**Establishment of a National Human Rights Institution in the Czech Republic – What can be the inspiration from Norway?**

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***The Czech Republic, together with Malta and Italy, are the only countries within the EU where a national institution with a broad mandate to protect and promote human rights, the so-called National Human Rights Institution, NHRI, has not yet been established and accredited. Czechia has long faced criticism for this shortcoming, both internationally from the UN, the Council of Europe and the EU and, in recent years, increasingly from representatives of domestic civil society. Current legislative draft proposal foresees entrusting the mandate of the NHRI to the Office of the Public Defender of Rights, the Ombudsman, through an amendment to the Ombudsman Act. Therefore, it is time to take a closer look at what an NHRI is in practice and what value it will add to the Ombudsman’s vital focus on individual complaints. The Norwegian experience may serve well as a valuable source of inspiration because it focuses on the broader picture, the systemic weaknesses that may generate individual complaints or may be overlooked all together.***

This article aims to provide an informative overview of the international requirements that national human rights institutions must fulfil, drawing on key aspects of the activities of the Norwegian National Human Rights Institution (*Norges institusjon for menneskerettigheter*, hereinafter referred to as “Norway’s NHRI”).[[1]](#footnote-1) We think some best practices may be transferable to the Czech environment and applicable within the Ombudsman’s Office (hereinafter referred to as “Office”) in case it is entrusted with the mandate of the National Human Rights Institution (hereinafter referred to as “NHRI”).

NHRIs can be characterised as **independent and pluralistic expert institutions which are given a broad mandate under (constitutional) law to protect and promote human rights**. To this end, NHRIs must adhere to the so-called **Paris Principles**,[[2]](#footnote-2) which express a set of rules and prerequisites for successful accreditation by the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI).

First of all, it should be emphasized that the Paris Principles encourage, but do not require, that NHRIs receive individual complaints. Norway’s NHRI is a separate institution from the Norwegian Ombudsman’s Office which is mandated to do so. This elementary difference from the model envisaged to be introduced in the Czech Republic under the draft amendment to the Ombudsman Act (No. 349/1999 Coll.) limits the scope for comparing the practical functioning of Norway’s NHRI and the Office. On the other hand, the broader and systemic focus of the Norwegian colleagues highlights the new elements that must be integrated and implemented in the Office. In this sense, we have identified several areas of good practices from Norway’s NHRI which can inspire the practical implementation of an NHRI in the Czech Republic.

**Specifically, the following practices are found to be of particular interest:**

1. NHRI as advisor, watchdog, bridge-builder and educator;
2. Criteria for prioritising the issues to be addressed in NHRI activities;
3. Human rights awareness and education, active cooperation with students;
4. Communication with the public through social networks;
5. Comprehensive human rights monitoring of international recommendations.

***Ad 1): The four basic roles of NHRIs***

The objective of an NHRI is clear enough: to promote and protect human rights at the national level. However, the concept of an NHRI is rather difficult for anyone to grasp: what kind of institution is it and what does it do. We think this can be illustratively explained by referring to four basic roles or functions performed by the NHRI.[[3]](#footnote-3) This quartet can also form the basic framework for the presentation and communication of human rights activities to the public. These roles are:

* Advisor,
* Watchdog,
* Bridge-builder,
* Educator.

The role of the **advisor** is directed towards the executive and other state powers and consists primarily in the possibility of initiating legislative changes (recommendations for the issuance, amendment or repeal of legislation) but also recommending ways to improve human rights in practice. The role of the **watchdog** consists in monitoring broadly and (sufficiently loudly) drawing attention to existing shortcomings in the area of human rights and the rule of law. The role of the **bridge-builder** is about linking state authorities and civil society and providing related support in creating a platform for their broad interaction and cooperation and to engage with the international monitoring mechanisms. The role of the **educator** aims at disseminating information, raising general human rights awareness and participating in human rights education.

***Ad 2): Criteria for prioritisation of human rights issues***

It is required that NHRIs have a broad mandate for the protection and promotion of human rights. It must be able to address any human rights challenge of its choosing. In practice it will not be possible for the NHRI to cover all the sub-aspects in each human rights area at the same time. Hence there is a clear need to prioritise which topics that will receive increased attention within a timeframe.

