechanisms. Active support for the establishment of strong and independent NHRIs, as well as building capacity of existing institutions, is instrumental for the implementation of the OSCE human dimension commitments. The 2015 OSCE Human Dimension Seminar was dedicated to promoting these efforts and discussing the challenges and priorities NHRIs face in the protection and promotion of human rights.

The Human Dimension Seminar on the Role of National Human Rights Institutions (NHRIs) in promoting and protecting human rights in the OSCE area was held in Warsaw from 1<sup>st</sup> to 3<sup>rd</sup> June 2015. It provided an opportunity for representatives of the OSCE participating States, OSCE institutions and field operations, representatives of regional and international organizations and civil society actors to review the unique role of NHRIs in the protection and promotion of human rights, taking the OSCE's body of commitments as a starting point for discussion. The Seminar also offered participants an opportunity to consider four issues from a closer perspective, namely: establishing NHRIs and strengthening their independence and effectiveness; good practices in the work of NHRIs in the promotion and protection of human rights; co-operation between NHRIs and other actors; and improving the work of NHRIs and ways to overcome challenges. Seminar participants shared their experiences and proposed concrete solutions to further engage with and increase the efficiency of NHRIs. The participants were guided in their discussions by the expertise and insights provided by keynote speakers, as well as by the introducers and moderators of each of the four working sessions.

The Seminar provided an opportunity for exchanging information about good practices in the protection of human rights, particularly organizational practices, new legislation, and efficient frameworks for addressing human rights complaints. It provided the space for participants to explore ways to enhance co-operation among NHRIs, civil society and other stakeholders. The seminar was also used as a platform to exchange good practices among the participating States.

Discussions during the Seminar highlighted that working with civil society is a key element in ensuring pluralism in the work of NHRIs and their accountability towards society at large. Many speakers raised specific issues concerning the need for increased political will and support of national authorities to enable all NHRIs to successfully fulfill their role as protectors and promoters of human rights and fundamental freedoms. Much of the discussion focused on the need for NHRIs to enjoy formal and functional independence from the government, and the standards set by the Paris Principles.

Also discussed were good practices in the work of NHRIs, making reference to concrete examples of NHRIs' successes in promoting and protecting human rights. Attention was paid to the important role national human rights institutions play in protecting and promoting economic, social and cultural rights, how governments respond to recommendations made by NHRIs and the ways those recommendations are implemented in practice.

Co-operation and co-ordination with different stakeholders to contribute to the effectiveness of the work of NHRIs was widely discussed. In this regard it was stated that co-operation should include national bodies, civil society and international organizations, and was considered the main way to guarantee pluralism in the mandates of NHRIs. Specific attention was paid to NHRIs also mandated to act as National Preventive Mechanisms (NPMs). Moreover it was stated that co-operation of NHRIs with other national bodies, such as legislative authorities, helps to ensure that national legislation and practice are in line with international human rights standards. ODIHR as an institution was encouraged to continue its fruitful co-operation with and support for NHRIs.

Another main point for discussion was the need for governments to adequately support NHRIs in the execution of their mandates. Issues such as lack of resources, limited technical assistance to NHRIs and their capacity building needs were identified as the main challenges for the proper functioning of these institutions. ODIHR's contribution in this area, which includes capacity building exercises, visits of international experts and review of draft legislation, was especially recognized.

The Seminar was not mandated to produce a negotiated text. The main conclusions and recommendations of the Seminar are included in Section II of this Summary. Recommendations put forward by Delegations of OSCE participating States and Partners for Co-operation, international organizations, and NGOs are wide-ranging and addressed to various actors including OSCE institutions and field operations, governments, partner organizations and civil society. Seminar conclusions and recommendations have no official status and are not based on consensus; however, they should serve as useful indicators for the OSCE in setting priorities and planning its programmes. Documents from the Seminar are available at: [http://www.osce.org/event/hds\\_2015](http://www.osce.org/event/hds_2015)

## **CONCLUSIONS AND KEY RECOMMENDATIONS**

The following conclusions and key recommendations emerged from the plenary and working group sessions.

### **Conclusions**

NHRIs do not only deal with specific cases where human rights of concrete individuals might be violated, they are also entrusted with the task of monitoring and addressing core human rights concerns at a national level; they ensure the compliance of national laws and practices with international human rights standards and obligations; they also play an important role in supporting the work of human rights defenders. In addition, National Human Rights Institutions are responsible for raising public awareness and bringing the legal complexities closer to ordinary citizens.

Many participants noted that NHRIs should enjoy formal and functional independence from the government. They also highlighted the crucial role NHRIs play in bringing national legislation and practice in line with international human rights standards.

Most participants stressed the need for NHRIs to reach an 'A Status' in line with the classification outlined in the Paris Principles. Nevertheless some participating States thought that there are other tools and self-correcting mechanisms of government, precluding the necessity of having an NHRI with 'A Status' according to the Paris Principles.

Participating States noted that NHRIs are an essential component of national and international efforts to protect and promote human rights and fundamental freedoms, acting as a bridge between the rights of the citizens and the responsibilities of the government. All state representatives stressed the commitment to having strong and independent NHRIs. They mentioned the OSCE's important role in the international human rights framework and praised the dedication, professionalism and expertise of OSCE institutions.

Furthermore, participants stated that NHRIs should promote and protect all human rights, and adequate resources should be in place for those institutions. Various speakers mentioned that even perfectly developed frameworks would not work efficiently without sufficient resources. They also underlined that pluralism of NHRIs should be expressed via the composition of the staff, and representation of all regions of the state within the NHRI.

Broadening the mandates and increasing the budgets of NHRIs were presented by many participants as key solutions to challenges related to NHRIs' establishment and functioning, while stressing the need to ensure their financial and political independence.

Most participants recognized the vital role civil society organizations can play in overcoming the challenges, as well as the importance of transparency and co-operation between NHRIs on one side and civil society organizations on the other. The identification of best practices was seen as crucial to ensure the proper establishment of standards for co-operation between NHRIs and civil society.

The necessity to educate on and increase public awareness of human rights was recognized by most participants. It was highlighted that citizens should have access to clear information as to which institution can be approached with a given human rights issue. The usefulness of media in this regard was also emphasized.

### **Key recommendations**

*To the OSCE participating States:*

Participating States should establish and strengthen existing NHRIs with a view to promoting and protecting human rights. Established NHRIs should strive to achieve 'A Status' under the Paris Principles.

Participating States should ensure independence, legal tools and resources enabling NHRIs to effectively perform their torture prevention mandate under OPCAT.

Participating States should foment increased co-operation between NHRIs, civil society and independent media in promoting and protecting human rights.

Participating States should broaden the mandate of NHRIs, enabling activities to protect and promote social, economic and cultural rights which are important for the harmonic development of the society and the state.

NHRIs should have control over their operational structures and over the recruitment process of their staff. In this regard, transparent selection processes during recruitment, as well as procedures for the dismissal of staff need to be in place; a ban on staff with political affiliations should be instituted.

Participating States need to provide sufficient resources to NHRIs to handle complaints covering the whole geographical area of the country.

Private citizens raising concerns with NHRIs should be immune from retaliation.

Participating States should develop manuals or guidebooks with specific recommendations and examples that could help NHRIs and civil society improve their interactions and co-operation.

Participating States should strengthen and increase the participation of NHRIs in OSCE human rights activities and meetings, including by looking at other international practices (UN HRC, CoE) that could be drawn upon.

Participating States should work towards the establishment or strengthening of regional bodies that would allow for the identification of best practices through dialogue between NHRIs and civil society.

Participating States should ensure that NHRIs treat all citizens and civil society organizations equally - even those that are critical of them.

Participating States should find ways to strengthen participation of NHRIs in human rights issues and to involve them more in OSCE discussions on those issues.

Participating States should foment the creation of a network of NHRIs from various countries, including local governments, and both national and international co-operation should be strengthened.

Participating States should include NGOs in the supervisory bodies of NHRIs to receive their input directly, in case the respective institutions are not fulfilling their mandate.

Participating States should encourage a clear understanding of how the system of NHRIs works. More e-tools, e-meetings and social media should be in use; e-participation of citizens engaging with NHRIs should be promoted as an effective tool.

Participating States should support and facilitate co-operation between OSCE and NHRIs, especially ODIHR and field operations.

*To the OSCE, its institutions and field operations:*

The OSCE/ODIHR should continue to provide a space for dialogue and exchange of practices among NHRIs.

The OSCE/ODIHR should clarify its treatment/designation of NHRIs in international settings, noting that NHRIs are neither CSOs nor state bodies.

The OSCE/ODIHR should strengthen the role of NHRIs in future OSCE human dimension events.

The OSCE/ODIHR should ensure there are more tangible results coming out from various meetings, mainly HDIM, and engage NHRIs in preparatory work.

The OSCE/ODIHR should consider the input of civil society provided to NHRIs of other participating States.

The OSCE/ODIHR should pay close attention to civil society recommendations on how to best increase co-operation, including on the issue of prevention of torture.

The OSCE/ODIHR should organize international and regional meetings with tangible objectives and outcomes that would stimulate participation from NHRIs.

The OSCE/ODIHR should work with NHRIs in advance of OSCE Human Dimension meetings to help them focus their work and recommendations.

The OSCE/ODIHR should organize a reinforced Human Dimension meeting, with representatives from NHRIs invited or at the least sending their contributions.

The OSCE/ODIHR should support building of trust and bridges between NHRIs, CSOs and the public, in order to advance protection and enjoyment of human rights.

The OSCE/ODIHR should follow-up on the implementation of recommendations by national institutions, including holding governments accountable for their international commitments.

## **PARTICIPATION**

The Seminar was attended by 119 participants, among them 76 representatives from 41 OSCE participating States,<sup>1</sup> four participants from three Mediterranean Partners for Co-operation (Algeria, Israel and Morocco) and two representatives from one international organization, namely: the Council of Europe (CoE),

Besides representatives of ODIHR, the Seminar was also attended by two representatives from the OSCE and its institutions (the OSCE Secretariat, Action against Terrorism Unit and the OSCE Parliamentary Assembly) and six representatives from five OSCE field operations (the OSCE Mission to Bosnia and Herzegovina, the OSCE Mission to Montenegro, the OSCE Mission to Serbia, OSCE Project Co-ordinator in Ukraine and the OSCE Project Co-ordinator in Uzbekistan). 29 representatives of 25 NGOs took part in the Seminar. There were also 22 representatives of different NHRIs present at the Seminar, including a representative of the European Network of National Human Rights Institutions.

## **AGENDA AND ORGANIZATIONAL ASPECTS**

The Seminar on the Role of National Human Rights Institutions (NHRI) in Promoting and Protecting Human Rights in the OSCE Area (1-3 June 2015) was organized by ODIHR, in co-operation with the Serbian Chair-in-Office of the OSCE, in accordance with PC Decisions No. 1116 of 13 March 2014 and No. 1121 of 8 May 2014.

