



**THE ASIA PACIFIC FORUM OF NATIONAL HUMAN RIGHTS INSTITUTIONS**

**“a partnership for human rights in our region”**

**ESTABLISHING NEW NATIONAL HUMAN RIGHTS INSTITUTIONS  
DRAFT GUIDELINES**

## **DRAFT GUIDELINES FOR THE PROCESS OF ESTABLISHING NATIONAL INSTITUTIONS IN ACCORDANCE WITH THE PARIS PRINCIPLES**

1. The establishment of a national human rights institution should be considered an important national endeavour. The process of developing the institution, its establishment and implementation should be treated with the same level of seriousness accorded to other major national activities.
2. The initial stimulus to create a national institution may come from Government, from civil society or as a result of international cooperation. Whatever the initial stimulus, the process should be inclusive from the outset.
3. Participation in the establishment phase of the national institution should include:
  - key figures in Government, including the Head of Government and responsible ministers,
  - representatives of major political parties,
  - parliamentarians, particularly where parliamentary Human Rights Committees exist,
  - relevant government agencies,
  - human rights NGOs, including specialised organizations such as NGOs focusing on the rights of women and children and on social issues such as health, housing, education and so on,
  - members of the judiciary and jurists,
  - trade unions and professional groups, including associations of teachers, lawyers, journalists and so on,
  - human rights experts and academics.
4. At the request of a State, representatives of the Asia Pacific Forum and the United Nations could participate jointly in an advisory capacity. This might be within the framework of a technical cooperation program.
5. Given the importance of the process of establishing a national institution and the large number of organisations and individuals with an interest in the process, the Government should establish a Steering Committee, comprised of representatives of relevant government agencies, civil society and other stakeholders. The Steering Committee should be chaired at a senior level to oversee the process leading toward the establishment of the national institution. It would have the responsibility of developing proposals in consultation with stakeholders, making logistic arrangements, coordinating resources and disseminating information.
6. The Government should designate one of its agencies as the focal point for work toward the establishment of a national institution. This focal agency would service the steering committee.

7. The Steering Committee should gather information on desirable models of national human rights institutions, including from the Office of the United Nations High Commissioner for Human Rights, the Asia Pacific Forum and individual institutions.
8. Government should allocate sufficient resources to ensure that an effective consultation process can take place.
9. The Steering Committee through the focal agency should organise initial consultations within Government and between Government and civil society.
10. There should be wide dissemination of the intention to develop the plan within relevant agencies of government and major interested groups, such as NGOs, political parties, the judiciary and academic and other educational institutions.
11. An initial national consultative meeting or series of meetings should be organised to obtain the views of the various interested groups. This meeting or meetings would discuss the concept of the national institution and the process of moving toward its establishment.
12. Effective use of the media could be made in obtaining the views of members of the public. This is particularly important in large and geographically dispersed countries. The internet, radio and television should be used to disseminate information about the proposed national institution and to obtain input from the public.
13. The Steering Committee through the focal agency should arrange public meetings to provide opportunities for non-governmental organisations and for members of the public to put their views. Where appropriate, for example in the context of parliamentary human rights committees, public hearings should be held.
14. The consultation process should address
  - the human rights situation of the country concerned, which will help define the scope of the proposed institution;
  - the legal basis for the national institution, that is, whether by constitution or by legislation;
  - the mandate of the national institution, encompassing issues foreshadowed in the Paris Principles and covering the tasks of advising Government, investigating allegations of human rights violations and education and human rights promotion;
  - measures to ensure independence;
  - measures to ensure pluralism;
  - the structure of the national institution, including staffing and geographical accessibility;
  - methods of appointing commissioners that are open and consultative and provide for the necessary qualities of competence, integrity, independence and pluralism;
  - adequate resources for the national institution;

- cooperation between the national institution and non-governmental organisations;
  - accountability mechanisms.
15. The consultation process should ensure effective participation by women's groups and groups that represent minority and indigenous communities.
  16. In the light of the overall consultation process, the Steering Committee should prepare recommendations to Government as to the most appropriate mandate, structure and resources for the national institution.
  17. The Government in consultation with the Steering Committee should then proceed to draft appropriate legislation and to respond with proposals for necessary administrative mechanisms to ensure the effective functioning of the national institution.
  18. The draft legislation and administrative proposals should be the subject of further consultation with civil society and other interested parties.
  19. When the legislation has been passed by Parliament, commissioners should be appointed in accordance with the methods agreed in the consultation process. Specific attention must be taken to ensure the representation of women on the Commission and that the overall composition of the Commissioners reflects the pluralism of the society they are drawn from.
  20. Staff should be appointed on the basis of open and competitive selection processes, in which merit is the sole criterion. Regard should be given to ensuring pluralism within the overall composition of the institution itself and its staff.
  21. Adequate resources should be provided for the effective functioning of the national institution. In particular there should be sufficient resources to enable the new institution to undertake a comprehensive public information and education program to ensure broad knowledge and understanding of the new institution and its role.
  22. One of the earliest actions of the national institution should be to develop a strategic plan for its operations.
  23. The national institution should develop, where appropriate, a plan for technical cooperation that will ensure that its operations are conducted at a high level of efficiency and effectiveness, in accordance with international best practice.