Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Target 16.a: Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime

Indicator 16.a.1: Existence of independent national human rights institutions in compliance with the Paris Principles

Institutional information

Organization(s):

United Nations Office of the High Commissioner for Human Rights

Concepts and definitions

Definition:

This indicator Existence of independent national human rights institutions in compliance with the Paris Principles measures the compliance of existing national human rights institutions with the Principles relating to the Status of National Institutions (The Paris Principles), which were adopted by the General Assembly (resolution 48/134) based on the rules of procedure of the Global Alliance of National Human Rights Institutions (GANHRI, formerly the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights or ICC).

Concepts:

A National Human Rights Institution is an independent administrative body set up by a State to promote and protect human rights. NHRIs are State bodies with a constitutional and/or legislative mandate to protect and promote human rights. They are part of the State apparatus and are funded by the State. However, they operate and function independently from government. While their specific mandate may vary, the general role of NHRIs is to address discrimination in all its forms, as well as to promote the protection of civil, political, economic, social and cultural rights. Core functions of NHRIs include complaint handling, human rights education and making recommendations on law reform. Effective NHRIs are an important link between government and civil society, in so far as they help bridge the 'protection gap' between the rights of individuals and the responsibilities of the State. Six models of NHRIs exist across all regions of the world today, namely: Human rights commissions, Human rights ombudsman institutions, Hybrid institutions, Consultative and advisory bodies, Institutes and centers and multiple institutions. An Independent NHRI is an institution with ‘A level’ accreditation status as benchmarked against the Paris Principles. The process of accreditation is conducted through peer review by the Sub-Committee on Accreditation (SCA) of the GAHNRI. There are three possible types of accreditation:

A: Compliance with Paris Principles

B: Observer Status – Not fully in compliance with the Paris Principles or insufficient information provided to make a determination

C: Non-compliant with the Paris Principles

Accreditation by the GANHRI entails a determination whether the NHRI is compliant, both in law and practice, with the Paris principles, the principal source of the normative standards for NHRIs, as well as with the General Observations developed by the SCA. Other international standards may also be taken into account by the SCA, including the provisions related to the establishment of national mechanisms in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment as well as in the International Convention on the Rights of Persons with Disabilities. Likewise, the SCA looks at any NHRI-related recommendation from the international human rights mechanisms, notably, the Treaty Bodies, Universal Periodic Review (UPR) and special procedures. The process also looks into the effectiveness and level of engagement with international human rights systems.

The Principles relating to the Status of National Institutions (The Paris Principles) adopted by General Assembly, Resolution 48/134 of 20 December 1993 provide the international benchmarks against which NHRIs can be accredited by the GANHRI.

Rationale:

This indicator measures the global continual efforts of countries in setting up independent national institutions, through international cooperation, to promote inclusive, peaceful and accountable societies. The creation and fosterage of a NHRI indicates a State's commitment to promote and protect the human rights provided in international human rights instruments. Compliance with the Paris Principles vest NHRIs with a broad mandate, competence and power to investigate, report on the national human rights situation, and publicize human rights through information and education. While NHRIs are essentially state funded, they are to maintain independence and pluralism. When vested with a quasi-judicial competence, NHRIs handle complaints and assist victims in taking their cases to courts making them an essential component in the national human rights protection system. These fundamental functions that NHRIs play and their increasing participation in the international human rights fora make them important actors in the improvement of the human rights situation, including the elimination of discriminatory laws and the promotion and enforcement of non-discriminatory laws. At the national level reporting, the better the accreditation classification of the NHRI reflects that it is credible, legitimate, relevant and effective in promoting human rights at the national level.

Comments and limitations:

The important and constructive role of national institutions for the promotion and protection of human rights has been acknowledged in different United Nations instruments and resolutions, including the Final Document and Programme of Action of the 1993 World Conference on Human Rights in Vienna, GA resolutions A/RES/63/172 (2008) and A/RES/64/161 (2009) on National institutions for the promotion and protection of human rights. In addition, creation and strengthening of NHRIs have also been encouraged. For example, the 1993 GA resolution 48/134 'affirms the priority that should be accorded to the development of appropriate arrangements at the national level to ensure the effective implementation of international human rights standards' while the 2008 GA resolution A/RES/63/169 encouraged states 'to consider the creation or the strengthening of independent and autonomous Ombudsman, mediator and other national human rights institutions'. The Human Rights Council (HRC resolution 5/1, 2007) also called for the effective participation of national human rights institutions in its institution building package, which provides elements to guide its future work.