This was the 31<sup>st</sup> event in a series of specialized Human Dimension Seminars organized by ODIHR further to the decisions of the CSCE Follow-up Meetings in Helsinki in 1992 and in Budapest in 1994. The previous Human Dimension Seminars were devoted to the following subjects: Tolerance (November 1992); Migration, including Refugees and Displaced Persons (April 1993); Case Studies on National Minorities Issues: Positive Results (May 1993); Free Media (November 1993); Migrant Workers (March 1994); Local Democracy (May 1994); Roma in the CSCE Region (September 1994); Building Blocks for Civic Society: Freedom of Association and NGOs (April 1995); Drafting of Human Rights Legislation (September 1995); Rule of Law (November/December 1995); Constitutional, Legal and Administrative Aspects of the Freedom of Religion (April 1996); Administration and Observation of Elections (April 1997); Promotion of Women's Participation in Society (October 1997); Ombudsman and National Human Rights Protection Institutions (May 1998); Human Rights: the Role of Field Missions (April 1999); Children and Armed Conflict (May 2000); Election Processes (May 2001); Judicial Systems and Human Rights (April 2002); Participation of Women in Public and Economic Life (May 2003); Democratic Institutions and Democratic Governance (May 2004); Migration and Integration (May 2005); Upholding the Rule of Law in Criminal Justice Systems (May 2006); Effective Participation and Representation in Democratic Societies (May 2007); Constitutional Justice (May 2008); Strengthening the Rule of Law in the OSCE Area, with a special focus on the effective administration of justice (May 2009);

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<sup>1</sup> According to paragraph IV.1(B)1. of the OSCE Rules of Procedure (MC.DOC/1/06), working languages of the OSCE are English, French, German, Italian, Russian, and Spanish.

Strengthening Judicial Independence and Public Access to Justice (May 2010); Role of Political Parties in the Political Process (May 2011); Rule of Law Framework For Combating Trafficking in Human beings (2012); and Media Freedom Legal Framework (2013); Improving OSCE effectiveness by enhancing its co-operation with relevant regional and international organizations (2014).

The Annotated Agenda of the Seminar can be found in Annex I. The Seminar was opened at 10:00 on Monday 1 June 2015, and closed at 17:00 on Wednesday 3 June 2012. Plenary and working group sessions were open to all participants. The closing plenary session in the afternoon of 3 June focused on practical recommendations emerging from the four working groups. The plenary and working group sessions took place in accordance with the Work Programme. Michael Georg Link, Director of ODIHR, chaired the opening plenary session, and Beatriz Balbin, ODIHR First Deputy Director, chaired the closing plenary session of the Seminar. The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (PC.DEC/476) were followed, *mutatis mutandis*, at the Seminar. The guidelines for organizing OSCE meetings (PC.DEC/762) were also taken into account. Discussions were interpreted into all six working languages of the OSCE.<sup>2</sup>

## **SUMMARY OF THE PROCEEDINGS**

The 2015 Human Dimension Seminar was opened, and the opening session chaired by Michael Georg Link, Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Director Link addressed the opening plenary session (see Annex II) and highlighted the unique strength of NHRIs, stressing that while they are established and funded by the state, they enjoy the credibility and the trust of both state actors and civil society, thanks to their independent mandate. The Director underlined the intensity and scope of ODIHR's work in this area, and invited all participants to explore ways to enhance co-operation among NHRIs, civil society and other stakeholders.

Welcoming remarks were delivered by Ambassador Sanja Milinković, Deputy Permanent Representative of the Republic of Serbia to the OSCE on behalf of the OSCE Serbian Chairmanship, and Ms. Henryka Mościcka-Dendys, Undersecretary of State for Parliamentary Affairs, European Policy and Human Rights, Ministry of Foreign Affairs, Republic of Poland.

Ambassador Milinkovic stressed that National Human Rights Institutions are high on the list of priorities of the Serbian Chairmanship. She emphasized that the crucial role of the NHRIs is translating human rights standards into reality and that they represent a valuable component of the rule of law and democracy. She further elaborated on the necessity of compliance with the Paris Principles, stressing the importance of their independence on one hand and the responsibility of states in providing NHRIs with solid legal status and adequate financial resources on the other.

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<sup>2</sup> According to paragraph IV.1 (B)1. of the OSCE Rules of Procedure (MC.DOC/1/06), working languages of the OSCE are English, French, German, Italian, Russian and Spanish.

She further explained that as part of their mandate they should communicate to the government what are the concerns and challenges of the civil society and its citizens, thus making them one of the strongest agents for the protection and promotion of human rights. Ambassador Milinkovic praised the OSCE, particularly the Office for Democratic Institutions and Human Rights and the field presences, for providing participating States with the necessary assistance in establishing NHRIs and for facilitating international networking of NHRIs in the OSCE area.

The keynote address was delivered by Mr. Saša Janković, Protector of Citizens of the Republic of Serbia. During his speech, Mr. Janković noted that several decades ago the notion of establishing national institutions, separate from Government, mandated to scrutinize human rights was considered revolutionary. Mr Jankovic also noted that the OSCE was the main organization that realized that security “as silence of guns” is a limited concept, and that in the modern world security is inseparable from human dignity. He underlined that the opportunities for NHRIs to communicate with global and regional human rights bodies through different avenues, well beyond the control of the state, should be taken advantage of by all representatives.

Mr. Janković offered a stark reminder of the current situation noting that less than 40% of the OSCE participating States have A status NHRIs, and encouraged participants to work towards increasing this proportion. He noted that states are free to choose the form NHRIs can take (Ombudsperson, human rights commissions or human rights institutes) and underlined that this variety can pose a challenge, but also a potential for co-operation. He further underscored that NHRIs' mandate is best achievable through a combination of individual complaint-handling and systemic approaches to addressing human rights violations.

Mr. Janković exposed some of the key challenges that NHRIs face. He noted that the global financial crisis has had an impact on the enjoyment of human rights and on the ability of NHRIs to effectively respond to human rights violations. He underlined that previously restricted funds have been further decreased. Furthermore the current political crisis poses even greater threat to NHRIs. Many governments operate in a political crisis or even armed conflict situation, and the oversight by NHRIs over military and security services or activities is a substantial challenge. In this context Mr. Janković commended the important work of the Ukrainian Commissioner for Human Rights in conflict areas, and touched upon the increased pressure governments exert on NHRIs in such contexts.

The key-note speaker highlighted that the Paris Principles are silent on the role of NHRIs in conflict. He further underscored that NHRIs should serve as important partners to make sure that, in conflict situations, only the most necessary derogation measures are implemented.

Another challenge faced by NHRIs is migration. Mr. Janković deplored the lack of action related specifically to migration of children. He noted that in the course of only 5 months during 2015, three thousand children crossed Serbia on their route to the West, half of them without parents. Mr. Janković also criticized the interference of politicians in the work of

NHRIs. He noted that NHRIs need to control governments, not just advise them or put forth recommendations. He called on participants to focus on the most important and dramatic human rights violations, regardless of the fact that it often attracts political interference.

Mr. Jankovic concluded that while the economic crisis has had durable negative consequences on the work of NHRIs, it is the political crisis that poses even bigger threat. Many NHRIs operate in extremely challenging environments caused by either political or military crises. NHRIs have to engage with the very source of alleged human rights violations, in the full exercise of their mandate, despite political or public pressure and other obstacles. In order to secure unobstructed NHRIs' operations and to prevent their suppression or side-lining during political or military crises, more concrete legal provisions and practical mechanisms have to be adopted at the national level.

Mrs. Henryka Mościcka - Dendys, Undersecretary of State in the Ministry of Foreign Affairs of the Republic of Poland, thanked the Serbian Chairmanship for the opportunity to debate the conditions of NHRIs and the challenges they face. She noted that NHRIs play a unique role in domestic legal and human rights protection systems. They do not only deal with specific cases where the human right of a concrete individual might be violated, but are also entrusted with the task of monitoring and addressing core human rights concerns at a national level. They further ensure the compliance of national laws and practices with international human rights standards and obligations and play an important role in supporting the work of human rights defenders. In addition, NHRIs are responsible for raising public awareness and bringing the relevant legal complexities closer to ordinary citizens.

Mrs. Henryka Mościcka - Dendys underscored that NHRIs should act as independent controlling mechanisms, vested with a broad mandate and competences, as defined in the Paris Principles and endorsed by the UN General Assembly in 1993. She noted that every state has an obligation to support NHRIs and grant them appropriate legal tools, financial means and independence. She further noted that regardless of their structure or mandate NHRIs are expected to be a fully independent and objective element of a human rights protection system. She underscored that the international co-operation between ombuds institutions plays an important role in exchanging good practices, building capacity and enhancing independence of human rights institutions. She recalled the recent 10<sup>th</sup> National Seminar of the European Network of Ombudsmen in Warsaw, where ombudspersons from more than 40 countries discussed issues of intolerance and discrimination, with particular focus on rights of persons with disabilities, elderly people and migrants.

Mrs. Mościcka - Dendys highlighted the support provided by the OSCE to National Human Rights Institutions and called for continuous active involvement of both ODIHR and the OSCE field presences, through study visits and seminars which contribute to capacity building and strengthening of the independence of NHRIs.

Participating States noted that NHRIs are an essential component of national and international efforts to protect and promote human rights and fundamental freedoms, acting as a bridge between the rights of the citizen and the responsibilities of the government. Some state representatives stressed their commitment to having strong and independent

NHRIs. They mentioned the OSCE's important role in the international human rights framework and praised the dedication, professionalism and expertise of OSCE institutions.

Participating States also highlighted that NHRIs play a particularly important role in torture prevention in their capacity as NPMs under OPCAT. They stressed that in order to effectively perform their torture prevention mandate NHRIs need to be independent, and to have sufficient resources in accordance with the Paris Principles. States likewise expressed support for the upcoming Meeting of Heads of Ombudsman Institutions working as NPMs in the OSCE area, to be held in Warsaw. Some delegations recalled the 2012 Fundamental Rights Agency's Handbook on Establishment and Accreditation of NHRIs and the framework of the new 2015 – 2019 EU Action Plan on Human Rights.

Participating States underscored the importance of civil society and independent media in promoting and protecting human rights, and called for increased co-operation with NHRIs. They stated that a democratic government must have the capacity for self-correction, and strong NHRIs can serve this purpose. NHRI monitoring should pinpoint the mistakes and injustices overlooked by state bodies. Some noted their efforts to empower civil society with the ability to raise claims with regards to human rights violations, utilizing the freedom of expression and association and the right to petition the government. States also noted the two-fold nature of co-operation between civil society and NHRIs, with the former undertaking the ground work and the latter protecting human rights defenders and bringing domestic legislation in line with international human rights standards.

States also expressed concerns that despite international efforts, violations of human rights continue to occur on a daily basis. They stressed that there is a well-developed international legal framework in place for the protection of human rights, and that it is necessary to focus on ensuring that the norms are implemented and international commitments are met. In this context they highlighted the crucial role of NHRIs in protecting human rights.

Participating States stressed that social, economic and cultural rights are no less important than civil and political rights in ensuring the harmonic development of the society and the state. Some states described a system of human rights protection, which in addition to the general ombudsperson comprises also ombudspersons dealing with the rights of the child, the rights of entrepreneurs and other human rights, and includes civil society tools.

