



Conference for National Human Rights Institutions (ombuds institutions, human rights commissions, institutes and other mechanisms) in the OSCE area

13 - 14 July 2011
Vilnius, Lithuania

Background Note

I. INTRODUCTION: Context and Background

Recognizing the important role that independent National Human Rights Institutions (NHRIs) can play in protecting and promoting human rights in the OSCE region, the OSCE Chairmanship-in-Office (OSCE Chair) has set this topic as a priority for 2011. ODIHR advises and actively supports the OSCE Chair in the endeavor to strengthen NHRIs in the OSCE region.

In April 2011, an OSCE Supplementary Human Dimension Meeting on NHRIs (SHDM) took place, bringing together around 200 representatives from governments, NHRIs and civil society to discuss the work of NHRIs. In order to follow-up the discussion opened by the SHDM on the topic in the OSCE area, ODIHR's Human Rights Department will organize a OSCE/ODIHR Conference for NHRIs (the Conference) jointly with the OSCE Chairmanship. The Conference will build on the findings from the SHDM. Challenges were identified then in regard to the relationship between NHRIs and relevant actors at the national level. The aim of the Conference will be to translate these challenges into existing good practices which NHRI experience in their work with the different actors.

In an inclusive and transparent manner the interrelationship of NHRIs with relevant actors will be explored by taking a multi-step approach in mapping the respective interactions and relationship of NHRIs with national parliaments, the executive branch of governments, the judiciary and civil society, respectively.

Despite increasing recognition of the need to strengthen the functioning of independent NHRIs, few opportunities exist for substantive review of the work of NHRIs particularly when it comes to their relationship with the three branches of the government. In fact,

within the OSCE region little information exists so far on the existing practices of engagement of NHRI with the mentioned relevant interlocutors.

Objective

- The Conference will bring together representatives from a range of existing types of NHRIs in the OSCE region in order to facilitate an exchange of their experiences working with the executive, the judiciary, the parliaments and civil society, and draw good practices.
- The Conference is expected to further raise awareness of the important role played by NHRIs among a range of actors.

Expected outcomes of the Conference

- Increased awareness of NHRIs and selected governmental representatives of the practices across the OSCE region about the interrelation between NHRIs and relevant stakeholders;
- Improved understanding among NHRIs and their national interlocutors on how best to engage with each other;
- Closer networks among NHRIs across the OSCE region;
- Possible follow-ups in the form of publications, along the thematic areas of the conference, which will include specific recommendations.

II. SESSIONS

During the four sessions of the Conference, participants will have the opportunity to exchange their practices and experiences as they relate to their interaction with a specific stakeholder..

SESSION 1: NHRIs and Parliaments

Functionally and institutionally independent, NHRIs are accountable to the oversight of their work by parliaments representing the public whom they are to serve. Both NHRIs and parliaments can make an invaluable contribution to the promotion and protection of human rights on the national level and should hence strive to develop an effective relationship which goes beyond the annual reporting of the NHRI to the Parliament.

SESSION 2: NHRIs and governments

This session will seek to explore the current state of relationship between the NHRI and the respective government. NHRIs are supposed to operate independently from the governments and yet to be their close counterpart. Where the interaction between the state authorities and the NHRI is collaborative, cooperative and based on genuine effort to protect universal human rights, the rights of individuals are likely to be protected and policies and legislation to be in line with international human rights standards.

In examining the relationship of NHRIs to the executive branch, participants will be prompted to consider the mutual responsibilities of respective institutions in the area of good governance and human rights protection. The specific expectations placed on governments and NHRIs will be explored with reference to practices within the region and international standards.

SESSION 3: NHRIs and Civil society

During Session 1 a platform will be provided for NHRIs to discuss the current forms and areas of cooperation with civil society and to elaborate on the mutual benefits of these relationships. Civil society actors, such as non-governmental organizations, religious leaders, trade unions and academic institutions, can be an important source of information, giving the NHRI's access to expertise and valuable social networks, including to individuals or groups who are politically, socially, economically or culturally marginalized. A collaborative relationship inevitably contributes to deepening the institution's public legitimacy and ensuring that public concerns and priorities are reflected in the work of NHRIs.

SESSION 4: The collaboration between NHRIs with the Courts and the Judiciary

The last session will explore the functions of NHRIs in relation to national courts. NHRIs can contribute to the development of human rights by assisting individual citizens seeking legal remedies for violations of rights. NHRIs may participate in litigation, refer cases to tribunals and submit amicus briefs. Certain NHRIs have the authority to request information concerning the status of cases during proceedings; others may have disciplinary powers in cases of alleged judicial misconduct.

III. PARTICIPATION

All heads of NHRIs in the OSCE area will be invited to participate in the Conference, in addition to the relevant international actors supporting the work of NHRIs such as the UN Office of the High Commissioner for Human Rights, Council of Europe's National Structure Unit, the EU Fundamental Rights Agency and the International Coordination Committee of NHRIs.

It is expected that the event will be attended by approximately 80 participants including NHRIs, civil society, representatives of the international community, governments (executive, parliaments and judiciary branches of government), as well as from delegations from OSCE participating States.

IV DATE AND VENUE

The Conference will be held from 13 to 14 July 2011 in the University of Vilnius, Vilnius, Lithuania.