

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (97) 14

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON THE ESTABLISHMENT OF INDEPENDENT NATIONAL HUMAN RIGHTS INSTITUTIONS

*(Adopted by the Committee of Ministers on 30 September 1997,
at the 602nd meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Whereas the aim of the Council of Europe is to achieve a greater unity between its members, in particular through the maintenance and further realisation of human rights and fundamental freedoms;

Taking into account Resolution 48/134 on national institutions for the promotion and protection of human rights adopted by the General Assembly of the United Nations on 20 December 1993 as well as relevant resolutions adopted by the Commission on Human Rights of the United Nations;

Taking into account also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993;

Recalling its Recommendation No. R (85) 13 on the institution of the *ombudsman*, adopted on 23 September 1985;

Recalling the terms of Resolution No. 2 adopted at the 1st European Meeting of National Institutions for the Promotion and Protection of Human Rights, held in Strasbourg from 7 to 9 November 1994 under the auspices of the Council of Europe, and the declaration adopted at the second such meeting, held in Copenhagen from 20 to 22 January 1997;

Considering that the maintenance and further realisation of human rights, as safeguarded by both national legislation and international instruments, are conditional upon a more thorough knowledge and widespread awareness of human rights issues;

Convinced that the fulfilment of these conditions, which are essential for the reinforcement and promotion of democracy, could profitably be entrusted to independent institutions established according to law for the promotion and protection of human rights (hereinafter referred to as

"national human rights institutions"), to be responsible for, *inter alia*, drawing the public authorities' attention to, and advising them on, human rights matters and promoting the provision of human rights information and education for the public;

Welcoming the fact that national human rights institutions have been established in several member States;

Convinced, in the light of experience, that it is desirable to promote the establishment of national human rights institutions in the member States where comparable institutions do not exist,

Recommends that the governments of member States:

a. consider, taking account of the specific requirements of each member State, the possibility of establishing effective national human rights institutions, in particular human rights commissions which are pluralist in their membership, *ombudsmen* or comparable institutions;

b. draw, as appropriate, on the experience acquired by existing national human rights commissions and other national human rights institutions, having regard to the principles set out in Resolution 48/134 of the General Assembly of the United Nations and in the Vienna Declaration and Programme of Action, adopted in 1993, as well as on the experience acquired by *ombudsmen*, having regard to Recommendation No. R (85) 13 of the Committee of Ministers;

c. promote co-operation, in particular through exchange of information and experience, between national human rights institutions and between them and the Council of Europe, in accordance with Resolution (97) 11 of the Committee of Ministers;

d. ensure that this recommendation is distributed in civil society, in particular among non-governmental organisations.