



THE SPANISH OMBUDSMAN (DEFENSOR DEL PUEBLO)  
AS A NATIONAL HUMAN RIGHTS INSTITUTION  
(NHRI)





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Legal Deposit: M-9611-2026

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## 1 Introduction

In addition to serving as the High Commissioner of Parliament for the defence of rights and freedoms since 1982, the Spanish Ombudsman has acted as the National Preventive Mechanism (NPM) since 2009 and has repeatedly been accredited as Spain's National Human Rights Institution (NHRI) since it was first given this internationally recognised status in 2000 by the former International Coordinating Committee for NHRIs (ICC), which is now known as the Global Alliance of National Human Rights Institutions (GANHRI).

This status was formally recognised in national legislation in 2014, when this mandate was explicitly included by the Spanish Parliament in Article 7.3 of Law 2/2014 of 25 March on Foreign Action and Service of the State:

As the institution responsible for promoting and protecting human rights in Spain, the Ombudsman fosters collaborative relationships with and provides technical assistance to counterpart institutions in other countries, and also independently facilitates international organisations' periodic monitoring of the human rights situation in Spain.

The Government may seek the assistance of the Ombudsman with regard to engagement in international human rights forums.

More than 25 years have passed since then, and this work — which is essential to the Spanish Ombudsman's role — has grown and come to require greater attention across all areas of the institution's areas of action. The context and the challenges involved in protecting and promoting human rights have changed, both in Spain and further afield.

## 2 Origin and concept

### 2.1 National Human Rights Institutions (NHRIs)

The origins of NHRIs date back to 1946, when the United Nations Economic and Social Council invited States to consider establishing institutions that would serve as instruments for cooperation with the United Nations Commission on Human Rights. Therefore, NHRIs are not an obligation established by international law and no treaty requires States to create a body of this kind, although such a measure is regarded to be coherent with States' general obligation to promote

and protect human rights, as proclaimed in the [1948 Declaration of Human Rights](#), which calls for the adoption of 'progressive measures at the national and international levels' to ensure that these rights are recognised and effectively implemented.

The development of these organisations was slow and limited. In fact, by 1990 only eight had been created and there was no standard definition. In 1991, the NHRIs developed the Paris Principles, which set out a series of criteria to be followed by NHRIs, and were adopted by the United Nations General Assembly in 1993 ([Resolution 1992/54](#)). They include:

1. Having as broad a mandate as possible', set forth in a constitutional or legislative text.
2. Being able to advise the government, parliament, and any other competent body on the protection and promotion of human rights, ensuring that national legislation and practices are brought into line with international human rights instruments.
3. Cooperating with the United Nations and international and regional organisations in the protection and promotion of human rights.
4. Being involved in education and training on human rights.
5. Ensuring that the institution has a pluralist membership, reflecting social diversity and guaranteeing the participation of different sectors in the organisation.

In 1993, the International Coordinating Committee of National Human Rights Institutions (ICC) was established, and in 2016 it changed its name to the Global Alliance of National Human Rights Institutions (GANHRI). This global network of NHRIs supports the promotion and protection of human rights. It maintains close institutional ties with the Office of the United Nations High Commissioner for Human Rights (OHCHR) as a partner organisation. As of 2026, it has 119 members.

This broad range of defining characteristics could encompass a large number of organisations of different natures and mandates. Consequently, the definition emphasises four essential characteristics: an ample mandate in terms of human rights (excluding bodies with a sectoral or subjectively limited mandate), cooperation with international and national bodies, independence, and pluralism. Most NHRIs are human rights commissions or ombudsman-like institutions, as is the case in Spain, and only a small number of them are based on hybrid, advisory, or research models.

## 2.2 The Spanish Ombudsman as a National Human Rights Institution (NHRI)

The Spanish Ombudsman has been a member of the Global Alliance of National Human Rights Institutions (GANHRI) since 2000, when it was first accredited as an NHRI with A status, meaning that it is fully compliant with the Paris Principles. Since then it has been re-accredited every five years, most recently in 2024. Since 2014, it is also a member of the European Network of National Human Rights Institutions (ENNHRI).

