

*Recommendation #60*

**It is recommended that HROs have an active program of institution and capacity building in the areas of legal reform, judicial systems, legal aid, and other judicial access tools**

### 9.2.3 Human rights commissions, ombuds

National human rights institutions such as human rights commissions or ombuds, provide an important guarantee against violations by governments. Increasing numbers of them are also starting to deal with abuses by private sector bodies and individuals within society at large. If properly constituted, such commissions or ombuds are neither an arm of government, nor are they an NGO. They thus can have the force of official authority without all of the political limits of being a direct government agent.

Usually premised upon an entrenched charter or bill of human rights, they carry out promotion and protection measures intended to deal with both individual and systemic human rights violations. Such institutions provide additional safeguards for when the traditional means of protecting human rights such as the courts, administrative tribunals, public inquiries, and elected officials, are either insufficient or not suitable. For example, "Ombudsmen can play a role in investigating violations of human rights as defined in international standards, interceding with the competent national authorities, referral of matters to prosecuting authorities and follow-up of cases through the criminal justice system to see that they are conducted in accordance with international standards for fair trial."<sup>208</sup>

While there are innumerable models for such institutions, they must have a number of crucial characteristics if they are to function properly<sup>209</sup>. Created by government statute, such institutions must nevertheless be relatively independent from government and must be provided with adequate resources. They need to be easily accessible to the public, and have extensive powers of investigation. Their remedial powers can be quite varied, but at a minimum they need to have the freedom to make public the results of their investigations.

An HRO can play a key role in helping jurisdictions to devise the appropriate national human rights institution(s) for their particular needs. Ensuring that the fundamental criteria have been met, will ensure that the institution(s) created will be both effective and sustainable.

*Recommendation #61*

**It is recommended that HROs have an active program of institution and capacity building for national human rights institutions, such as commissions or ombuds.**

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<sup>208</sup> p.40, *Peace-keeping and Human Rights*, Amnesty International, IOR/40/01/94, January 1994.

<sup>209</sup> See *National Human Rights Institution: Manual*, Human Rights Unit, Commonwealth Secretariat, London UK, 1993, pp.148.