Participating States encouraged all countries to establish and/or strengthen NHRIs with a view to promoting and protecting human rights. They also noted that NHRIs play a crucial role in bringing national legislation and practice in line with international human rights standards and help protect and promote human rights, by: dealing with individual requests, identifying gaps in legislation, and providing their recommendations. When establishing NHRIs, states can consider various models and determine which is optimal. Some called for a discussion on the role of media, particularly in challenging circumstances, and suggested tackling this issue in further sessions.

After the opening plenary session of the Seminar, discussions took place in four consecutive working groups. The following Working Group reports are prepared on the basis of notes taken by ODIHR staff and the presentations of the Rapporteurs, who

summarized the working group discussions at the closing plenary session. These reports cannot exhaustively convey the details of the working group discussions but rather aim to identify their common salient points. The recommendations from working groups were not formally adopted by the Seminar participants and do not necessarily reflect the views of any participating State.

<b>Working Group I</b>
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*Moderator:* **Mr. Omer Fisher**, Deputy Head of ODIHR Human Rights Department, OSCE ODIHR

*Introducers:* **Mr. Byambadorj Jamsran**, Chief Commissioner, National Human Rights Commission of Mongolia

**Ms. Debbie Kohner**, Secretary General of the European Network of NHRIs

*Rapporteur:* **Mr. Chad Wilton, United States Mission to the OSCE**

The first Working Group Session focused on Establishing NHRIs and strengthening their independence and effectiveness.

The following section includes specific recommendations offered by participants.

Mr. Jamsran highlighted that the Mongolian National Human Rights Commission (NHRC) had started its work in 2002 and is now a fully-fledged member of the human rights protection network. He noted that the NHRC of Mongolia enjoys a broad mandate and serves as the only independent human rights agency in Mongolia. The speaker emphasized that the major obstacle connected to NHRC functioning is lack of sufficient financial resources, caused by economic constraints in the country. Civil society has an influential role in the NHRC, since civil society organizations (CSOs) participate in the selection process of the Commissioner. The speaker noted that the government of Mongolia does not interfere in the process of budget formation for the NHRC, as these matters are discussed in the Parliament. The NHRC issues recommendations to the Parliament on its budget; however, due to the fact that Mongolia is currently suffering a severe financial crisis, most recommendations are not taken into account. The NHRC is engaged in the development of training manuals and constantly advances the professional qualifications required of the role of Commissioner. From 2014, internet and computer facilities have been updated in order to better manage information such as filing of complaints and other communications that are addressed to the NHRC. However, Mr. Jamsran stated that training personnel to use this new technology requires sufficient funds.

Another crucial challenge for NHRC is the revision of salaries and wages for its staff, which should correspond to qualifications and performance levels of NHRC specialists. The speaker also mentioned that the use of English language needs to be increased among the NHRC personnel in order to work with fundamental documents in their original language. The NHRC cooperates with a range of other bodies that have more narrow specialization, e.g. migration offices, children's rights agencies, as well as the media in order to receive national coverage of human rights-related issues. The speaker reported that the NHRC of Mongolia engages in bi-yearly meetings with civil society organizations and produces annual reports on the domestic human rights situation, as well as extensively cooperates with such international entities as the UNDP, the UN High Commissioner for

Refugees, UNESCO, the Swiss Committee against Torture, Amnesty International, the OSCE and NHRIs of other countries.

Ms. Kohner noted the role of NHRIs in establishing bridges between societies and states and their position as credible actors in this field. Ms. Kohner emphasized the challenges that NHRIs face in the process of being established. The speaker noted the big challenge of founding a state institution which is in turn required to criticize the government that created it. However, the establishment of the NHRIs demonstrates the state's commitment to the Paris Principles and to fundamental human rights and freedoms. She noted that NHRIs never function in a vacuum and that their coherent co-operation with other agencies should be envisaged. Legislation or even constitutional changes are needed for this, as well as sufficient resources; the Paris Principles can be implemented differently depending on the national setting. The speaker emphasized some important aspects in the process of NHRIs' establishment, such as legislation and constitutional framework; and the broad mandates to be endowed to NHRIs in order to enable them to tackle a wide spectrum of human rights issues. The speaker noted that, in this regard, NHRIs are different from other national mechanisms like national monitoring mechanisms, because NHRIs have a more general and all-comprising nature. NHRIs should also have a mandate that covers the entire geography of the state.

Furthermore, NHRIs should promote and protect all human rights, and adequate resources should be in place for NHRI establishment. The speaker mentioned that even perfectly developed frameworks would not work efficiently without sufficient resources. She also underlined that pluralism should be expressed via the composition of the staff, and representation of all regions of the state within the NHRI. Finally, NHRIs should function independently from other state or non-state entities. In addition there should be a fully open appointment procedure of NHRIs' members. The speaker highlighted a recently established annual project run jointly with the ODIHR – the NHRI Academy. She also noted that the European Network of NHRIs was defined as a platform that brings together experts and staff members and creates a cross-national approach emphasizing capacity building.

Participants highlighted the special status of NHRIs as bridge builders between the state and the society. They reaffirmed the need to ensure the financial and political independence of the institutions. Some called for a ban preventing the staff of political parties or trade unions to serve in NHRIs. Participants also noted that the individual complaint mechanisms that NHRIs have put in place are often affected by lack of resources. This is particularly valid for developing countries that struggle with budgetary issues. In such instances some participating States encounter challenges, in spite of adopting legislation endowing NHRIs with broad mandates.

Some participants expressed gratitude to the UN bodies that assist NHRI activities, as well as to the OSCE, and the EU with whom the co-operation was linked to legislation development at the domestic level. Participants reiterated that the political impartiality of members of NHRIs is needed in order to avoid conflicts of interest. Transparent selection processes during recruitment to NHRIs as well as during dismissal of staff was called for. Participants noted that NHRIs should have control over the operational structures, the recruitment process of its staff, and that budget spending should be decided by the NHRI

itself. Some participants highlighted the role of citizens as a major resource for NHRIs in their work, emphasizing the issue of trust.

Participants also called on the OSCE to clarify its treatment of NHRIs in international settings, noting that NHRIs are neither CSOs nor state bodies. They also stressed the importance of accessibility of NHRIs to the regions of a country. Broadening the mandates and increasing the budgets of NHRIs are key solutions to many challenges related to NHRIs' establishment and functioning.

### **Key recommendations**

#### *To the OSCE participating States:*

Participating States should foment broadening the mandates and increasing the budgets of NHRIs as a key solution to many challenges related to NHRIs' establishment and functioning;

Participating States need to provide sufficient resources to NHRIs to handle complaints covering the whole geographical area of the country;

Participating States need to ensure the financial and political independence of NHRIs;

Participating States should ensure NHRIs have control over their operational structures and over the recruitment process of their staff. In this regard, transparent selection processes during the recruitment, as well as procedures for the dismissal of staff need to be put in place; a ban on staff with political affiliations should be instituted. ;

Participating States should adopt legislation that specifies that institutional budgetary spending should be decided by NHRIs;

#### *To the OSCE, its institutions and field operations:*

The OSCE/ODIHR should clarify its treatment/designation of NHRI in international settings, noting that NHRIs are neither CSOs nor state bodies;

The OSCE/ODIHR should strengthen the role of NHRIs at future OSCE human dimension events and clarify the institutional designation of NHRIs;

<b>Working Group II</b>
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- Moderator:* **Ms. Katarzyna Jarosiewicz-Wargan**, Head of ODIHR Human Rights Department, OSCE ODIHR
- Introducers:* **Ms. Laurien Koster**, Chair of Netherlands Institute for Human Rights  
**Mr. Aleksandr Glushenkov**, Head of Secretariat, Office of the Commissioner for Human Rights in the Russian Federation  
**Mr. Kent Härstedt**, OSCE Parliamentary Assembly
- Rapporteur:* **Ms. Daliborka Janković**, Permanent Mission of Switzerland to the OSCE

The second Working Group Session focused on exchange of good practices regarding how NHRIs contribute to the protection and promotion of human rights of women, men and children through a broad range of activities, in line with their respective mandates.

The first introducer, Ms. Laurien Koster shared the Dutch experience in establishing an NHRI, the Netherlands Institute for Human Rights, which is quite a young institution, officially launched in 2012. The institution itself evolved from the Equal Treatment Commission. Ms. Koster outlined the questions to take into consideration when establishing an NHRI, namely: what the institution wants to accomplish?; what needs to be taken into account in the decision making process?; and what is the role of the institution in relation to its internal (national) and external (international) counterparts?

Ms. Koster also emphasized the crucial expert and networking role of the Human Rights Commissioners as well as the importance of human rights education of the general public.

Mr. Aleksandr Glushenkov presented the Russian NHRI model, the Office of the Commissioner of Human Rights, which was established in 1998 and is acting as a bridge between the government and the public at large. Its aim is to provide the citizens with the necessary means to protect their human rights. The commissioners act as observers, consultants, mediators, experts and guarantors of human rights, and engage in public outreach activities. The Office of the Commissioner of Human Rights counts 82 regional Ombudsman offices; recent legislative amendments have been adopted which standardize the regulations and procedures regarding these regional offices. The Office is also active in the protection of people in detention, an area in which a new federal law was recently adopted, enabling their better access to prisons.

Mr. Glushenko further elaborated on the work of the Commissioner in the sphere of the judiciary. He stated that the Commissioner has the right to file complaints to the court and appeal for revision of laws inconsistent with the constitution. Although the commissioner's office does not directly engage in filing claims with the ECtHR, it can advise and refer to the relevant organizations. The Commissioner's office cannot participate in court proceedings, but it can attend hearings as an observer to ensure the rights of the parties are

upheld, and can also observe the announcement of verdicts so it can later assist with the appeal.

The third introducer, Mr. Kent Härstedt recommended that NHRIs should work in close co-operation with national parliaments in order to improve their impact and effectiveness; this would also offer an opportunity for greater trust and credibility of NHRIs. He highlighted that the role of parliaments is to safeguard respect for human rights in their respective countries, and therefore they should act as the link between NHRIs and civil society. Mr. Härstedt also proposed the idea of initiating a national human rights day in every national parliament, whereby discussions would focus on human rights issues. He further emphasized the need to protect human rights activists and defenders.

Some participants spoke on the issue of justice and threats of retaliation towards human rights defenders. They also stressed the importance of effective human rights institutions and NGOs scrutinizing the society from the inside to help overcome existing human rights challenges. They further encouraged NHRIs to get involved in working with national parliaments to achieve better results.

In the subsequent debate some participants noted that the discussion about the promotion and protection of human rights needs to be supported by relevant actions and effective implementation by governments, otherwise they will remain an empty rhetoric.

Some states echoed the need for a human rights education and identified the greatest challenge faced by NHRIs as lack of awareness of what human rights for everyone means and lack of human rights education.

Some participants raised the point that structural problems posed the biggest challenge to NHRIs and that resources are needed for empirical research to address these issues. They referred to Belgrade principles in the context of strengthening the link between NHRIs and the parliament. They also raised the issue of the role of NHRIs vis-a-vis courts, and stated that NHRIs should have the right to intervene in court proceedings. They concluded by stating that a mature democratic state based on the rule of law wants its NHRIs to be strong and outspoken.