The scope of action of Spain's NHRI is based on the following principles:

1. Its mandate as High Commissioner of the Spanish Parliament, as set out in Article 54 of the Spanish Constitution, Organic Law 3/1981, and the Organisation and Operations Regulation (1983).
2. The Paris Principles, which were adopted by the United Nations General Assembly Resolution 48/134, and the resolutions that implement or supplement them.
3. Law 2/2014 of 25 March on Foreign Action and Service of the State (Article 7.3).
4. Sustainable Development Goal (SDG) 16 of the 2030 Agenda for Sustainable Development, concerning peace, justice, and strong institutions. This SDG is embodied by the Ombudsman as an NHRI, as it has the competence and authority to investigate human rights situations at the national level, report them, and raise awareness of human rights through information and educational initiatives.

It is sometimes difficult to distinguish between the functions this institution performs in its capacity as an NHRI and those arising from its mandate as High Commissioner of the Spanish Parliament, particularly at the national level. In the case of Spain, the institution's mandate as an NHRI is complemented by its mandate as Ombudsman, also guided by the Principles on the Protection and Promotion of the Ombudsman Institution ([Venice Principles](#)), which coincide with at least five of the Paris Principles (established by law, independence, financial autonomy, reporting obligations, and the function of handling complaints). It should be noted that the Spanish Ombudsman was established more than a decade before the adoption of the Paris Principles. Consequently, many of these requirements were already incorporated into the constitutional and legal framework of the Ombudsman from the outset. For this reason, they are not discussed in this document.

The following NHRI principles are essentially already fulfilled as Ombudsman:

- Established by statute or in the Constitution.
- Independence, as it is not subject to any imperative mandate and acts at its own discretion.
- Sufficient resources and financial autonomy.
- Preparation of annual reports on the human rights situation (fundamental rights under Title I of the Spanish Constitution).
- Function of supervising public administration by handling complaints.

Furthermore, regardless of whether or not it is an NHRI, the Ombudsman institution aims to promote and protect human rights and fundamental freedoms, as well as to foster good governance, sound administration, and respect for the rule of law, not only as a separate and additional function, but also as an essential part of all other aspects of its work.

Nonetheless, there are other aspects that are more characteristic of an NHRI, such as:

- The promotion of and education on human rights.
- The obligation to ensure pluralism.
- The freedom to address any human rights issues that may arise (including those relating to private activities or actors).
- Cooperation with civil society.
- Possibility of advising the Government and Parliament.

### 2.3 The essential value of pluralism

The Paris Principles emphasise the need for NHRIs to be pluralistic. The GANHRI Sub-Committee on Accreditation (SCA) [considers](#) that this refers to pluralism in governing body membership (which only applies to NHRIs structured as commissions or institutes), in relations with civil society (without discriminating against any groups or organisations), and in the appointment of staff (particularly in single-person NHRIs). The SCA believes that pluralism strengthens the independence, credibility, effectiveness, and accessibility of NHRIs. It prevents bias in their work, as everyone's inevitable biases would ultimately end up cancelling each other out. However, this pluralism does not mean that the composition of an NHRI must fully reflect society. In fact, the SCA only refers to gender, ethnicity, and minorities, with a particular emphasis on gender.

At the same time, the SCA believes that staff recruitment processes should be open, transparent, and based on merit and ability. Insofar as the process is public, a certain degree of pluralism should be guaranteed. It is therefore

essential that vacancies are advertised.

In the case of the Spanish Ombudsman as an NHRI, this principle is fulfilled as the institution's staff is highly pluralistic in terms of their professional, institutional, and geographic backgrounds, as well as gender and age. Selecting candidates with experience in various areas of public administration ensures both the necessary expertise and plurality in terms of background, profile, and experience. Furthermore, the legal framework for (temporary) staff recruitment is as flexible as possible to ensure the independence and plurality of the workforce. Moreover, in practice, staff retention is high and changes are not common at the end of a holder's term, a factor which has been positively noted in the re-accreditations carried out by the GANHRI Sub-Committee on Accreditation (SCA).