The first step is to map human rights challenges. These may reflect the current dynamics of societal development and the need to respond to an emerging (undesirable) situation, or a systematic approach to a particular human rights issue. In the Czech context, the NHRI would be an institution unknown to the majority of the population even if established as a part of the Ombudsman’s Office. Thus, it may prove very appropriate to focus on well-known human rights issues (e.g. hate speech, domestic violence, environment) at the beginning of its functioning, and only later on address more progressive issues (e.g. issues of LGBTQIA+ persons).

In its practical work, Norway’s NHRI applies the following **set of criteria for prioritising issues to pursue in depth**, not only in the preparation of thematic reports, but cross-sectionally across all its activities; these criteria are cumulative in nature, so that a given issue is always assessed and prioritised on the basis of an evaluation of all the factors listed below, namely the four basic and four practical ones:

**Basic criteria:**

1. **Relevance to human rights** – the issue explicitly or implicitly falls within the human rights domain
2. **Severity** – the problem is serious in view of the vulnerability of the victims, the underlying circumstances and the reasons for the situation
3. **Extent** – the problem affects a large number of persons in general or within a group
4. **Representativeness** – the selection of topics should reflect as far as possible the breadth of topics in the statutory mandate.

**Practical criteria:**

1. **Timely relevance** – the topic is politically relevant and is the subject of a government initiative (creates a “window of opportunity”) that will increase the possibility of a breakthrough
2. **Overlap with other actors** – if the issue is appropriately addressed by other actors, it should be assessed whether NHRI involvement will add value
3. **External perception of NHRI** – can the issue be addressed and communicated in a way that supports and promotes the independence, legitimacy and integrity of the institution?
4. **Other practical considerations** – NHRI competencies, available resources, etc.

The relevance of the above criteria in practice can be illustrated by the prioritised themes of Norway’s NHRI for 2022, which were: vulnerable groups, minorities – older persons, persons with drug addiction, and ethnic minorities (in the Norwegian context, especially indigenous peoples, the Sami), freedom of expression (in the context of protecting the right to privacy) and climate change and human rights. Similarly, one can point to the prioritised themes of the Slovak NHRI (Slovak National Centre for Human Rights) for 2023: segregation of minorities, the situation in the context of the war conflict in Ukraine, implementation of recommendations from previous years.

***Ad 3): Human rights awareness and education***

In the afore-mentioned role as an educator, the NHRI fulfils its mandate by developing activities to promote human rights by fostering universal human rights awareness and broad coverage of human rights education. Knowing your rights is key to claiming your rights, which shows how promotion and protection go hand in hand. The educational materials developed should be both made available in online form to the public and distributed to domestic educational institutions. It is also advisable to establish closer cooperation with schools at all levels and with universities in this regard. In addition, active cooperation with university students (in law and related humanities disciplines) can be provided in the form of internships (both short-term and longer-term), which can support in areas of monitoring national and international sources, conduct research, as well as other forms of cooperation according to current needs.

As a practical example of the fact that the Office is already producing concrete results in this area, we can cite the recent availability of the **e-learning modules of the Fundamentals of Anti-Discrimination Law course** (see [here](https://diskriminace.netventic.net/login)) and the publication of **an illustrated version of the Convention on the Rights of the Child in a text understandable to children** (see [here](https://deti.ochrance.cz/media/umluva_o_pravech_ditete_web_pdf.pdf)).

***Ad 4): Communication with the public through social networks***

Communication with the general public is also directly related to the field of human rights education and the need to raise human rights awareness, and now more than ever, especially through social networks, given the dynamics of the times. In this respect, the activities and outputs of Norway’s NHRI’s media and PR team can be seen as a significant source of inspiration. The highly inventive and proactive approach presented (in the form of an overall very fresh style on the social platforms Facebook and Instagram) combines very appropriately the attractive and content-value component of the message. Which at the same time also contributes significantly to raising awareness not only about the field of human rights, their protection and promotion, but also about the (human rights) activities of the institution in general.

This approach, which presupposes an accessible form of communication with the broader public, also reinforces the necessary authority, legitimacy and transparency that any NHRI must inevitably possess in relation to the public. **Without trust in its independence, it is difficult to imagine a well-functioning NHRI.**

***Ad 5): Comprehensive human rights monitoring of international recommendations***

The broad human rights mandate of an NHRI requires comprehensive monitoring of the human rights situation. This entails systematically gathering information and advocating based on the facts which can be done in various ways. One model used by Norway’s NHRI which can inspire and be transferred to the Office, is **systematic engagement with international human rights monitoring mechanisms – first by reporting to secure relevant recommendations, then to monitor the implementation of these recommendations.** Regular and comprehensive **shadow reporting** is one of the key aspects of the above-mentioned role of the NHRI as a watchdog by raising issues of concern to the international level. Supporting and facilitating civil society in their international engagement also fulfils the function as a bridge-builder.

