

## Effectiveness of National Human Rights Institutions under Paris Principles

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**Abstract:** This article seeks to examine how helpful the Paris Principles are in evaluating the effectiveness of National Human Rights Institutions. These principles are the core guidelines for establishment of effective NHRIs in terms of performance on the mandate. Some greater contemplation now needs to be given to a range of issues that make these institutions effective and to raise question on the essential presumptions on which the Paris Principles are based. National human rights institutions are of many types. Efforts to measure the effectiveness of these different types of set ups require to take into consideration of such variations. NHRIs can be classified in terms of their structure, composition, mandate and the politico-legal environment within which these institutions operate. They can be distinguished between single and multi-member NHRIs, those advising government on issues of policy and those handling individual complaints, those having broad mandate to work for all generations of human rights and those limited and focused to only certain human rights. While assessing the performance and efficacy of these institutions, distinctions of the organizational structure and the mandate of these institutions should be kept in mind. Furthermore, the conditions of operations and resources are different for each NHRI and the assessment should take into account all these factors.

**Keywords:** Human Rights, National Human Rights Institutions (NHRIs), Effectiveness, Global Alliance of National Human Rights Institutions (GANHRI), Paris Principles, United Nations (UN), United Nations General Assembly (UNGA)

### I. INTRODUCTION

Since 1946, National Human Rights Institutions (NHRIs) have been recognized as the key player for the promotion and protection of human rights. At International level, United Nations and some of its other affiliated associations worked to establish National Institutions as the primary instruments for promotion and protection of human rights at domestic level. In 1991, a key outcome of these reports concluded in the United Nations International Workshop on National Institutions for the promotion and protection of Human Rights, held in Paris. The workshop culminated to the drafting of guiding principles for NHRIs – popularly known as the “Paris Principles”. Paris principles were adopted by the UNGA in the year 1993. In March 2016, during their second international workshop at Tunis, NHRIs decided to establish the Global Alliance of National Human Rights Institutions (GANHRI), previously recognized as the ICC - International Coordinating Committee of institutions for the promotion and protection of human rights. Since then, several resolutions have been adopted by the UN General Assembly for the strengthening of NHRIs.

Currently the Paris Principles are largely accepted as the assessment of NHRIs’ legitimacy and credibility. Since the Vienna World Conference

in 1993, the significance of establishing and strengthening independent pluralistic NHRIs in consonance with the Paris Principles has been reiterated by the UNGA and the Human Rights Council (HRC) in a variety of resolutions. In the year 2019, General Assembly adopted (GA 74/156) resolution reiterating its call for all States to establish and support national institutions according to the Paris Principles and make them independent, effective and pluralist. At present over 118 NHRIs from all regions of the globe are associated with GANHRI. GANHRI brings together all member NHRIs and provides management, leadership and support in the promotion and protection of human rights.

### II. RESEARCH METHODOLOGY

This paper is based on the secondary data sources and hence doctrinal in nature. An extensive literature review has been done for this paper which includes books, articles, annual reports, notes, comments and other writings.

#### **Paris Principles – Ensuring Effectiveness of NHRIs**

The Paris Principles are the standard norms relating to the position of NHRIs (national institutions) and lay down the minimum standards that NHRIs should meet in order to be considered credible and to operate effectively. The core pillars

of the Paris Principles are pluralism, independence and effectiveness.

The Paris Principles lay down following essential requirements in relation to establishment and effective functions of NHRIs:

- **Extensive Command** – NHRIs should be capable of protecting and promoting the basic human rights.
- **Extensive Tasks** – So that national institutions are competent to convey on their command by giving recommendations, reporting and examining, managing grievances and awareness through human rights education among other responsibilities.
- **Independence from government** – This has to be specifically enforced through the Constitutional or statutory provisions.
- **Ethnic Diversity** – To make sure participation of civil society organizations in composition of NHRIs in the promoting and protecting human rights.
- **Sufficient Authority** –NHRIs should be able to initiate suo moto inquiries and investigations other than on complaints, can collect documentary and other proofs, can seek advice from Non Governmental Organisations and other institutions and advertise findings through reports and make suggestions.
- **Sufficient funds** - NHRIs should have sufficient resources for different needs such as human resource, infrastructure and capacity building to effectively carry out their tasks and discharge obligations.
- **Cooperation-** So that NHRIs can work in collaboration and in addition to other state machinery and NGOs and civil society groups.
- **International engagement** - So as to empower NHRIs to contribute and share their knowledge and expertise with other international and regional human rights bodies..