With regard to gender, the proportion of men currently stands at 43.8% and the proportion of women at 56.2%.

In addition, the institution works with experts whenever the subject matter requires highly specialised knowledge. The involvement of advisory boards, universities, and specialist institutes enhances the open and plural nature of the advice provided to the NHRI.

### 3 Diagnosis: Current situation. Functions

Due to the NHRI's broad mandate and the constantly evolving human rights situation both nationally and abroad, the actions undertaken each year must be continually reviewed. While some tasks associated with the institution's objectives can be planned on an annual basis, others must be incorporated as events unfold. The institution's flexibility and adaptability make it stronger and more effective.

#### 3.1 International level

At the international level, the [Resolution on NHRI](#) adopted by the UN Human Rights Council on 10 October 2024 (57/23) outlines some of their key functions:

- Independently assisting, advising, and engaging with the State, and other stakeholders, in the prevention of violations and abuses of human rights.
- Encouraging the ratification, and ensuring the implementation, of

international human rights treaties.

- Promoting legal, policy, and procedural reforms, including to promote and ensure the harmonisation of national laws and practices with the international human rights instruments to which a State is a party, and their effective implementation.
- Cooperating with the United Nations system, including by contributing, when appropriate, to follow-up actions to the recommendations made by international human rights mechanisms.
- Supporting transparent and meaningful engagement by States in regional and international human rights forums by making contributions, in accordance with their independent mandates, to the reports that States are required to submit to United Nations bodies and committees and to regional institutions pursuant to their treaty obligations.
- Promoting, protecting, monitoring, and reporting on the rights of persons with disabilities, including by supporting the implementation of the Convention on the Rights of Persons with Disabilities.

To carry out all these tasks, NHRIs are supported by a coordinating framework comprising the Global Alliance of National Human Rights Institutions (GAHNRI), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the European Network of National Human Rights Institutions (ENNHRI). Being actively involved in these networks not only raises the profile of the Spanish Ombudsman's work on the international stage, but also strengthens its national legitimacy and facilitates the adoption of best practices from other institutions.

Throughout its more than 25 years as an NHRI, the Spanish Ombudsman has carried out these functions continuously, as well as being a member of leading international networks. As part of these cooperation efforts, the Spanish Ombudsman has worked and collaborated with the following bodies, to name but a few:

**a) *United Nations***

This NHRI has close ties with various international human rights organisations. Within the United Nations, the main point of contact is the Office of the United Nations High Commissioner for Human Rights (OHCHR), which provides substantial technical and administrative support to the United Nations Human Rights Council and treaty bodies.

The Spanish Ombudsman's relationship with the United Nations

takes various forms, including working meetings and institutional visits or attending seminars, talks, and conferences. In 2023, the Spanish Ombudsman institution attended the celebrations to mark the 20th anniversary of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) in Geneva, organised by the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), and was also present at the presentation of the *General comment on enforced disappearances in the Context of Migration* at the United Nations Committee on Enforced Disappearances.

In addition to this in-person contact, it frequently works with United Nations bodies to prepare reports regarding the human rights situation in Spain, particularly during the Human Rights Council and treaty bodies' review cycles. In 2023 and 2024, the Spanish Ombudsman submitted alternative reports to the Committee on the Elimination of Discrimination against Women (CEDAW), the Committee against Torture (CAT), and the Committee on the Rights of the Child (CRC). These reports provide an independent perspective on the Spanish Government's report, highlighting key issues in the areas of gender equality, the prevention of torture, and the protection of children's rights in Spain. The Spanish Ombudsman's active involvement in these processes strengthens follow-up on the country's international commitments and may give greater visibility to the institution and its work on the international stage in the long run.

