



Checklist of Considerations for the Establishment of National Human Rights Institutions & Mechanisms

This document, prepared in the form of an accessible checklist, has been developed to aid decision makers and interested stakeholders participating in the establishment of a new national human rights institution (NHRI).^{*} The document is not intended to advocate for any specific model of NHRI; rather, this tool is intended to provide a checklist of helpful questions that may facilitate dialogue. The checklist is not exhaustive, but does draw together a range of questions that have emerged from past practice as important considerations in the establishment of national human rights mechanisms.

NHRI Establishment Process

- **What stakeholders are involved in the establishment process?**
 - Ministers?
 - Members of the legislature?
 - Government officials?
 - Members of major political parties?
 - Government agencies?
 - Human rights organizations?
 - Other civil society organizations?
 - Representatives from marginalized groups?
 - Judges and jurists?
 - Trades unions and professional groups?
 - Human rights experts?
 - Academics?
- **Is there a key focal point responsible for coordinating the establishment process (e.g. steering committee)? Is there a government agency responsible for servicing the steering committee and ensuring resource allocation?**
- **What type of consultation process is planned?**

Legal Mode of Establishment of NHRI

- **What is the legal basis for the establishment of a NHRI?**
 - Constitutional provision?

^{*} Those participating in the establishment of a national human rights mechanism may also wish to consult the Center for Global Peace *Reference Tool for the Establishment of National Human Rights Institutions and Mechanisms*, which provides relevant illustrations from the Paris Principles as well as national establishment legislation and constitutional provisions.

- Act of legislative body?
- Other?

Composition of NHRI

- **What individual qualifications/expertise/experience is required for NHRI members?**
 - Human rights experience/expertise? High moral standing? Experience/expertise relevant to the mandate of the NHRI?
- **What are the requirements or targets for the overall composition of NHRI membership (e.g., geographical distribution, gender balance, ethnicity, religion, minority membership, disability)?**
- **How many members?**

Appointment of NHRI Members

- **What are the appointment procedures for NHRI members?**
- **Who has the power of appointment?**
- **What stakeholders are involved in the appointment process and how are they involved?**

Terms of Appointment of NHRI Members

- **What are the terms of appointment?**
 - Duration of term? Are there term limits?
 - Reappointment?
 - Procedures for dismissal?
 - Procedures to fill vacancy?

Administration of NHRI

- **How should NHRI rules of procedure be framed? Should account be taken of the current attempt to standardize some of the UN human rights treaty body rules of procedure? If so, how?**
- **How is the chair of the NHRI body selected and according to what criteria?**
- **Will specific provision be made in relation to the number and duration of NHRI meetings and place of meetings? Where would meetings take place? Will disability accommodations be referenced in relation to meetings of treaty body?**
- **How is the NHRI and its work to be funded?**
 - Specific allocation from larger government budget?
 - Ability to obtain funds from external sources? (e.g. foundations, int'l development aid etc.)
 - Per accountability and transparency requirements (below), how are funding expenditures to be accounted for?

Remuneration and Allowances for NHRI Members

- **What are the terms for remuneration of NHRI members?**

Staffing of NHRI

- **What are the appointment procedures for staff members of a NHRI?**

Mandate & Functions of NHRI

- **What is the NHRI mandate?**
 - How are human rights defined in the mandate? Are the full range of human rights – civil, political, economic, social, cultural – included?

- **What are the specific functions of the NHRI?**
 - Educating, informing and promoting human rights?
 - Public awareness campaigns for public and officials?
Disadvantaged groups?
 - Human rights education & training courses for officials?
 - Reviewing and commenting upon existing laws & proposed legislation?
 - Monitoring of domestic human rights situations?
 - Monitoring governmental compliance with human rights conventions?
 - Monitoring of compliance with human rights by private bodies (e.g. businesses, individuals)
 - Monitoring and advising on compliance with international human rights standards?
 - Promotion of ratification of human rights conventions?
 - Inspecting custodial facilities and places of detention?
 - Providing remedies?

NHRI Powers of Investigation & Complaints Procedures

- **Does the NHRI have the power to investigate and initiate complaints?**
 - If so, how broad is the mandate?
 - Individual complaints, systemic violations, other?
 - Complaints permissible regarding governmental and non-governmental acts or omissions?
 - Authority to develop its own rules of procedure?
 - Can the Commission investigate violations of any rights referenced in the Constitution, or must the violations relate to specific grounds, e.g. discrimination on the basis of gender, race, ethnicity, disability, religion etc.?
 - By what methods can the Commission resolve complaints – conciliation, arbitration, referral to special tribunal or court etc.?
 - Authority to act on individual or collective issues at their own initiative (suasponte)?
 - Authority to compel witnesses to testify? Present evidence? Conduct on-site investigations?
 - Authority to protect witnesses?
 - Authority to compel authorities to respond to recommendations?
 - Authority to recommend reparations for victims?
 - Authority to take recommendations to court for enforcement?
 - Authority to refer complaints not within their mandate to appropriate channels?

Transparency & Accountability of NHRI

- **What are the requirements of the NHRI for reporting on its work?**
 - To whom must the NHRI report? How often?
- **Are NHRI reports and other information widely available in a range of accessible formats?**
- **Is budgetary reporting included in reporting?**
- **Is NHRI legally empowered to make its recommendations public?**
- **What provision is made for regular consultation with all stakeholders?**
- **What provisions exist (either in the establishment legislation, rules of procedure, or wider legislation etc.) to prevent bribery or other corruption of NHRI Members (and potentially staff too)?**

Relationship of NHRI to other Bodies

- **What provision is made for the participation of NGOs in the work of the NHRI?**
- **What is the relationship of the NHRI to the Ombudsperson?**
- **What provision governs the relationship between the NHRI and government agencies?**
 - Where a governmental agency/ministry for human rights exists, what provision, if any, should be made to govern the relationship between the NHRI and the entity?
- **What role does the NHRI play in the work of international or regional human rights organizations, such as the UN treaty body system?**
 - Preparation of shadow reports to treaty bodies?
 - Participation in regional and international meetings?
 - Participation in international standard setting processes?

References:

Amnesty International, *National Human Rights Institutions - Amnesty International's recommendations for effective protection and promotion of human rights* (October, 2001).

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