1) As of December 2021, GANHRI is composed of 118 members out of which 86 are “A”

status accredited NHRIs and 32 are “B” status accredited NHRIs. In accordance with the **United Nations Paris Principles** and the Statute of GANHRI, the following classification is used for accreditation by GANHRI:

‘A’ Status for fully compliant NHRIs with the Paris Principles;

‘B’ Status for partially compliant NHRIs with the Paris Principles,

\*C: This category was used for the non-member and non-compliant NHRIs with the Paris Principles. Currently this status is no longer in use and it is maintained only for those institutions which were accredited with this status before October 2007.

2) Endorsed by UN Human Rights

The Paris Principles rapidly received great support from the United Nations and were endorsed by the World Conference on Human Rights in 1993. All states are being encouraged to establish or strengthen NHRIs to comply with Paris Principles through declarations of the HRC - Human Rights Council and UNGA, suggestions of the UPR and the reports of the special procedures. The United Nations Secretary General, General Assembly and Human Rights Council have appreciated and welcomed the accreditation of national human rights institutions by the GANHRI. To evaluate a State’s development in implementing the Agenda 2030, the existence of a Paris Principles compliant national human rights institution is one of the indicators under the Sustainable Development Goals.

### **B. Protecting NHRIs from intimidation and vengeance**

NHRIs are established by the State to aid the State in promotion and protection of human rights. The obligations of the states in matters of human rights are being fulfilled through the independent expert advice of NHRIs. They can only be effective when their freedom is respected, maintained and protected by States. States have a responsibility to defend NHRIs from intimidation and act of vengeance of any kind.

1) Threats and acts of intimidation faced by NHRIs

There are numerous kinds of threats, reprisals and other acts of intimidation faced by NHRIs, including:

- Political pressure
- Physical attacks or threats
- Smear campaigns
- Undue intervention by states in the selection, appointment and dismissal procedure of members of an NHRI
- Disproportionate budget cuts
- Lack of recognition to the NHRI's mandate
- Lack of cooperation with the NHRI.

There have instances of acts of bullying and reprisals occurred against the members including the chairperson or ombudsman, staff and against the NHRI as a whole. **GANHRI has always been prompt to protect the independence of NHRIs** facing intimidation or reprisals for undertaking human rights work according to their mandate. There have been reports showing the concerns of the NGOs and other organizations regarding such threats and reprisals being faced by the members and staff of NHRIs.

The acts of vengeance, reprisals and intimidations have been occurring and even increasing in both numbers and intensity all over the world. This poses a real and ever-growing danger to the independence and effectiveness of NHRIs. These have been documented in various reports of the Secretary-General and other bodies of the UN. This increasing trend of acts of violence against the NHRIs coincides with the universal trend of declining democratic freedom in member states world over.

Performance and legitimacy stated about the official composition of an NHRI couldn't decide its success in reality. There are evidences suggesting that many national institutions which established under or complied with Paris Principles were not predominantly effective in securing human rights and though, not many, those unsuccessful to comply with the standards yet attained realistic outcome. This is indicative of various reasons which are responsible for determination of effectiveness of NHRIs. It should be highlighted that it does not wind up that the prescribed measures included in

the Paris Principles are not important. Conversely, when state institutions had been effectual devoid of fulfilling the standards as per Paris principles, it was found that this was in spite of, not because, their absence.

In short, NHRIs have a tendency to be extra efficient when they –

#### **Have community authenticity**

When the NHRIs act fairly in handling human rights issues within their purview without any bias and they take stand for the rights of powerless against powerful, then they win the public legitimacy. An institution's popular legitimacy is also to a certain extent rooted in its official or lawful status.

#### **Are accessible**

NHRIs should not only be accessible to the general public but also be known for what they do and how to contact them.

#### **Have an open organizational culture**

Open organizational culture means transparency and accountability in working of the institution. They are open and collaborative where people are welcomed and they respond well to the requirements of the public and are also self-critical to identify and improvise on any deficiency in exercise.