The importance of peer-to peer exchanges was also mentioned by various participants as a way to strengthen the support for NHRIs. In this regard they welcomed the establishment of the NHRI Academy by ODIHR and encouraged ODIHR to continue to support peer-to-peer exchanges.

One participating State highlighted the challenges NHRIs face in implementing their mandates, in particular ensuring credibility in the eyes of the society and having enough strength to make governments accountable. It stated that the ability of NHRI to implement their mandate largely depends on the state policy in the sphere of human rights and the willingness of the authorities to address human rights challenges.

Furthermore, some speakers mentioned the important role that NHRIs can play in the implementation of the European Convention on Human Rights, in particular in relation to

the execution process of the European Court of Human Rights judgments, in line with the Brussels Declaration adopted on 27 March 2015 by the 47 member states of the Council of Europe.

Finally, one participating State expressed the opinion that A status NHRIs may not be necessary in every state since the rule of law and justice can be achieved with the help of other tools ensuring that the government has a self-correcting mechanism. It stated that having justice for people is the key issue to focus on when it comes to NHRIs. It also highlighted the role of open independent media, civil society and NHRIs in achieving justice.

Specific recommendations included:

*To the OSCE participating States:*

Participating States should increase human rights awareness by posting the text of the UDHR in educational establishments;

Participating States should ensure human rights education of their citizens;

Participating States should decentralize NHRIs and ensure better transparency of law enforcement bodies;

Participating States should guarantee that private citizens raising concerns with NHRIs are immune from retaliation;

Participating States should encourage NHRIs to work in close co-operation with national parliaments in order to improve their impact and effectiveness;

*To the OSCE, its institutions and field operations:*

The OSCE/ODIHR should continue to support peer-to-peer exchanges among NHRIs;

<b>Working Group III</b>
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*Moderator:*           **Ms. Mirjam Karoly**, Chief of ODIHR Contact Point for Roma and Sinti Issues, Senior Adviser on Roma and Sinti Issues, OSCE ODIHR

*Introducers:*       **Ms. Sirpa Rautio**, Director of the Human Rights Centre, Finland  
**Ms. Eva Csergö**, Europe and Central Asia Programme Officer, Association for the Prevention of Torture, Switzerland

*Rapporteur:*       **Mr. Jean-Francois Lacasse**, Delegation of Canada to the OSCE

Discussions under Working Group III focused on the theme of "Co-operation between NHRIs and other actors".

The first introducer, Ms. Sirpa Rautio, Director of the Human Rights Centre (Finland), shared the Finnish experience in strengthening their NHRI through a cooperative model and the application of the Paris Principle. Following broad consultations with stakeholders, the Centre received 'A Status' accreditation at the International Coordinating Committee (ICC) following the implementation of measures to increase pluralism, develop education and promotion initiatives, as well as to engage at the international level. The adoption of a clear and common operational strategy among Finnish human rights institutions was also key to enhancing their effectiveness and co-operation with human rights actors and stakeholders.

The second introducer, Ms. Eva Csergö, Europe and Central Asia Programme Officer for the Association for the Prevention of Torture (Switzerland), spoke of the natural and mutually reinforcing partnership between NHRIs and civil society, including in the context of National Preventive Mechanisms (NPMs). She emphasized that independence is an essential prerequisite for a clear, transparent co-operation agreed by all and based on trust and mutual benefit to all stakeholders. She noted that although the role of civil society is acknowledged by all, NHRIs and civil society can and should step up formal and informal engagement through increased levels of practical and active involvement. She concluded by recommending that NHRIs should further increase their role within the international human rights system.

Discussions among participants revealed a number of recurring themes. There was a broad support for the introducers' points that co-operation between NHRIs and civil society is essential, but it was noted that governments must go beyond this discourse and foster an environment that supports this co-operation. One participant also recalled that participating States are ultimately responsible for the implementation of their international human rights obligations.

Participants agreed that NHRIs are in a unique position that allows them to advance human rights issues through close engagement and dialogue with all stakeholders, from governments, parliaments and state institutions, to civil society organizations and

individual citizens. One participant noted the importance of government bodies effectively responding to requests for information from NHRIs.

The useful role played by NHRIs in education, training on and promotion of international human rights obligations was highlighted by several participants, notably in areas such as equality and combating discrimination.

Many representatives of NHRIs and civil society emphasized the useful and important role that civil society can play in supporting the work of NHRIs, notably through the provision of expertise. Many participants underlined the importance of participating States welcoming the work of human rights defenders, including when they express dissenting views, and for NHRIs themselves to speak out when human rights defenders or citizens who bring issues to the attention of NHRIs are threatened with retaliation. Conversely, it was noted that civil society can help defend NHRIs when they themselves face challenges from State authorities.

There was also a broad agreement among participants about the importance of NHRIs sharing national experiences and best practices among themselves, as well as engaging through international and regional mechanisms such as the OSCE, the UN HRC and the CoE. The opportunities and challenges presented by new communications technologies were also discussed. The media was identified as a potential ally for NHRIs in carrying out their work, but a number of participants stressed the principle of confidentiality in the treatment of requests.

Participants also agreed that the approaches and measures discussed during the Working Session are key to building the trust, legitimacy and effectiveness of the work of NHRIs.

Participants recommended that not only proper financing for NHRIs should be ensured, but also a network of NHRIs from various countries should be created, including local governments. Both national and international co-operation should be strengthened. Participants recommended working towards co-ordination of efforts, exchange of experience and good practices.

The following section includes specific recommendations offered by participants.

*To OSCE participating States:*

Participating States should identify best practices and consider the establishment of standards for co-operation between NHRIs and civil society;

Participating States should develop manuals or guidebooks with specific recommendations and examples that could help NHRIs and civil society improve their interactions and co-operation;

Participating States should consider the creation of special budgets within NHRIs to cover the costs of inviting civil society representatives for consultations;

Participating States should strengthen and increase the participation of NHRIs in OSCE human rights activities and meetings, including by looking at other international practices (UN HRC, CoE) that could be drawn upon;

Participating States should inform the general public about which institution can be approached with a given human rights issue.

Participating States should encourage a more active role of civil society in NHRIs work, like assisting on recommendations and strengthening the impact of NHRIs by advising on their work.

Participating States should allow for external representatives to monitor how National Preventive Mechanisms are working, which can help achieve change on the national level.

Participating States should facilitate the establishment of standards for co-operation among NHRIs and civil society and introducing best practices all participating States could benefit from.

Participating States should introduce national legislation confirming the mandate of Ombudsperson.

Participating States should provide translation services for NHRIs to ensure the recommendations are available in national languages of MPs;

Participating States should encourage the creation of further networks of NHRIs from various countries.

Participating States should enable participation of NGOs in the relevant supervisory body in order to ensure more effective fulfillment of its mandate.

Participating States should promote the general public's understanding of the functioning of the system of NHRIs; E-tools should be developed for this purpose.

*To the OSCE, its institutions and field operations:*

The OSCE/ODIHR should pay close attention to civil society recommendations on how to best increase co-operation, including on the issue of prevention of torture;

The OSCE/ODIHR should organize international and regional meetings with tangible objectives and outcomes that would stimulate the participation from NHRIs;

The OSCE/ODIHR should work with NHRIs in advance of OSCE Human Dimension meetings to help them focus their work and recommendations;

The OSCE/ODIHR should ensure the follow-up of recommendations arrived at during the various Human Dimension meetings;

The OSCE/ODIHR should organize a reinforced Human Dimension meeting, with representatives from NHRIs invited or at least sending their contributions;

<b>Working Group IV</b>
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- Moderator:* **Ms. Azra Junuzović**, Deputy Head of ODIHR Tolerance and Non-Discrimination Department, OSCE ODIHR
- Introducers:* **Ms. Valeriya Lutkovska**, Ukrainian Parliament Commissioner for Human Rights  
**Ms. Lora Vidović**, Ombudsman of the Republic of Croatia  
**Ms. Etilda Gjonaj**, Commissioner, Deputy Ombudsman, People's Advocate, Albania
- Rapporteur:* **Ms. Nevena Jovanović**, Permanent Mission of the Republic of Serbia to the OSCE

This Working Group Session focused on the needs of NHRIs, as well as specific challenges and priority areas of support to these bodies. Participants also discussed possible ways on how to overcome challenges NHRIs are facing in their work.

The first introducer, Ms. Valeriya Lutkovska highlighted the challenges NHRIs are facing, such as legal and political pressure and inadequate funding, which can easily lead to undermining the Paris Principles. Ms. Lutkovska recognized the vital role civil society organizations can play in overcoming the challenges, as well as the importance of transparency and co-operation between NHRIs on one side and civil society organizations on the other. This co-operation could lead to faster responses to human rights violations; it could also raise the profile of NHRIs, using the model called "Ombudsman plus" while broadening its impact through collaboration with the organizations which possess technical expertise on various areas of intervention. As an example of good practice, she pointed out the co-operation with CSOs in the context of monitoring places of detention through the National Preventive Mechanism and how this type of co-operation may contribute to a quicker pace of intervention when verifying the whereabouts of people in detention and the conditions of their detention. Another example included the positive outcome of co-operation between the Ukrainian Commissioner for Human Rights and CSOs in monitoring human rights in Crimea. Furthermore, she stressed the importance of open governance and the advisory structure in achieving greater transparency. In that context, it was also noted how building bridges between civil society and international organizations, while remaining open to monitoring and advisory inputs from different stakeholders, could be beneficial.

Ms. Lora Vidović focused on challenges in relation to the expansion of the mandate given to NHRIs which does not include only dealing with complaints, but promoting and protecting functions, while at the same time not increasing funding nor operational support. The broader mandate allowed for NHRIs to leverage their work in new spheres of influence, including at the request of various national stakeholders and international organizations which lobby for a greater engagement of NHRIs on a variety of issues. She

also noted how the participation in the UPR process and the implementation of recommendations coming from the Council of Europe, the EU, the OSCE, ODIHR and the UN bodies, facilitated the work of NHRIs. Ms. Vidović recognized the vital importance of engaging new methodologies, technology and the media in the work of NHRI when ensuring citizen accessibility while at the same time maintaining principles of confidentiality. In the end, the role of the International Criminal Court and its recommendations in strengthening the capacities of NHRIs was highlighted.

The third introducer, Ms. Etilda Gjonaj emphasized the task of People's Advocate to strengthen parallel judicial and political institutions' capacities and accountability in their role of protecting human rights and fundamental freedoms. She also noted that the nature of NHRI recommendations is advisory and therefore relies on good-faith implementation of those recommendations, which is not often the case in practice. Failure to act upon recommendations can undermine the enjoyment of human rights and fundamental freedoms by members of society. Similar to previous introducers, Ms. Gjonaj highlighted the great value of co-operation between NHRIs and civil society organizations, especially in order to address the needs of marginalized groups and individuals who might not always enjoy the benefits of informal social protection networks. She concluded with a remark on the potentially increased role and impact of NHRIs as a reliable source of information on human rights at the local and national levels, and the need for an increased support by the OSCE and other organizations in light of that particular role of NHRIs.