UN treaty bodies have also recognized the crucial role that NHRIs represent in the effective implementation of treaty obligations and encouraged their creation (e.g. CERD General Comment 17, A/48/18 (1993); CESCR General Comment 10, E/C.12/1998/25; and CRC General Comment 2,

CRC/GC/2002/2). A compilation of various recommendations and concluding observations relevant to NHRIs emanating from the international human rights mechanisms in the United Nations is available at: http://www.universalhumanrightsindex.org.

The GANHRI is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Paris Principles and provides leadership in the promotion and protection of human rights (ICC Statute, Art. 5). Decisions on the classifications of NHRIs are based on their submitted documents such as: 1) copy of legislation or other instrument by which it is established and empowered in its official or published format (e.g., statute, and /or constitutional provisions, and/or presidential decree, 2) outline of organizational structure including details of staff and annual budget, 3) copy of recent published annual report; 4) detailed statement showing how it complies with the Paris Principles. NHRIs that hold 'A' and 'B' status are reviewed every five years. Civil society organizations may also provide relevant information to OHCHR pertaining to any accreditation matter.

Accreditation of NHRIs shows that the government supports human rights work in the country. However their effectiveness should also be measured based on their ability to gain public trust and the quality of their human rights work. In this context, it would also be worthwhile to look into the responses of the NHRI to the recommendations of the GANHRI. Likewise, the inputs from the NHRI while engaging with the international human rights mechanisms (i.e. submissions to the Human Rights Council, including UPR, and to the treaty bodies) represent a valuable source of information on how NHRIs carry out their mandate in reference to international human rights instruments.

Methodology

Computation method:

In terms of method of computation, the indicator is computed as the accreditation classification, namely A, B or C of the NHRI.

Treatment of missing values:

- ***At country level:***

All country data are available and there is no Treatment of missing values.

- ***At regional and global levels:***

All country data are available and there is no Treatment of missing values.

Sources of discrepancies:

The country counterpart has the possibility to appeal the decision on the level of compliance with the Paris Principles received from the international mechanism. The appeal needs to be supported by at least 4 other national human rights institutions (all members of the international bureau) and 2 regional networks of national human rights institutions.

Data sources

Description:

The main source of data on the indicator is administrative records of the Sub- Committee on Accreditation reports of the GANHRI. OHCHR compiles the data into a global directory of NHRI status accreditation updated every six months, after the Sub-committee on Accreditation submits its report.

Collection process:

An international survey is sent to national human rights institution, which fill it in and send it back to the international mechanism. The latter also use complementary information, if available, received from civil society organizations.

National human rights institutions seeking accreditation have to submit detailed information about their practices and how they directly promote compliance with the Paris Principles, namely the Principles relating to the Status of National Institutions that were adopted by the General Assembly (resolution 48/134). Information to be submitted relates to:

1) Guarantee of tenure for members of the National Human Rights Institution decision-making body;

2) Full-time members of a National Human Rights Institution;

3) Guarantee of functional immunity;

4) Recruitment and retention of National Human Rights Institution staff;

5) Staffing of the National Human Rights Institution by secondment;

6) National Human Rights Institutions during the situation of a coup d’état or a state of emergency;

7) Limitation of power of National Human Rights Institutions due to national security;

8) Administrative regulation of National Human Rights Institutions;

9) Assessing National Human Rights Institutions as National Preventive and National Monitoring Mechanisms;

10) The quasi-judicial competency of National Human Rights Institutions (complaints-handling).

Based on the information received, the process of accreditation is conducted through peer review by the Sub-Committee on Accreditation (SCA) of GANHRI.

Data availability

Description:

196 countries

Asia and Pacific – 56

Africa – 54

Latin America and the Caribbean – 33

Europe, North America, Australia, New Zealand and Japan – 53

Time series:

From 2000 to 2015

Disaggregation:

While disaggregation of information is not applicable for this indicator, it may be desirable to highlight the type of NHRI, whether Ombudsman, human rights commission, advisory body, research-based institute, etc.

Calendar

Data collection:

From November 2016

Data release:

December 2016

Data providers

Name:

National human rights institution

Description:

National human rights institution (e.g., national human rights commissions, human rights ombudsman institutions, hybrid institutions, consultative and advisory bodies, institutes and centers and multiple institutions)

Data compilers

United Nations Office of the High Commissioner for Human Rights (OHCHR) and the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI)

References

URL:

http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx

References:

http://www.ohchr.org/Documents/Issues/HRIndicators/Metadata_16.a.1_3_March2016.pdf

http://nhri.ohchr.org/EN/Pages/default.aspx

http://ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx

http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx

Related indicators as of February 2020

10.3: Progress towards sustainable forest management

16.b: Progress towards sustainable forest management