In its capacity as an NHRI, the Spanish Ombudsman participates in the preparatory phase of the Universal Periodic Review (UPR) for Spain<sup>1</sup>. In the months leading up to Spain's review, the OHCHR asks the Spanish Ombudsman to submit an alternative report containing any relevant

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<sup>1</sup> The UPR is a peer-review mechanism of the Human Rights Council under which the human rights situation in each UN member States is reviewed approximately every four and a half years. The Review is based on three sources: (1) the State's national report, (2) a compilation prepared by the OHCHR containing information from treaty bodies and special procedures, and (3) a summary of contributions from NHRIs and civil society. The session is led by a group of three reporting States known as a "troika", and an outcome report including recommendations is produced. The State subject to review may accept or take note of each recommendation, and after this, the Council adopts the report in a public session. The UPR combines universal scrutiny with cooperative dialogue and provides for follow-up on the commitments undertaken.

observations on the human rights situation in the country. This report was last submitted in October 2024. Furthermore, the institution appeared at the Pre-session of the UPR in February 2025.

**b) European Union**

The Spanish Ombudsman is involved in the preparation of the Rule of Law Report, which has been produced by the European Commission on an annual basis since 2020, in coordination with the European Network of National Human Rights Institutions (ENNHRI). The ENNHRI coordinates the contributions from each ENNHRI Member State to the European Commission's questionnaire, and the European Commission then conducts interviews in each country with relevant institutions, such as the Spanish Ombudsman.

In addition, the Spanish Ombudsman maintains contact with European agencies. Namely, it participates in activities of interest to the Spanish Ombudsman and exchanges information with the European Union Agency for Fundamental Rights (FRA) and the European Border and Coast Guard Agency (Frontex).

**c) Council of Europe**

The Spanish Ombudsman cooperates with the Council of Europe on an ongoing basis through its specialised mechanisms: GRETA (human trafficking), GREVIO (violence against women and domestic violence), ECRI (racism and intolerance), the Venice Commission, and the Commissioner for Human Rights, with whom it held a meeting in 2022.

The Spanish Ombudsman works with the European Committee of Social Rights, which monitors the rights set out in the European Social Charter.

Its involvement in the European Court of Human Rights (ECtHR) is still limited. The ENNHRI usually seeks the Spanish Ombudsman's opinion when preparing *amicus curiae* briefs for the Court in various cases. However, there is another little-explored area: Rule 9 of the Rules of Procedure of the Committee of Ministers, which supervises the execution of ECtHR judgments. This allows NHRIs and NGOs to submit written communications regarding States' execution of judgments, thereby strengthening the role of NHRIs during the execution phase by providing independent information based on their national monitoring.

**d) Organisation for Security and Co-operation in Europe (OSCE) and its Office for Democratic Institutions and Human Rights (ODIHR)**

The Spanish Ombudsman takes a keen interest in the work of the Organisation for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR), particularly in the areas of human rights, tolerance and non-discrimination, and the situation of minorities. Although direct bilateral relations are limited, the ODIHR promotes numerous joint activities that also involve the ENNHRI, GANHRI, FRA, and the Council of Europe.

### 3.2 National level

At the national level, the institution's dual role as Spanish Ombudsman and National Human Rights Institution (NHRI) enables it to address any issue that affects human rights within the country, meaning that its scope of action may extend to private relations.

Whilst the Spanish Ombudsman oversees public administration, as an NHRI it has a different remit. However, this does not mean that the Ombudsman's powers automatically extend to these relations (Article 9.2, [Organic Law 3/1981](#)). It may not supervise private actors as such, nor investigate any complaints that are not related to administration. It may receive complaints and, where appropriate, use them to identify any instances where rights have been infringed. Its role as an NHRI in these terms is limited to examining issues that affect human rights, and its main functions include conducting studies or making recommendations.

It should be noted that this is a possibility, not an obligation. The scope of action is considerably broad, and given the limited resources available, it is therefore only possible to focus on certain priority aspects, as decided by the institution. Consequently, despite the apparently qualitative scope of this mandate, the possibilities are limited in quantitative terms and are primarily focused on conducting studies or investigations, regardless of whether or not they are linked to others carried out under its mandate as Ombudsman.

#### 3.2.1 Cooperation with civil society and the promotion of human rights

In accordance with the Paris Principles, NHRI status involves the obligation of collaborating with national stakeholders, including civil society. Given that the Spanish Ombudsman routinely interacts with all kinds of civil society representatives, one might wonder what differences, if any, arise from the NHRI

mandate. Given that the roles of NHRI and Ombudsman are complementary and often overlap, many of the Spanish Ombudsman's actions will likely relate to both mandates, although one will always take precedence. Nevertheless, certain distinguishing features may arise due to the different nature of the mandates.