A number of speakers emphasized the need for better co-operation between civil society organizations and NHRIs. Several participants noted the very important role of NHRIs in providing oversight, as well as reinforcing national implementation of international commitments and good practices. Moreover, they recognized the NHRIs public function of highlighting the challenges in the protection of human rights at both national and international levels. Some speakers highlighted the new function of NHRIs reflected in them engaging into torture prevention as National Preventive Mechanisms.

A representative from the Ukrainian NHRI presented, as an example of good practice, the co-operation with the OSCE– besides signing a memorandum of understanding as a positive measure to strengthen the collaboration, significant benefits were recognized in the training facilitated by the office of the OSCE Project Co-ordinator. The training had a goal of building the capacities of those civil society organizations which are involved in detention monitoring as part of the system called the Ombudsman Plus.

During the discussion, some speakers stressed the complexity of the relationship between the NHRIs and the judiciary, which is sometimes faced with different challenges and obstacles. There were participants who expressed their concern over cases of alleged corruption of prosecutors and judges, leading not only to difficulties in the co-operation between NHRIs and judiciary, but to an increase in public distrust of the justice system and state institutions.

Participants agreed about the high value of the international assistance in strengthening the capacities of NHRIs and overcoming challenges in their work. ODIHR's contribution in this area, which includes capacity building exercises, visits of international experts and the

review of draft legislation, was especially recognized and emphasized. Other international organizations mentioned by the speakers included the UN treaty bodies, the ICRC, the ILO and others. Some delegations observed the opportunities the events such as the HDS were providing when it comes to building bridges between different NHRIs in the OSCE region.

Specific recommendations included:

*To OSCE participating States:*

Participating States should support and facilitate co-operation between OSCE and NHRIs, especially ODIHR and field operations.

*To the OSCE, its institutions and field operations:*

The OSCE/ODIHR should support building of trust and bridges between NHRIs, CSOs and the public in order to advance the protection and enjoyment of human rights.

The OSCE/ODIHR should follow-up on the implementation of recommendations by national institutions, including holding governments accountable for their international commitments.

<b>Closing session</b>
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Closing Remarks: **Ms. Beatriz Balbin**, First Deputy Director, OSCE/ODIHR

The closing session started with rapporteurs presenting their summaries of the four working sessions. Their presentations were followed by an intervention by Ms. Beatriz Balbin who delivered her closing remarks. Ms. Balbin noted that recommendations made during the Seminar provided useful references which should be taken on board by the OSCE/ODIHR and participating States. She reiterated the importance of trust building between NHRIs and other stakeholders, and emphasized that NHRIs have to remain consistent and independent in their work. The overall conclusion was that co-operation with civil society should be deepened and their expertise should not be treated only as a source of information. Ms. Balbin commented that many delegations had emphasized the lack of resources, both financial and human, as one of the major challenges to the work of NHRIs. She concluded her remarks by expressing ODIHR's readiness to assist participating States in strengthening capacities of their respective NHRIs, including through the NHRI Academy, as well calling the participating States to act upon recommendations from the HDS.

## ANNEX I: ANNOTATED AGENDA

### **2015 OSCE HUMAN DIMENSION SEMINAR**

#### **The Role of National Human Rights Institutions (NHRI) in promoting and protecting human rights in the OSCE area**

Warsaw, 1 – 3 June 2015

### **ANNOTATED AGENDA**

#### **Introduction & Aims of the Seminar**

Human Dimension Seminars are organized by the OSCE/ODIHR in accordance with the decisions of the Conference on Security and Co-operation in Europe (CSCE) Summits in Helsinki (1992) and Budapest (1994). The 2015 Human Dimension Seminar is devoted to “*The role of national human rights institutions (NHRI) in promoting and protecting human rights in the OSCE area*”; in accordance with PC Decision No.1164.

National human rights institutions (NHRIs) are fundamental building blocks of the human rights architecture. Their importance has been recognized in OSCE commitments. In Copenhagen in 1990 participating States pledged to “... facilitate the establishment and strengthening of independent national institutions in the area of human rights and the rule of law...”. NHRIs protect and promote human rights by handling individual complaints of human rights violations, identifying protection gaps in national human rights systems and providing recommendations on how to address them, conducting human rights education, and engaging with international human rights mechanisms. Active support for the establishment of strong and independent NHRIs, as well as building capacity of existing institutions, is instrumental for the implementation of the OSCE human dimension commitments. To promote these efforts and to highlight the importance of NHRIs in the OSCE region, the 2015 Human Dimension Seminar will discuss the challenges and priorities NHRIs face in the protection and promotion of human rights.

#### **Participation**

Representatives of OSCE participating States and structures, relevant regional and international organizations, as well as representatives of civil society and development agencies are invited to participate in the Seminar.

The OSCE’s Partners for Co-operation are invited to attend and share their views and ideas on the effectiveness of co-operation between the OSCE and other regional and international organizations.

OSCE participating States are requested to publicize the Seminar widely within their networks of co-operation, with a particular focus on including experts and delegation

representatives working with regional and international counterparts in the human dimension.

Participants are also encouraged to make brief oral interventions during the Seminar. While prepared interventions are welcomed during the plenary sessions, free-flowing discussion and exchanges are encouraged during the Working Group Sessions. All participants are encouraged to submit in advance written interventions outlining proposals regarding the topic of the Seminar, which will be distributed to the delegates.

## **Organization**

The Seminar venue is Sofitel Victoria Hotel, Ul. Królewska 11, Warsaw.

The Seminar will open on Monday, 1 June 2015, at 10 a.m. It will close on Wednesday, 3 June 2015, at 6 p.m.

All plenary sessions and working group sessions will be open to all participants. The delegations of the participating States will be able to exercise their right of reply throughout the Seminar. All participants will have equal access to the list of speakers during the working group sessions of the Seminar. The plenary and working group sessions will take place according to the work programme below.

Four working group sessions will be held consecutively. They will focus on the following topics:

**Working group I: Establishing NHRIs and strengthening their independence and effectiveness**

**Working group II: Good practices in the work of NHRIs in promotion and protection of human rights**

**Working group III: Co-operation between NHRIs and other actors**

**Working group IV: Improving the work of NHRIs and ways to overcome challenges**

The closing plenary session, scheduled for the afternoon of 3 June 2015, will focus on practical suggestions and recommendations for addressing the issues discussed during the working group sessions.

A representative of ODIHR will chair the plenary and the closing sessions.

The Rules of Procedure of the OSCE and the modalities for OSCE meetings on human dimension issues (Permanent Council Decision No. 476) will be followed, *mutatis mutandis*, at the Seminar. Also, the guidelines for organizing OSCE meetings (Permanent Council Decision No. 762) will be taken into account.

Discussions during the plenary and working group sessions will be interpreted from and into the six working languages of the OSCE.

Registration will be possible during the Seminar days from 8:00 until 18:00.

Facilities are made available for participants to hold side events at the Seminar venue.

A table for display/distribution of publications by participating organizations and institutions will also be available outside the plenary hall.

### **Work programme**

	<b>Monday 1 June 2015</b>	<b>Tuesday 2 June 2015</b>	<b>Wednesday 3 June 2015</b>
<b>Morning 10:00-13:00</b>	<b>Opening plenary session</b>	<b>Working group II</b>	<b>Working group IV</b>
<b>Afternoon 15:00-18:00</b>	<b>Working group I</b>	<b>Working group III</b>	<b>Closing plenary session</b>

#### **Day 1**

##### **Monday 1 June 2015**

###### *Morning*

**10:00 -13:00 Opening plenary session**

###### *Opening remarks:*

**Mr. Michael Georg Link**, Director of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR)

**Ambassador Sanja Milinković**, Deputy Permanent Representative of the Republic of Serbia to the OSCE, 2015 OSCE Serbian Chairmanship

**Mrs. Henryka Mościcka-Dendys**, Undersecretary of State for Parliamentary Affairs, European Policy and Human Rights, Ministry of Foreign Affairs, Republic of Poland

###### *Keynote addresses:*

**Mr. Saša Janković**, Protector of Citizens of the Republic of Serbia

###### *Technical Information:*

**Ms. Beatriz Balbin**, First Deputy Director, OSCE/ODIHR

###### *Afternoon*

**15:00-18:00 Working group I: Establishing NHRIs and strengthening their independence and effectiveness**

**Introducers:** **Mr. Byambadorj Jamsran**, Chief Commissioner, National Human Rights Commission of Mongolia

**Ms. Debbie Kohner**, Secretary General of the European Network of NHRIs

**Moderator:** **Mr. Omer Fisher**, Deputy Head of ODIHR Human Rights Department, OSCE ODIHR

**Rapporteur:** **Mr. Chad Wilton**, Mr. Chad Wilton, United States Mission to the OSCE

While established and funded by the state, NHRIs should enjoy formal and functional independence from the government. They play a crucial role in bringing national legislation and practice in line with international human rights standards. The principles relating to the Status of National Institutions (Paris Principles adopted by UN General Assembly Resolution 48/134 of 20 December 1993) set the standards. The Paris Principles also laid the ground for ensuring the independence of NHRIs as envisaged by the 1990 Copenhagen Document. Some OSCE participating States comply with the Paris Principles whereas others are encouraged to do the same. The Paris Principles require NHRIs to have a broad mandate based on universal human rights law, be independent from government (guaranteed through national legislation or the constitution), espouse pluralism through their work with civil society actors, and have sufficient resources and capacity to guarantee their proper functioning. The working group session will consider formal and functional requirements of independence, and practical challenges that these translate into. Participants will be able to discuss the establishing of new NHRIs as well as mandates and institutional frameworks affecting the functioning of existing NHRIs. Moreover, participants will share the experiences of NHRIs having multiple mandates, including NHRIs designated as National Preventive Mechanisms (NPMs) under the Optional Protocol to the UN Convention against Torture (OPCAT).

Questions to consider:

- How can independent NHRIs be established and strengthened in accordance with relevant OSCE commitments and the Paris Principles?
- What have been some key challenges in establishing an NHRI?
- What is the scope of mandates and powers that NHRIs have?
- How can challenges posed by multiple mandates of NHRIs be overcome?
- What are the institutional frameworks conducive to effective work of NHRIs?
- What are the differences and similarities between NHRIs and other national bodies mandated to work in the area of human rights?

## **Day 2**

**Tuesday 2 June 2015**

*Morning*

### **10:00-13:00 Working group II: Good practices in the work of NHRIs in promotion and protection of human rights**

**Introducers:** Ms. Laurien Koster, Chair of Netherlands Institute for Human Rights

Mr. Aleksandr Glushenkov, Head of Secretariat, Office of the Commissioner for Human Rights in the Russian Federation

Mr. Kent Härstedt, OSCE Parliamentary Assembly

**Moderator:** Ms. Katarzyna Jarosiewicz-Wargan, Head of ODIHR Human Rights Department, OSCE ODIHR

**Rapporteur:** Ms. Daliborka Janković, Permanent Mission of Switzerland to the OSCE

NHRIs contribute to the protection and promotion of human rights of women, men and children through a broad range of activities, in line with their respective mandates. They can monitor the overall human rights situation and provide recommendations to governments. NHRIs can investigate violations and address individual complaints. They can provide assistance to governments, through awareness raising and capacity building. The Paris Principles specify that NHRIs have the responsibility to advise national governments, the parliament and other legislative authorities by providing opinions, recommendations, reports and proposals. This working group session will allow participants to discuss good practices in the work of NHRIs. References will be made to concrete examples of NHRIs' successes in promoting and protecting human rights. Attention will also be paid to the important role national human rights institutions play in protecting and promoting economic, social and cultural rights.