#### **Make sure the honesty, impartiality and eminence of their members**

The excellence of management and workforce including the members crucially affects NHRIs' effectiveness. Independent, honest, qualitative and unbiased appointment procedures based on merit of members will ensure the sanctity, professionalism and effectiveness of NHRIs.

#### **Have varied membership and employees**

To be transparent and available, the members of the NHRIs should represent the various sections including socially, educationally and economically marginalized people of the society. Their selection should be reflective of the inclusion of diverse social, religious, ethnic, lingual composition of the society.

#### **Consult with civil society**

NHRIs to be effective need to work in sync with civil society organizations, NGOs, community

based groups working for the people who are socially, educationally, economically and politically marginalized.

**Have a broad mandate**

Broad and non-restrictive mandate inclusive of civil and political rights as well as cultural, social and political rights ensures effectiveness of NHRIs. Day to day programs should be relevant with the issues and connect to people directly and involve other public bodies and organizations.

**Possess an all-encompassing jurisdiction**

When specific authorities with the potential to have a significant impact on human rights, such as military or special forces, are involved, the power of NHRIs is severely weakened. Their jurisdiction does not include security forces.

**Have authority to supervise observance with their advice and recommendations**

Advice and recommendations given by NHRIs have no meaning unless acted upon by the public bodies. This requires the power to monitor compliance of the decisions of the national institutions, which will make the NHRIs more relevant and effective.

**Systemically handle human rights issues**

Issues of common interest should be identified, organised, and addressed by NHRIs. Inquiries, investigations, and reports are all part of the process. Inquiry, investigations and reports of the various stakeholders are useful in doing so.

**Have sufficient financial resources**

NHRIs should be provided with sufficient funds to perform their tasks as per their mandate and the budget should not hamper the free and effective functioning of such vital institution working for human rights. Governments should make certain that NHRIs receive enough funds.

**Develop effective international associations**

GANHRI is one of such association of NHRIs representing different national human rights enforcement systems of various regions. They can learn, share and develop more effective ways of functioning and interact with international and regional human rights bodies.

Some of the NHRIs consider individual complaints and are effective when they:

**Handle complaints quickly and efficiently**

The individual complaint system should be simple,

accessible, speedy and inexpensive. NHRIs should have the power to deal with complaints of human rights violations by public bodies. They should have the teeth to bite as well in case of their recommendations are not complied.

This list is certainly not exhaustive, but it likely covers the most important factors in nearly all cases. It must be kept in mind that each aspect includes numerous characteristics. Ex. 'public legitimacy' consists of prescribed assurance of freedom, the NHRIs' legal position and respect among people. Likewise sufficient financial resources include both the source and administration of finances.

**III. CONCLUSION**

Assessing the effectiveness of National Human Rights Institutions is very complex process. NHRIs function in number of ways on number of issues from mass awareness through training and educating people and officials and to monitor human rights situations and handling complaints. Each of these activities needs particular assessment methods. There is hardly any area which is devoid of human rights intervention by NHRIs ranging from payment of wages, employment, torture, atrocities, and discrimination to environmental protection etc. This is not the sole test to assess the effectiveness of NHRIs. And it depends upon how they create continuous development in the direction of a social order where all the human rights are cherished and protected. There are many States in which the human rights are not a priority and the basic human rights are under constant attack and NHRIs have very limited powers. So the primary aim of such national institutions is to keep the human rights spirit living in society by keeping awareness of human rights and constantly monitoring government actions. So the indicators and factors for assessing the effectiveness should be developed and interpreted taking into account the socio-legal, economic and political aspects prevalent in the member states.

NHRIs exhibit effectiveness when the other state bodies work in conjunction with each other and they work as a catalyst to work the entire executive machinery to respect and protect human rights. This function of the NHRIs cannot be assessed quantitatively. It is submitted that Paris Principles provide standards which are useful tools in terms of

performance and impact to NHRIs to become more efficient at promoting and protecting human rights. To find out the effectiveness of national institutions credibility and accountability towards public was regarded as one of the important elements among characteristics. This element allows the people at large to shape a simple observation regarding the effectiveness of the NHRIs according to Paris Principles in fulfilling the mandate to protect and promote human rights.

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