

Appendix A:
Comparative Overview: Paris Principles and Czech Non-Judicial Bodies for Protection of Human Rights

		PARIS PRINCIPLES		HUMAN RIGHTS COUNCIL	COMMISSIONER	OMBUDSMAN
1.	Overall competence		to promote and protect human rights	Yes	Yes	Indirectly: Ombudsman should "contribute" to the protection of fundamental rights through carrying out other activities
2.	Mandate	Scope	"as broad as possible" (interpreted as including major human rights treaties)	Yes	Yes	Not specified with regard to international treaties; mandate is limited with regard to the administrative bodies
		Statute	set forth in a constitutional or legislative text	No – set up by Government resolution	No – set up by Government resolution	Yes – established by Act of Parliament
3.	Responsibilities	General	submitting to the Government, Parliament and any other competent body opinions, recommendations etc. on any matter concerning human rights, on an advisory basis or at request of the authorities	Opinions, recommendations submitted only to Government and governmental bodies, not to Parliament	Opinions, recommendations submitted only to Government and governmental bodies, not to Parliament	Yes, in relation to Ombudsman's investigations. Ombudsman does not comment on bills, but he is authorised to participate in parliamentary meetings, should a matter that falls within his competence be dealt with.
			exercise of power to hear a matter without higher referral	No	No	Yes, within his mandate, that is in relation to public administration.
			competence to publicise reports	No, only after they are approved by the Government	No, only after they are approved by the Government	Yes
		Specific – national level	submitting proposals in relation to legislative and administrative measures - examining legislative and administrative provisions (laws in force, bills and proposals) and recommending adoption or amendment	Yes, but the HRC submits proposals to Government and governmental bodies (only)	Yes, but the Commissioner submits proposals to the Government and governmental bodies (only)	Yes. The defender is authorised to recommend the issuing of, an amendment or the annulment of legal regulation or internal order.
			submitting proposals in relation to situations of human right violations	Yes – to Government and government bodies	Yes – to Government and government bodies	Not specified. In practices, some proposals concern human rights.
			preparation of general reports on	Yes – for Government and	Yes – for Government and	Partly. Ombudsman submits

Comparative Overview: Paris Principles and Czech Non-Judicial Bodies of Human Rights Protection

			national human rights situation or reports on specific matters	government bodies, the annual reports are then submitted to the Parliament for information	government bodies, the annual reports are then submitted to the Parliament for information	general reports on his activities and specific reports relating to his activities; both may involve or deal with human rights issues.
			drawing attention of Government to any part of the country where human rights are violated	Yes	Yes	Yes, but not explicitly mentioned in law.
		Specific – with relation to international sphere	to promote and ensure harmonisation of legislation and practice with international human rights instruments, and their effective implementation	Yes – makes proposals in this regard to the Government and other government bodies	Yes – makes proposals in this regard to the Government and other government bodies	No
			encourage ratification of international instruments	Yes – makes proposals in this regard to the Government	Yes – makes proposals in this regard to the Government	No
			contribute to reports submitted to the UN bodies and regional institutions, when necessary, to express independent opinions	The Council is involved in drafting, yet it cannot express an independent opinion on reports once they are ready.	Commissioner himself drafts the reports for the Government	This function is not mentioned in law. At present, there is lack of practice in this regard.
			to co-operate with UN, regional institutions, and national institutions in other countries	No, only indirectly through contributing to reports and on informal basis.	In a specific role: Commissioner usually defends the Reports submitted to the treaty monitoring bodies	Ombudsman is increasingly involved in "ombudsmen" global and regional networks
		Specific – education, research	to assist in the formulation of programmes for teaching of and research into human rights and to take part in their execution in schools, universities and professional circles	Not explicitly mentioned. In practice exercised occasionally, in a limited scope and manner.	Not explicitly mentioned. In practice exercised occasionally, in a limited scope and manner.	No.
		Specific – awareness raising, combating racial discrimination	publicise human rights efforts, efforts to combat all forms of racial discrimination by increasing public awareness, through information, education, press	Yes.	Yes.	Not mentioned in law, but he has duty to inform public on his activities and findings resulting from his activities

Comparative Overview: Paris Principles and Czech Non-Judicial Bodies of Human Rights Protection

4.	Composition	general requirements	pluralist representation of broad range of social groups/civil society	Yes, incorporated in the statute.	Not applicable	Not applicable. Ombudsman is an autocratic institution. Neither is there any provision made in this regard for his deputy.
		general requirements – procedural guarantee	pluralistic composition shall be guaranteed by <u>procedures</u>	In practice observed, but not guaranteed by any procedural arrangements as regards appointment of members.	Not applicable	Not applicable.
		pluralistic composition - elements	representatives of NGOs, concerned professional organisations	Yes	Not applicable	Not applicable.
			representatives of trends in philosophical and religious thought	Yes, civil society actors with different backgrounds (e.g. religious)	Not applicable	Not applicable.
			representative of universities and experts	Yes	Not applicable	Not applicable.
			Parliament	No	Not applicable	Not applicable.
		Limitation	Governmental departments shall participate in advisory capacity only	No, representatives of Government are full members	Not applicable	Not applicable.
		Duration of mandate	appointment effected by official act establishing specific duration of the mandate	No, the term of the Council expires with the term of the Government	No	Yes, by law (six year term, renewable once).
5.	Institutional arrangements	General	adequate funding and infrastructure	Staff and funding as a part of Governmental body	Staff and funding as a part of Governmental body	Yes
		Particular	own staff and premises, in order to be independent	No	No	Yes
			not subject to financial control that might effect independence	No, is subject.	No, is subject.	No, not subject.
6.	Methods of operation		freely consider any question either submitted by government, or taken up by the institutions, on proposal of members or a petitioner	Yes, but may not have access to information, as it does not have any powers to investigate, access to documents etc.	Yes, but may not have access to information, as it does not have any powers to investigate, access to documents etc.	Yes (within the limits of the mandate).
			hear any person, obtain any information and documents	Not regulated as for hearings, access to documents not secured	Not regulated as for hearings, access to documents not secured	Yes (within the limits of his power, e. g. Ombudsman cannot request information from private

Comparative Overview: Paris Principles and Czech Non-Judicial Bodies of Human Rights Protection

			adequately	adequately	persons)
		addressing public opinion directly or through press organs	Not regulated.	Not regulated. In practice, the Commissioner often addresses public opinion through media	Yes
		meeting on regular basis and whenever necessary	Yes	Not	Not applicable.
		establish working groups, set up local and regional sections	Committees and working groups on subjects, regional sections not regulated	Not applicable	Not applicable.
		maintain consultation with other bodies, in particular ombudsmen	Yes, on an informal basis. The Deputy ombudsperson is member of the Council. Ombudsman employees represented in sub-committees.	Yes	Yes
		develop relations with NGOs	Yes	Yes	Not regulated by law, but Ombudsman tries to develop such relations in practice.
7.	Quasi-judicial competence (optional)	hearing and considering individual complaints and petitions (seeking amicable agreement, informing on remedies, making recommendations to authorities)	No	No	Yes
Note: Specific powers of the Ombudsman: lodging complaint with the Constitutional Court.					