Questions to consider:

- What are some of the achievements of NHRIs in the promotion and protection of human rights?
- How responsive have governments been to recommendations by NHRIs?
- What can be done to ensure that recommendations are implemented in practice?
- What are successful examples of gender mainstreaming in the activities of NHRIs?
- How do NHRIs share good practices across OSCE participating States?

*Afternoon*

### **Working group III: Co-operation between NHRIs and other actors**

**Introducers:** Ms. Sirpa Rautio, Director of the Human Rights Centre, Finland

Ms. Eva Csergö, Europe and Central Asia Programme Officer, Association for the Prevention of Torture, Switzerland

**Moderator:** Ms. **Mirjam Karoly**, Chief of ODIHR Contact Point for Roma and Sinti Issues, Senior Adviser on Roma and Sinti Issues, OSCE ODIHR

**Rapporteur:** Mr. **Jean-Francois Lacasse**, Delegation of Canada to the OSCE

Co-operation and co-ordination with different stakeholders contribute to the effectiveness of the work of NHRIs. This co-operation should extend to national bodies, civil society and international organizations. Co-operation between NHRIs and civil society guarantees pluralism in the mandates of these institutions. One particular example of such co-operation is of National Preventive Mechanisms (NPMs), which in many OSCE participating states function under the auspices of NHRIs, but also includes relevant NGOs. NHRIs can also play an important role in the protection of human rights defenders, including women defenders who may face gender specific risks.

In the same manner, co-operation with other national bodies (in particular legislative authorities) helps to ensure that the national legislation and practice fall in line with international human rights standards. NHRIs are active participants in international human rights mechanisms and should work closely with international organizations, to promote their recommendations at the national level. The working group session will look at co-operation between NHRIs and other stakeholders and how NHRIs can engage meaningfully with NGOs, government bodies, peer institutions, religious communities and international organizations.

Questions to consider:

- How can civil society and NHRIs increase their effectiveness in jointly promoting and defending human rights?
- What can NHRIs do to empower human rights defenders and increase their protection?
- What are examples of good co-operation between NHRIs and state institutions and bodies?
- How do NHRIs engage with regional and international human rights mechanisms?
- How do NHRIs cooperate with other national bodies with mandates to work on human rights?
- How do NHRIs cooperate with other NHRIs, through regional and global networks and bilaterally?

**Day 3**  
**3 June 2015**

*Morning*

**10:00-13:00 Working group IV: Improving the work of NHRIs and ways to overcome challenges**

**Introducer:** Ms. **Valeriya Lutkovska**, Ukrainian Parliament Commissioner for Human Rights

**Ms. Lora Vidović**, Ombudsman of the Republic of Croatia

**Ms. Etilda Gjonaj**, Commissioner, Deputy Ombudsman, People's Advocate, Albania

**Moderator:** **Ms. Azra Junuzović**, Deputy Head of ODIHR Tolerance and Non-Discrimination Department, OSCE ODIHR

**Rapporteur:** **Ms. Nevena Jovanović**, Permanent Mission of the Republic of Serbia to the OSCE

Given the complex and rapid evolution of NHRIs, support to these institutions to ensure the promotion and protection of human rights is increasingly important. Issues such as lack of resources, technical assistance to NHRIs and their capacity building need to be addressed. Relevant areas for technical assistance and capacity building may include knowledge of international law and specific skills related to monitoring, reporting, advocacy, policy making and legislation drafting. In the provision of support and assistance to NHRIs there is a need to enhance co-operation among various actors involved. This working group session will consider the needs of NHRIs, as well as specific challenges and priority areas of support to these bodies. The role of OSCE and ODIHR in this process will be addressed. The discussion will also touch on the strengthening of NHRIs when designated as National Preventive Mechanisms (NPMs) under the Optional Protocol to the UN Convention against Torture (OPCAT), in the line with the capacity-building needs highlighted during the SHDM on the prevention of torture in April 2014.

Questions to consider:

- What are the principal challenges NHRIs face in their work and what support is most needed?
- What are NHRI priorities in the OSCE region, and how can they be achieved?
- How can the OSCE, its institutions, and field operations, in line with their respective mandates, assist participating States in ensuring support to NHRIs, including NHRIs designated as National Preventive Mechanisms (NPMs) under the Optional Protocol to the UN Convention against Torture (OPCAT)?
- How can international and national actors effectively coordinate in the provision of assistance and support to NHRIs?

*Afternoon*

**15:00-18:00 Closing plenary session**

*Rapporteurs Summaries from the Working Group Sessions*

*Review of the results and recommendations;*

*Comments from the floor;*

**Closing Remarks:** **Ms. Beatriz Balbin**, First Deputy Director, OSCE/ODIHR

## ANNEX II: OPENING AND CLOSING REMARKS

### OPENING REMARKS

**Mr. Michael Georg Link, Director, OSCE/ODIHR**

Excellencies,  
Distinguished Colleagues,  
Dear Secretary of State Moscicka-Dendys,  
Dear Ambassador Milinkovic,  
Ladies and Gentlemen,

It is a great honour to welcome you to the OSCE Human Dimension Seminar on the Role of National Human Rights Institutions (NHRI) in Promoting and Protecting Human Rights in the OSCE Area.

Many of you will know that this Seminar is by no means the first time we consider and act on issues that relate to the role of NHRIs.

Four years ago, in 2011, in the context of the Supplementary Human Dimension Meeting, ODIHR provided a much needed space for reflection on the role that NHRIs play as part of the human rights architecture in the OSCE area. The intensity and scope of our work in this area has since continued to grow – touching upon relevant issues regarding National Human Rights Institutions' independence and accountability, relations with parliaments and relations with the executive branch and civil society.

In 2014, we launched the Guidelines on the Protection of Human Rights Defenders, a publication intended to promote security for human rights defenders who face increasing risks in carrying out their work. We continue to disseminate and promote these Guidelines across the OSCE region, in hope that they will serve as a basis for a renewed, genuine partnership between governments and human rights defenders to effectively address challenges and combine efforts to promote respect for human rights and fundamental freedoms.

Also in 2014, jointly with the European Network of National Human Rights Institutions and the Central European University, we have launched the NHRI Academy, an initiative that delivers practical training courses to senior and mid-level staff of national human rights institutions. This year the second NHRI Academy will be organized jointly with the European Network of National Human Rights Institutions here in Warsaw and staff from more than 25 NHRIs will benefit from the training sessions.

In many ways, while acting upon our mandate, we are providing active support to the establishment of strong and independent National Human Rights Institutions. We will continue to do so, by making the NHRI Academy an annual capacity building event, by

facilitating further discussions on the challenges that lay ahead, and by engaging with NHRIs directly as partners in common projects and programmes at the national level.

Ladies and Gentlemen,

Before we lose ourselves in the achievements of the past and our further plans for the future, we should concentrate on what we are here for today. We are gathered in order to highlight the importance of National Human Rights Institutions, and to discuss about their role in promoting and protecting individual human rights.

I am looking forward to a very lively and hopefully very interesting seminar for the days to come. I am sure that there is a lot to debate about and that it will not be difficult to find topics for fruitful discussions. But I doubt that anyone of us would dare to put the important role National Human Rights Institutions play in their respective countries into question.

Indeed, I am convinced that the significance of National Human Rights Institutions cannot be stressed enough.

This is becomes even more evident if we look around us. As you all know, we have unfortunately observed a deterioration of the human rights situation in many parts of the OSCE region in the recent past. This goes particularly for the conflict in and around Ukraine, but also for other parts of the region.

While we at ODIHR have consistently monitored and reported on violations of human rights in the region, we rely on the co-operation of our participating States in implementing their commitments. As you know, some of our governmental partners occasionally feel unfairly singled out when we address our concerns, or claim that we exaggerate our findings. It goes without saying that we at ODIHR make the greatest effort to be as objective and truthful as possible, to always be geographically balanced, and never to apply double standards. But we do rely on partners in our participating States to echo and support the results of our work, particularly in those states that lag behind in the implementation of their commitments.

Many of these partners are to be found in the respective Helsinki Committees or other civil society actors all over the OSCE area, west and east of Vienna. But any support for our claims is even more credible when it is voiced by a National Human Rights Institution.

This demonstrates the unique strength of these institutions: While established and funded by the state, and thus not considered outsiders like us, they enjoy the credibility and the trust of both state actors and civil society, thanks to their independent mandate.

As is the case for ODIHR, this independence is not always convenient for the respective government. But it shouldn't be.

Take the German Institute for Human Rights, for example. Knowing that I shouldn't be talking about Germany too much, given my nationality and my background as a former member of the German government, it is an interesting case in point. The DIMR, as it is

called, was founded in 2001. But it is only this month, following a very long and controversial political debate that we can expect a law to be passed in the German Bundestag providing a sound legal foundation for it and thus guaranteeing its A-status under the Paris principles. I do not want to speculate about the motives of the actors involved, but the controversy around this decision demonstrates an important point: Governments never will and never should be fully comfortable with their national human rights institutions. For it is their task and their duty to be an uncomfortable partner.

Given this natural domestic tension, it is even more important that National Human Rights Institutions co-operate and support each other across borders.

In this context, it is a particular pleasure for me to welcome Ms. Valeriya Lutkovska, the Ukrainian Parliament Commissioner for Human Rights, with whom we at ODIHR co-operate very closely and trustfully. Ms. Lutkovska, your co-operation with Ms. Ella Pamfilova, the Commissioner for Human Rights in the Russian Federation, who unfortunately cannot be with us today (but is represented by the Head of her Secretariat, Mr. Aleksandr Glushenkov), is an excellent example of how you can play a very positive role through close co-operation, despite the tensions between your respective governments.

All of us know the extremely difficult climate under which you operate. Given these exceptional circumstances, it is all the more admirable how outspoken both of you are domestically.

We all followed, for example, the statements of Ella Pamfilova on the recently adopted law on the so-called “undesirable organizations”. As you know, she raised the concern that the lack of a possibility to challenge an “undesired” status in court could indeed be running counter to the Russian constitution.

This is only one out of many recent examples where a government is sacrificing individual freedoms by introducing measures that allegedly provide more security. But we should never forget that the protection and promotion of human rights is not a marginal or secondary issue, but a key element in conflict resolution and trust building. Human rights and fundamental freedoms should not be subordinated to security concerns, they are an essential part of our, of the OSCE’s comprehensive concept of security.

This is why the activities of NHRIs are all the more important. Your common role is to guard and protect the human rights of all. From our perspective, NHRIs are our key counterparts and allies while we strive to strengthen and uphold international human rights standards at the national level across the OSCE area.