Compiling recommendations from a representative selection of international treaty bodies and organising them thematically will provide a solid starting point for comprehensive human rights monitoring. Norway’s NHRI has taken the core UN human rights treaty bodies ratified by Norway as their starting point. The Compilation published in 2020 is now available in Norway’s NHRI’s Human Rights Tracker (see [here](https://www.nhri.no/en/recommendations/)). Norway’s NHRI has also developed some practical tools in support of this approach that the Office could easily transfer to the Czech context.

There are many international human rights treaties and non-binding instruments that can be monitored as illustrated attached, but there is extensive overlap in terms of themes when the various recommendations are compiled.

**Assuming that an NHRI will be legislatively anchored in the Czech Republic and that a correspondingly broad mandate for the protection and promotion of human rights will be entrusted to the Czech ombudsman institution (Office of the Public Defender of Rights), the valuable practical experience gained from the activities of the Norway’s NHRI may be of considerable help in achieving effective functioning and exercising of the new competences. The broad human rights mandate, the various roles and the many instruments to be monitored are a tall order, but we are prepared to take the first steps from which the subsequent activities of the Ombudsman’s Office as the Czech NHRI can be shaped and further developed.**

**Annex**

Overview of international human rights instruments (treaties), created depending on the ratification of the relevant conventions by the Czech Republic, supplemented by the number of publication in the respective Collection (of Acts, or of International Treaties, respectively)

**At the (universal) UN level, these are the following conventions:**

* International Convention on the Elimination of All Forms of Racial Discrimination (**ICERD**, No. 95/1974 Coll.);
* International Covenant on Civil and Political Rights (**ICCPR**, No. 120/1976 Coll.);
* International Covenant on Economic, Social and Cultural Rights (**ICESCR**, No. 120/1976 Coll.);
* Convention on the Elimination of All Forms of Discrimination against Women (**CEDAW**, No. 62/1987 Coll.);
* Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (**CAT**, No. 143/1988 Coll.);
* Convention on the Rights of the Child (**CRC**, No. 104/1991 Coll.);
* Convention on the Rights of Persons with Disabilities (**CRPD**, No. 10/2010 Coll. of International Treaties);
* International Convention for the Protection of All Persons from Enforced Disappearance (**CPED**, No. 13/2017 Coll. of International Treaties).

**At the (regional) Council of Europe level, the following conventions are concerned:**

* European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (**ECPT**, No. 9/1996 Coll.);
* Framework Convention for the Protection of National Minorities (**FCNM**, No. 96/1998 Coll.);
* The European Social Charter (**ESC**, No. 14/2000 Coll. of International Treaties);
* European Charter for Regional or Minority Languages (**ECRML**);
* Council of Europe Convention on Action against Trafficking in Human Beings (**CATHB**, No. 33/2017 Coll. of International Treaties).

The above list can be supplemented by two areas (one each from the universal and regional level) set aside, for which no specific commitments are foreseen on the basis of the ratification of the relevant convention by the state concerned, since monitoring is already implied by the membership in the relevant international organization:

* Universal Periodic Review (**UPR**), whose monitoring cycle takes place before the UN Human Rights Council (**HRC**) – this process (unlike the procedures before the UN treaty bodies) is both political and universal in nature (resulting from membership in the UN itself);
* the monitoring activities of the European Commission against Racism and Intolerance (**ECRI**), which aims to combat racism, xenophobia, anti-Semitism and intolerance at a pan-European level and from a human rights perspective – likewise, this process is a consequence of membership in the Council of Europe itself.

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2. Principles relating to the Status of National Institutions (The Paris Principles) – UN General Assembly Resolution A/RES/48/134, adopted on 20 December 1993. Available e.g. [here](https://www.ohchr.org/en/instruments-mechanisms/instruments/principles-relating-status-national-institutions-paris). [↑](#footnote-ref-2)
3. Norway’s NHRI’s effort to summarize the Paris Principles in user-friendly terms. [↑](#footnote-ref-3)