An NHRI's relationship with civil society is understood to be more proactive than reactive. Particular attention must be paid to human rights defenders — defined by the United Nations as any person who 'individually or with others, acts to promote or protect human rights in a peaceful manner at the national and international levels' — and vulnerable groups. For this very reason, these relationships should lead to clear and transparent cooperation arrangements.

### 3.2.2 Cultural promotion of human rights

The Spanish Ombudsman's human rights promotion efforts since 2000 have essentially been undertaken in its capacity as an NHRI, as this forms part of its remit.

#### **a) Competitions and awards**

The Spanish Ombudsman has carried out significant work in this area, focusing on:

1. The annual school drawing competition on human rights.
2. The biannual King of Spain Human Rights Award in collaboration with the University of Alcalá (Madrid).

This work may be extended to include other initiatives or formats, following in the steps of other NHRIs or ombudsmen.

#### **b) Education**

- Activities with non-university educational institutions

Promoting human rights in schools is a key priority for all NHRIs. The Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) places great importance on the possibility of developing educational materials, or at least of collaborating with educational institutions (at all levels, including universities) and professional bodies (such as professional associations) or organisations.

There is a long-standing tradition of schools visiting the institution

and of the institution visiting schools in different Autonomous Communities in Spain, and this is a well-established good practice.

- **Activities with universities**

It is standard practice for the institution to welcome university students for academic placements or one-time visits. This is an area where its role as an NHRI could easily be expanded.

**c) Training programmes**

Human rights training for civil servants is a natural area of focus for an NHRI, as it helps prevent human rights violations and strengthens the institutional culture of respect for fundamental rights, which is an essential feature of the rule of law. The Spanish Ombudsman is involved in training programmes, particularly those aimed at law enforcement agencies, prison services, and any other bodies that can influence human rights.

**d) Publications**

Publications are a key tool for NHRIs to promote a culture of human rights. There is a long and fruitful tradition in this sense, which could be further strengthened as part of its role as an NHRI by exploring different formats or approaches that are compatible with the institution's remit.

**e) Campaigns and website**

The most effective way of promoting human rights within a society is usually through awareness-raising campaigns. [United Nations General Assembly Resolution 63/169 of 2008](#) encouraged Member States to 'consider conducting communication campaigns, with other relevant actors, in order to enhance public awareness on the importance of the role of the Ombudsman, mediator, and other national human rights institutions'. The Spanish Ombudsman institution currently has profiles on various social media platforms (X, Bluesky, Facebook, and YouTube), where it shares information about its work and promotes a culture of fundamental rights.

### 3.2.3 Cooperation with Parliament and the Government

The Paris Principles stipulate that NHRIs shall examine any human rights issues referred to them by national authorities, and that they may submit opinions, recommendations, proposals, and reports to Parliament and the Government.

The Spanish Ombudsman's collaboration with Parliament stems directly from its constitutional status as High Commissioner of Parliament. Article 7.3 of Law 2/2014 of 25 March on Action and Foreign Service of the State provides that 'the Government may seek the cooperation of the Ombudsman with regard to engagement in international human rights forums'. Consequently, cooperating with the Government is not exceptional and is grounded in the very nature of the Spanish Ombudsman's role as an NHRI. This cooperation does not come into conflict with the imperative mandate prohibition, provided that its aim is to ensure the protection and promotion of human rights and it is freely accepted by the institution.

#### 4 International and national objectives

The universality and indivisibility of human rights and their interrelated and interdependent nature means that NHRIs must promote and protect them in all spheres, including at the international level, through global and regional cooperation. By carrying out their duties in accordance with their mandates and the Paris Principles, NHRIs help establish and maintain inclusive societies and, in doing so, also contribute to the implementation of the 2030 Agenda. In this regard, the NHRI has the following objectives:

- 4.1 Cooperate with other NHRIs and human rights organisations
- 4.2 Monitor and provide advice on respect for human rights
- 4.3 Raise awareness and educate about human rights

Specific objectives for each of these areas are set out below.