Ladies and Gentlemen,

This Human Dimension Seminar highlights the importance of NHRIs in the OSCE region and provides a space to tackle the challenges NHRIs face in the protection and promotion of human rights. An honest discussion regarding the formal and functional independence of NHRIs from all branches of government is still needed.

While the Paris Principles and the 1990 Copenhagen Document set the standards when it comes to ensuring independence and effectiveness, there are participating States that have yet to endow NHRIs with the necessary human rights based mandates and the required resources for their fully functional independence. In many instances, relations with parliaments and governments can at times be strained, and often “accountability” is de facto „control“, while independence is perceived as a „blank check“. These are issues that need to be addressed and require the political will of all OSCE participating States.

I am sure that our distinguished speakers, government representatives and participants will thoroughly discuss these challenges, but it is my hope that we shall also hear about the positive developments and good practices in the protection of human rights. Whether these are organizational practices, new legislation, efficient frameworks for addressing human rights complaints or success stories of individuals who have had their rights and freedoms firmly protected, I am sure we can all learn from them.

I invite all the participants to explore the ways to enhance co-operation among NHRIs, civil society and other stakeholders. Working with civil society is a key element in ensuring the pluralism in the work of NHRIs and their accountability towards society at large. At the same time, we need the political will and support of national authorities to enable all NHRIs to successfully fulfill their role as protectors and promoters of human rights and fundamental freedoms.

My Office and I stand ready to work with you and maintain our fruitful co-operation. Let us continue to support each other on the way to achieving our common goal, a better protection of human rights all over the OSCE region. I do hope that this Seminar will be a productive step in this direction.

Thank you for your attention.

## **OPENING REMARKS**

**Ms. Henryka Mościcka-Dendys, Undersecretary of State for Parliamentary Affairs, European Policy and Human Rights, Ministry of Foreign Affairs, Republic of Poland**

Mr. Chairman,  
Your Excellences,  
Ladies and Gentleman,

I would like to welcome you to this year’s Human Dimension Seminar in Warsaw. I wish to warmly welcome our key-note speaker and the representative of the Serbian OSCE Chairmanship. Let me thank the Chairmanship for energetic and successful leadership so far at this extremely difficult time.

Ladies and Gentleman,

Serbian Chairmanship offered us an opportunity to debate on the condition of national human rights institutions and the challenges they face. Since all fifty seven OSCE participating states agreed on obligations to protect and promote human rights, it is obvious that we should particularly care for effective operation of the institutions which support us in this cause.

National Human Rights Institutions play a unique role in domestic legal and human rights protection system. They do not only deal with specific cases where human right of concrete individual might be violated. They are also entrusted with the task of monitoring and addressing core human rights concerns at a national level. They ensure the compliance of national laws and practices with international human rights standards and obligations. They also play an important role in supporting the work of human rights defenders. In addition, National Human Rights Institutions are responsible for raising public awareness and bringing the legal complexities closer to ordinary citizens.

Mr. Chairman,

National Human Rights Institutions should act as independent controlling mechanisms, vested with a broad mandate and competences, as defined in the Paris Principles and endorsed by the UN General Assembly resolution in 1993. Every state has an obligation to support National Human Rights Institutions and grant them appropriate legal tools and financial means. In this context, the independence of ombudsperson institutions is, without a doubt, of primary importance. Regardless of their structure or mandate, ombudsperson is expected to be a fully independent and objective element of a human rights protection system. It is true that sometimes it might be difficult to avoid some sort of political affiliation, because of the method the body is designated, but from the day of the nomination the ombudsperson shall be equipped with the tools that allow for independence and impartiality.

Moreover, the international co-operation between ombudsperson institutions plays an important role in exchanging good practices, building capacity and enhancing independence of human rights institutions. We were glad that this spring Warsaw hosted National Seminar of the European Network of Ombudsmen. Ombudspersons from more than 40 countries discussed issues of intolerance and discrimination, with particular focus on rights of persons with disabilities, elderly people and migrants.

Let me also highlight the support provided by the OSCE to National Human Rights Institutions. Active involvement of both ODIHR and the OSCE field presences through study visits and seminars contributes to capacity building and strengthening of the independence of National Human Rights Institutions.

Mr. Chairman,

The institution of Ombudsman in Poland has the status of a National Human Rights Institution and is one of crucial components of a human rights protection system at national level. Establishment of the Ombudsman was accompanied by a nation-wide public debate over the shape of a mandate and scope of competences. Nowadays, very few institutions enjoy such a high level of public support and trust as the Polish Ombudsman. The office

serves also as a National Preventive Mechanism under the Optional Protocol of the UN Convention against Torture and advocates for its international recognition and implementation.

Ladies and gentlemen,

Protection and promotion of human rights and democracy requires stable and reliable state institutions which enjoy public trust. National Human Rights Institutions are one of the pillars of the human rights protection system. If we want to stop a negative trend of curbing fundamental freedoms and narrowing down the space for civil society activities, observed recently in parts of the OSCE area, we should make every effort to reinforce these Institutions and support their independence. I believe that our discussion over next the three days will serve this purpose. That is why, I wish to thank you for participating in the Seminar and the for the illuminating ideas and recommendations, I am sure, you will be ready to offer during the meeting. In particular, I thank director Link and his team for organizing the meeting and for their constant interest in the matter.

I wish you a fruitful discussion and thank you for your attention.

## **CLOSING REMARKS**

**Ms. Beatriz Balbin, First Deputy Director, OSCE/ODIHR**

Excellencies, Distinguished Colleagues, Ladies and Gentlemen,

The recommendations that you have made at this event provide useful and practical suggestions that States and OSCE institutions should take into serious consideration. There is a clear need to take further steps to strengthen the role of National Human Rights Institutions in their efforts towards the full realization of human rights.

Let me recall some of the most pertinent recommendations that have been highlighted during the four working sessions of the Seminar.

(Establishing and Strengthening NHRI's)

Participating States that establish NHRI's should do so by legislation that provides broad mandates, that ensures independence and adequate resources – (in line with the Paris Principles). Furthermore, to guarantee the above participating States should appoint members of NHRIs accounting for the principles of pluralism and transparency.

Independence and pluralism are the foundation of NHRI's strength, at the same time participants recommended that NHRIs work more to build trust with the society at large. To do so they need to be consistent and follow up on complaints; ensure transparency, and protect citizens who turn to NHRIs when their rights are violated.

(Good practices)

In terms of good practices participants highlighted particularly co-operation and peer to peer exchanges between NHRIs at the international level. Co-operation with parliaments, civil society and media were also identified as good practices. Examples of strong mandates of NHRIs that are able to follow and intervene in court proceedings were presented as well. Other recognized good practices include: decentralization and networking at the regional level and efforts to increase transparency and treat all CSOs equally.

(Co-operation with other actors)

Co-operation with CSOs should be deepened and go beyond treating CSOs only as a source of information. Working groups and consultative councils should be established and standards of co-operation should be set. At the same time NHRIs need to keep their independence from all actors, including CSOs.

NHRIs should work closely with international organizations; and organizations (i.e. OSCE) should provide a space for increased participation. Participants called on us (OSCE/ODIHR) to differentiate between NHRIs, Government and NGOs in the various events we organize and to also consider thematic discussions. These are proposals that we will seriously consider.

The issues raised during these three days demonstrate that the consolidation of the role of NHRIs is particularly important as security and economic contexts become more complex. In such circumstances the challenges that NHRIs are facing in protecting human rights are multiplying. Often their key strengths - independence and objectivity - are eroded.

Retaliation against the citizens that file complaints to NHRIs is a very serious threat that affects the credibility of NHRIs. Furthermore, participants noted that political pressure and interference by governments is a real and recurrent challenge that NHRIs face. A particular issue recalled by many participants is the lack of resources, which takes the form of 1. budget cuts or 2. the expansion of mandates without provision of sufficient resources. It was noted that in non-democratic societies the formal establishment of NHRIs is used as a form of window dressing by otherwise repressive regimes. At the same time in more established democracies the lack of awareness about human rights was mentioned as a challenge.

(Overcoming Challenges)

Participants considered that in order to overcome challenges NHRIs should respond quickly to violation of human rights and freedoms. This and the appropriate steps to protect the human rights defenders and citizens will strengthen their credibility.

Furthermore, NHRIs should collaborate closely with CSOs drawing on their support for countering political pressure. However such a strong relationship is based on trust and to gain that trust transparency and pluralism is essential.

It was noted that working with International Organization and using the various frameworks (UPR, ICC accreditation, OSCE/ODIHR legislative review) can help strengthen the position of NHRIs in relation to government authorities.

Participants also noted that ODIHR and OSCE Field Operations can do more to facilitate the building of trust and bridges between NHRIs, CSOs and the public to advance protection and enjoyment of human rights.

Distinguished Participants,

ODIHR remains committed to its partnership with NHRIs. We have taken on board many of the recommendations made to us in the past years. For example, building the capacities of the staff serving in NHRIs is one of our key areas of focus. This year is the second time we are organizing the NHRI Academy and I encourage you to use this opportunity to its full extent; in 2015 and in the years to come. I would like to thank the European Network of NHRIs and particularly Ms. Debbie Kohner, who was here with us for the excellent partnership we have built through this initiative.

In addition all human dimension events organized by ODIHR provide an excellent opportunity to exchange experiences with counterparts from across the OSCE area and listen to the concerns and proposals of civil society organizations. This is especially relevant since NHRIs are increasingly faced with challenges that stem from the international developments that have occurred in the recent years. I invite you to actively participate at the annual OSCE Human Dimension Implementation Meetings as well as other human dimension events that focus on specific issues related to your work.

A particular opportunity is the upcoming Supplementary Human Dimension Meeting on Freedom of Religion and Belief, Fostering Mutual Respect and Understanding, which explores issues I am sure many of you have to address as part of your mandates.

Finally let me stress once again the importance of working with civil society organizations, such as non-governmental organizations, religious leaders, trade unions and academic institutions. A good working relation with CSOs not only allows for access to important sources of information but contributes significantly to the deepening of the legitimacy of NHRI's in the public eye. We are ready to work with you to facilitate such co-operation.

I would like to take this opportunity to thank Mr. Sasa Jankovic and all our introducers for the stimulating presentations and for their important contribution to the OSCE Human Dimension Seminar.

I am grateful to all the participants, government representatives, NHRIs and CSOs, for the rich debate we have had during these three days of the Human Dimension Seminar. It is proof that there is yet much to do to enhance the capacities and effectiveness of NHRIs.

Also, my gratitude goes out to the Serbian Chairmanship, for the outstanding co-operation in organizing the Seminar as well as to our ODIHR team who have made the Seminar possible.

Last but not least I extend my thanks to the translators who supported us during this event. Without their contribution the debate that took place during all the four working sessions would not have been possible.

I strongly encourage all participating States to act upon the conclusions and recommendations of this Seminar. ODIHR in line with its mandate is ready to work with you towards this goal.

