

## « *Lawyers for Lawyers* »

CRIS 2008 165-110 EuropeAid/126412/C/ACT/Multi

### TRAINING MANUAL ON HUMAN RIGHTS AND HUMAN RIGHTS PROTECTION FOR LAWYERS

#### FILE N° 32: AUTONOMOUS NATIONAL AUTHORITIES FOR THE DEFENCE OF HUMAN RIGHTS

If human rights are to be respected effectively, autonomous and independent structures need to be created at national level. Such structures must be capable of providing governments with various information and must have a remit to protect and promote human rights by informing the public about and raising awareness of individual rights, or the rights of specific groups of people.

They must also be able to monitor respect for human rights, by studying domestic legislation and case law relating to human rights and the fulfilment of obligations that derive from international commitments accepted by the State in this field, and by examining requests from individuals.

Such structures may take the form of collective entities, such as **Human Rights Commissions** or **specialist institutions**, or be represented by a person such as an **Ombudsman** (such as the *Médiateur de la République* in France, the *Difensore Civico* in Italy, or the *Defensor del Pueblo* in Spain or in some countries of Central or South America), or by **Defenders** of certain rights or of certain categories of people (such as the Children's Defender in France or Spain).

The majority of these authorities are empowered to consider individual requests, however, their decisions or recommendations are not usually binding.

The competence of an Ombudsman is limited to relations between individuals and the State, and relates to state acts that harm individual rights or which are unfair. Ombudsmen act on complaints filed, and some of them are entitled to act on their own initiative.

Defenders who protect certain categories of people, such as minors, receive individual complaints and issue opinions or make proposals on legislation or practices, relating to the group of people concerned. They are independent of any state authority when they carry out their functions.

The methods of referral to these two authorities differ from country to country. In certain cases, all relevant remedies must have been exhausted before a case can be referred to them.



*Lawyers for Lawyers*

Human Rights Commissions monitor the defence of human rights and individual freedoms by considering individual complaints and analysing state policy in this field. They are also responsible for promoting human rights by organising meetings between institutions or human rights related educational activities.

Specialist institutions are concerned with specific, particularly vulnerable, groups (such as the disabled or foreigners) and focus on this group by investigating discrimination against its members and attempting to promote government policy in their favour.

*Sources:*

- Henri Oberdorff, *Droits de l'Homme et libertés fondamentales*, LGDJ, 2010.
- Fact Sheet n°19 of the UN High Commissioner for Human Rights: "National Institutions for the Promotion and Protection of Human Rights": <http://www.ohchr.org/EN/PublicationsResources/Pages/FactSheets.aspx>
- Principles underlying the status and functioning of national institutions for the protection and promotion of human rights: [http://www.humanrights.ch/home/upload/pdf/031020\\_principes.pdf](http://www.humanrights.ch/home/upload/pdf/031020_principes.pdf)

*Last updated* : 30 January 2011