##### 4.1 Institutional cooperation in its role as a National Human Rights Institution (NHRI)

The following activities have been identified in relation to this objective:

###### **Activities related to objective 4.1:**

###### ***International level***

- Objective 4.1.1 Create a schedule of collaborative activities with international organisations, setting annual priorities.
- Objective 4.1.2 Get the institution's teams involved in international activities. Assign responsibilities in planning and implementation.

- Objective 4.1.3 Create and maintain a documentary archive on the Spanish Ombudsman's activities as an NHRI.
- Objective 4.1.4 Improve coordination with other monitoring mechanisms under international conventions.
- Objective 4.1.5 Examine the application of Rule 9 of the European Court of Human Rights (ECtHR) in the context of the European Convention on Human Rights.

#### **National level**

- Objective 4.1.6 Organise regular events and activities with civil society.
- Objective 4.1.7 Take part in activities specifically for human rights defenders.
- Objective 4.1.8 Examine models for engaging with civil society actors.

#### 4.2 Monitor and provide advice on respect for human rights

The following activities have been identified in relation to this objective:

##### **Activities related to objective 4.2:**

- Objective 4.2.1 Get the institution's teams involved in NHRI activities.
- Objective 4.2.2 On an annual basis, analyse new areas of research in terms of their impact on human rights (such as the internal and external impact of the implementation of AI).
- Objective 4.2.3 Participate in processes relating to human rights managed by public or private bodies.
- Objective 4.2.4 Advise the Spanish Government and Parliament on human rights matters.

#### 4.3 Raise awareness and educate about human rights

The following activities have been identified in relation to this objective:

##### **Activities related to objective 4.2:**

- Objective 4.3.1 Raise awareness of the NHRI's activity in all institutional activities
  - In the annual report.
  - On the website.
  - On social media

- Objective 4.3.2 Review the format of competitions that are launched to maximise their impact.
- Objective 4.3.3 Improve data collection and coordination mechanisms with a view to publishing information in the annual report or a separate report and to disseminating the results.
- Objective 4.3.4 Collaborate with universities and university-based human rights institutes and consider awarding prizes for theses and academic papers on human rights.
- Objective 4.3.5 Explore the possibility of publishing a larger number of shorter articles that are not of a strictly legal nature.
- Objective 4.3.6 Assess the implementation of campaigns on social media.
- Objective 4.3.7 Strengthen internal training on the NHRI's mandate.

## **5 Monitoring and assessment**

In order to implement the identified actions, the Spanish Ombudsman's Coordination and Internal Affairs Committee will establish a system for prioritising and monitoring these measures.

In order to evaluate their impact and identify future challenges, the results will be assessed on a yearly basis.

The results will be published in annual reports.

## ACRONYMS

<b>CAT</b>	Committee against Torture
<b>CEDAW</b>	Committee on the Elimination of Discrimination against Women
<b>CRC</b>	Committee on the Rights of the Child
<b>ECHR</b>	European Court of Human Rights
<b>ECRI</b>	European Commission against Racism and Intolerance
<b>ENNHRI</b>	European Network of National Human Rights Institutions
<b>FRA</b>	European Union Agency for Fundamental Rights
<b>FRONTEX</b>	European Border and Coast Guard Agency
<b>GANHRI</b>	Global Alliance of National Human Rights Institutions
<b>GRETA</b>	Group of Experts on Action against Trafficking in Human Beings
<b>GREVIO</b>	Group of Experts on Action against Violence against Women and Domestic Violence
<b>ICC</b>	International Coordinating Committee for NHRIs
<b>NHRI</b>	National Human Rights Institution
<b>NPM</b>	National Preventive Mechanism
<b>ODIHR</b>	Office for Democratic Institutions and Human Rights
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>OPCAT</b>	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>SCA</b>	Sub-Committee on Accreditation
<b>SDG</b>	Sustainable Development Goal
<b>SPT</b>	Subcommittee on Prevention of Torture
<b>UPR</b>	Universal Periodic Review