Thank you for your kind attention,

## ANNEX III: INFORMATION ABOUT THE SPEAKERS

### **Biographical Information of Speakers**

<b>Day 1: Monday, 1 June 2015</b>
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#### **10:00-13:00      OPENING SESSION**

##### **Opening Remarks**

##### **Mr. Michael Georg Link**

Michael Georg Link (Germany) began his tenure as ODIHR director on 1 July 2014. Before joining the Office, he served from January 2012 to December 2014 as the Minister of State for Europe in the German government, responsible for OSCE, EU, Council of Europe and NATO affairs. He was elected to the German parliament in 2005, representing Heilbronn/Baden-Württemberg, and served through 2013. During that term, from 2006 to 2013, Link established a strong OSCE connection as a member of the OSCE Parliamentary Assembly.

The ODIHR director is a past member of the boards of the Center for International Peace Operations (ZIF), the German Foundation for Peace Research and the Foundation for German-Polish Co-operation, and remains active in international NGOs, including the German Council on Foreign Relations, the German Association for Eastern European Studies, the Southeast Europe Association, and the German Atlantic Association.

Born in Heilbronn in 1963, Link studied Russian, French, Political Science, Public Law and Eastern European History at the University of Augsburg, the University of Lausanne and Heidelberg University.

##### **Ambassador Sanja Milinkovic**

Ambassador Sanja Milinkovic currently holds the post of the Deputy Permanent Representative of Serbia to the OSCE, UN and other international organizations based in Vienna. Ambassador Milinkovic, a career diplomat since 1988, over the years has held a number of senior posts both in the MFA and Embassies of the former Yugoslavia, respectively Serbia where her work was focused on international legal issues, but also multilateral and bilateral relations. She has headed numerous negotiating teams both in bilateral and multilateral contexts and has participated in various international conferences relating to international law and meetings of MFA Chief Legal Advisers. Ambassador holds degrees in Law from University of Belgrade.

##### **Ms. Henryka Mościcka-Dendys**

Ms. Henryka Mościcka-Dendys was appointed Undersecretary of State in the Ministry of Foreign Affairs of Poland in charge of European policy, human rights and parliamentary affairs on April 16, 2013. Prior to that, she served as Director of the European Policy

Department (from 2012) and Deputy Director of this Department, responsible for institutional affairs and Northern Europe (2011-2012).

She graduated in law and classics at the University of Silesia in Katowice and holds a Ph.D. in international law from the University of Warsaw.

She joined the Ministry of Foreign Affairs of Poland in 2002. Her previous postings include Copenhagen, where she got seconded to the office of the CBSS Commissioner for democratic development (2003) and Berlin where she served as 1st secretary and later as counsellor at the Polish Embassy, covering EU policies including enlargement and institutional issues (2007-2011).

Since 2011, she is a Member of Board of the Foundation for Polish-German Co-operation.

### **Keynote**

**Mr. Saša Janković** (1970), Protector of Citizens of the Republic of Serbia, is graduate lawyer and specialist for national and global security. On 23 July 2007, Mr Saša Janković was elected in the National Assembly as the first ever Serbian Ombudsman. He was reelected on 04 August 2012 for the new five-year term with the consensus of all parliamentary political parties.

From 2003 until the election for Ombudsman, Mr Janković was a national legal advisor in the Democratization Department of the OSCE Mission in Serbia. Prior to that, he worked as a journalist as well as in the Ministry of Youth and Sports.

### **15:00-18:00      WORKING GROUP 1**

**Mr. Byambadorj Jamsran**, Chief Commissioner, National Human Rights Commission of Mongolia was born in 1954, in Darvi soum, Khovd Province, Mongola. He acquired his doctor's degree in law at the Lomonosov Moscow State University in 1985. His specialization in law is constitutional law. He was a lecturer at the Institute of the Mongolian People's Revolutionary Party from 1985 to 1990 and a lecturer in the Institute of Politics of People's Great Khural from 1990 to January 25, 1992.

His political career began in 1992 when he was elected as a member of the People's Great Khural and a member of the State Lesser Khural. Since then he was elected to the parliament 4 times. From 2004 he worked as a member of the Constitutional Court of Mongolia and as the Chairman of the Constitutional Court until 2010 when he was appointed as Chief Commissioner of the National Human Rights Commission of Mongolia.

**Ms. Debbie Kohner** is the Secretary General of the European Network of National Human Rights Institutions (ENNHRI). ENNHRI brings together National Human Rights Institutions (NHRIs) from across wider Europe. The Secretariat supports and coordinates the work of its members to enhance the promotion and protection of human rights across Europe.

Prior to taking up her role at ENNHRI, Ms. Kohner worked in the NGO sector. She also co-convened a coalition of equality and human rights civil society organizations in Northern Ireland. Previously, Ms. Kohner led a research project into racist incidents in New Zealand, from which her recommended reporting system has now been put into place. Debbie Kohner studied law at Jesus College, Oxford, at Université de Paris II, at College of Europe; as well as Peace and Conflict Studies at the University of Ulster. Debbie is a qualified solicitor and has practiced law in London and Madrid, specializing in EU and IP law. Ms. Kohner has also worked as a parliamentary researcher and speechwriter at Westminster (the UK Parliament) for Constitutional, Legal and Home Affairs.

<b>Day 2: Tuesday, 2 June 2015</b>
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**10:00-13:00**                    **WORKING GROUP 2**

**Mrs. Laurien Koster** is the chair of the Netherlands Institute for Human Rights, established in 2012 and accredited with A-status in 2014. In the preceding years she was - as the chair of the Equal Treatment Commission - leading in the process of establishing this NHRI in which the Equal Treatment Commission has been fully integrated.

After being a lawyer at the Amsterdam Bar she was a magistrate and has a broad experience in many sectors of the judiciary. At managerial and administrative level – for example as president of the District Court of Alkmaar –she was responsible for various transformation processes within the judiciary like strategies to increase customer orientation and true access to justice. On several occasions she has contributed to capacity building of human rights structures and the judiciary abroad.

**Mr. Aleksandr Glushenkov** (1968), is Head of Secretariat, Office of the Commissioner for Human Rights in the Russian Federation. Prior to joining the Office, Mr. Glushenkov as a lawyer and Head of the Department for Legal Consultancies at “Межрегион” bar. In 2002, he was selected as one of the five best lawyers in Russian Federation.

Mr. Glushenkov has participated in the work of the American Bar Association as expert for Central and Eastern Europe; he teaches public international and customary law and co-operates with organizations such as Center for Anti-corruption Investigations and Initiatives and Transparency International –Russia.

**Mr. Kent Harstedt**, is the Head of the Swedish Delegation to the OSCE Parliamentary Assembly. He was elected Vice-President of the Assembly at the 2014 Annual Session in Baku. A member of the Swedish Parliament since 1998, he has served on the Committee on Defence, the Committee on Health and Welfare, the Joint Committee on Foreign Affairs and Defence and the Standing Committee on Foreign Affairs. Prior to joining the Swedish

Parliament, Mr. Harstedt worked as a freelance journalist and served as chair of UNICEF Sweden from 1999 to 2005.

**15:00-18:00**      **WORKING GROUP 3**

**Ms. Sirpa Rautio**, lawyer by profession, currently director of the Finnish Human Rights Centre, which together with the Parliamentary Ombudsman forms the Finnish NHRI. Finnish NHRI received the A-status in December 2014.

Prior to returning to Finland in 2012 to set up the Human Rights Centre, Ms. Rautio has held various positions in the field of human rights working e.g. for the UN, OSCE, Council of Europe and the World Bank. She has some 20 years of experience in the protection and promotion of human rights in intergovernmental organisations both in the field and at the HQ positions.

**Ms. Eva Csergö** is the Europe and Central Asia Programme Officer at the Association for the Prevention of Torture, Switzerland. She studied law, political science and international relations in France and Turkey, and holds a Master's degree in International Human Rights and Humanitarian Law.

Before joining the APT in 2014, she worked for a number of NGOs throughout the Europe and Central Asia region, including Minority Rights Group International and the Danish Refugee Council, and as co-operation officer and humanitarian correspondent for the French Ministry of Foreign Affairs in Georgia.

<b>Day 3: Wednesday, 3 June 2015</b>
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**10:00-13:00**      **WORKING GROUP 4**

**Ms. Valeriya Lutkovska** (1972), Ukrainian Parliament Commissioner for Human Rights graduated from Taras Shevchenko Kyiv National University (Philology) and in 1999 from National Academy of Internal Affairs of Ukraine (Specialist of Law). As of now Ms. Lutkovska is a Honoured Jurist of Ukraine.

In 1995 she started her career in civil service as 1st category consultant at the Ministry of Justice of Ukraine. Since 2005 she held a position of the Deputy Minister of Justice of Ukraine, since 2011 – Government Agent before the European Court of Human Rights. On 2012 Ms. Lutkovska was appointed to the position of the Ukrainian Parliament Commissioner for Human Rights by the Resolution of the Verkhovna Rada of Ukraine."

**Ms. Lora Vidovic** (1973), Croatian Ombudswoman, graduated from the Faculty of Law in Zagreb in 1997. In 2001, she obtained her Master's degree with the thesis „Ombudsman for children“. She took over the duty of the Ombudsperson on March 1st 2013, after the

Parliament appointed her the commissioner responsible for the promotion and protection of human rights and freedoms, for a term of eight years.

She has been working in the field of human rights protection and promotion throughout her working career, especially from the perspective of public international law, as well as on establishing highest international human rights standards within the legal system of the Republic of Croatia. Prior to being appointed Ombudsperson she worked as the Head of the UNICEF Office in Croatia and in the period from 2006 to 2010 she worked as a Deputy Ombudsman for Children

**Ms. Etilda Gjonaj** was appointed as Commissioner at the Albanian Ombudsman institution by the Parliament of the Republic of Albania on 10 April 2014, for a three-year term in office.

She completed higher studies at the Faculty of Law at the University of Tirana in the period 1999-2003. In 2004 she was conferred the title of Lawyer from the National Chamber of Lawyers. During the period 2009-2011 she followed postgraduate studies in criminal sciences at the University of Tirana and was awarded the Scientific Master in Criminal Science.

In 2002, Ms. Gjonaj joined the Albanian Helsinki Committee (AHC), during her 11-year long tenure at AHC she has held leading positions in various national and regional projects and processes, including domains such as the judicial reform and electoral reform. During the 2008-2011 period she been a Lecturer at the Department of Criminal Law at the University of Tirana. Ms. Gjonaj has also been engaged as a leading expert in a series of national and international reports and studies, including the assessment and monitoring of the action-plan for EU integration in the field of fight against corruption, the implementation of European Commission recommendations for 2008-2012 and of the action-plan for legislative reforms for 2011-2013.

#### **15:00-18:00      CLOSING PLENARY**

**Ms. Beatriz Balbin** joined the United Nations in 1997 and served in different capacities with the UN over 16 years in Africa, South East Asia, Latin America and the Balkans. She has worked for the UN Office of the High Commissioner for Human Rights as well as for the UN Department for Peacekeeping Operations and the UN Department of Political Affairs. Her last assignment was as Head of the Human Rights Component of the UN Mission in Sierra Leone where she also doubled as the Country Representative for the UN High Commissioner for Human Rights. Previously she served in different electoral observation and human rights assignments including as a member of the Commissions of Inquiry mandated by the UN Secretary General and other UN bodies.

She joined the OSCE Office for Democratic Institutions and Human Rights in September 2013 as First Deputy Director.