

National Human Rights Institutions

Concepts and Issues

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Characteristics of NHRIs

- Created by constitution or legislation (not through executive fiat)—effectiveness must be guaranteed
- Focusing on implementation of international standards at domestic level
- Following broad human rights mandate
- Wielding moral authority, but little legal authority

Government Funded, yet Independent

- NHRI should have adequate resources
 - Not dependent on funding cycle
 - Not subject to “discipline” by state
- NHRI should not fall under any minister
- NHRI should be able to make their own agenda and to operate freely
- Directors and staff should be protected against employment termination
- The goal is to work with government and civil society, but to remain independent--to occupy a unique space *between* the state and civil society”)

Guidance from the “Paris Principles:”

- Adopted by General Assembly in December 1993
- Minimum guidelines on the competence and responsibilities, composition and methods of operation, & standards for independence.
- NHRIs that adhere to the Paris Principles may be accredited by the International Coordinating Committee of National Institutions (ICCNI)
- The Paris Principles do not cover everything and have gaps in their scope of coverage
- For the major web resource on NHRIs see:
<http://www.nhri.net>

Functions of NHRIs

1. Rights advice

- NHRIs should work to: "promote and ensure the harmonization of national legislation, regulations and practices with international human rights instruments to which the State is a party, and their effective implementation."

(Paris Principles)

Functions of NHRIs

2. Rights Protection

- Individual complaints
- Investigations into systematic violations
- Authority to compel production of documents
- Authority to subpoena witnesses
- *Ad hoc* or regularly scheduled visits to state institutions

Functions of NHRIs

3. Participation in Litigation/quasi-judicial procedures to protect rights

- Initiate new cases
- Intervene as in existing cases
- Refer complainant to proper administrative office or court
- Provide own procedures

Functions of NHRIs

3. Rights Promotion

- Educational activities in schools
- Professional trainings
- Library & Documentation Service
- Public dialogue
- Research
 - Report writing
 - Academic Research
- Media work

Functions of NHRIs

4. Support for UN Treaty Bodies Treaty monitoring & reporting process
 - Provide information to state
 - Provide information to treaty bodies
 - As issues arise
 - Following reporting process timeline
 - Shadow Report
 - Monitor Concluding Observations/ Recommendations
 - Coordinate NGO input or otherwise cooperate with NGOs

Weaknesses and strengths

Weaknesses

- May be ignored or face hostility from government institutions
- May be timid because of potential opposition or funding cuts
- Actions do not have binding force
- Potentially overworked, understaffed, lacking coherent strategy and plans

Strengths

- Enforcement of HR more effective at national level
- Supports rule of law efforts
- Access to international network
- Promotes “domestication” of international human rights norms
- Access to international network