

8 Conclusions

The role of National Human Rights Institutions and the Office of Ombudsman in the promotion and protection of human rights is critical. Independence is a prerequisite to the effective implementation of the mandates of both institutions. A perceived or actual lack of independence will undermine the work, authority and legitimacy of these organisations. Likewise, NHRIs and Ombudsman Offices with weak or limited enforcement powers may become dependent on government institutions to resolve complaints and provide adequate remedies. This too will weaken their mandate and status.

The evolution of human rights protection takes place in a time of significant legal and political change. The global challenges of terrorism, globalisation, climate change and natural disasters,¹⁸⁶ migration flows and internally displaced persons and armed conflict are significant. In the current climate, it becomes ever more vital to defend and protect established international human rights standards, challenge abuses of State power and limit maladministration in public offices. NHRIs and Ombudsman Offices have important and difficult work to do. We must all support them in their struggle to meet the challenges that lie ahead.

¹⁸⁶ See for example the Stern Review on climate change available from http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/sternreview_index.cfm For its impact on all 53 Commonwealth states, see the comments of the Commonwealth Secretariat Deputy Secretary General Ransford Smith on 12 September 2006 at http://www.thecommonwealth.org/news/155947/commonwealth_welcomes_call_for_action_on_climate_c.htm (last accessed 14 June 2007). Note also that the Inter-American Commission on Human Rights has accepted and will hear a petition filed by Inuit living in the Arctic, seeking relief from violations resulting from global warming caused by acts and omissions of the United States. See also *Lopez Ostra v. Spain* (App. No. 16798/90, judgment of 9 December 1994) where the European Court of Human Rights held that Spain's failure to prevent a waste treatment plant from polluting nearby homes violated the petitioner's 'right to respect for her home and her private and family life'.